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THE SPEAKER

Shrimati Sumitra Mahajan

THE DEPUTY SPEAKER

Dr. M. Thambidurai

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Shri Hukmdeo Narayan Yadav

Shri Anandrao Adsul

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Shri Ramen Deka

Shri Konakalla Narayana Rao

Shri K.H. Muniyappa

Dr. P. Venugopal

Shri Kalraj Mishra

SECRETARY GENERAL

Shrimati Snehlata Shrivastava

LOK SABHA DEBATES

LOK SABHA

Thursday, July 26, 2018/Shravana 4, 1940 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER *in the Chair*]

13 16 hrs

**TRAFFICKING OF PERSONS (PREVENTION, PROTECTION AND
REHABILITATION) BILL, 2018**

HON. SPEAKER: Now, Item No.15, the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018.

Hon. Minister.

... (*Interruptions*)

THE MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI): Madam, I beg to move:

“That the Bill to prevent trafficking of persons, especially women and children and to provide care, protection and rehabilitation to the victims of trafficking, to prosecute offenders and to create a legal, economic and social environment for the victims and for matters connected therewith or incidental thereto, be taken into consideration.”

HON. SPEAKER: Do you want to say something on this Bill?

SHRIMATI MANEKA SANJAY GANDHI: Yes.

This Bill attempts to create a legal, economic and social environment for victims and for matters connected therewith or incidental there. Madam Speaker, today as I stand here for introducing this Bill, I speak to you and to Parliament on behalf of the vulnerable women and children of India.

The Government of India and all of us have always firmly upheld that children are the soul of India because in them we see the culmination of our

dreams and hopes as a nation. We have defended and empowered the decisive role that women play in the growth story of India.

How then can we sit silent and let women and children be bought and sold like slaves? When an 11-year old Tara is trafficked from her village, sold into bonded labour, beaten and burnt by her owner, how do we save her? When she is sold for marriage to a 45-year old man and raped every day for months, how do we save her? We have no institutions and no processes to do so. If today we do not pass this Bill, we are choosing to deny Tara and all the millions like her the fundamental right to life and liberty. The Government's statistics show that 19,223 women and children were trafficked in 2016 as against 15,448 in 2015. Moreover, 1,11,569 children have been reported missing in the year 2016. They are presumed to have been trafficked or abducted for exploitative purposes. These figures are only reported because the reality is actually and probably much worse. The crime of trafficking is hugely organized and largely invisible. We are living in this awful reality where price tags are put on human lives; our children's future is put into jeopardy because our laws and Bills fail them.

I am asked the question, 'Why do we need the law?' The answer is simple. While the current response mechanisms focus on criminalization of offences relating to trafficking or prosecution of offenders, they fail to target the backbone of this organized crime.

Section 370 of IPC only defines and penalizes the offence of trafficking of persons, and the Immoral Traffic Prevention Act (ITPA), 1956

only deals with sexual exploitation. The new Bill addresses these gaps.

I evoke your wisdom and compassion towards ending this grave and shameful crime of trafficking. I urge upon you all to come together to pass this Bill.

Now, I will explain why this Bill is the first step towards a comprehensive solution to trafficking in persons in India, that goes beyond just its criminalization.

This Bill has been prepared after extensive consultations with a variety of stakeholders. It has been placed on the Ministry's website for comments for months. It has received over 300 suggestions from public and civil society. Regional consultations have been held in all the main cities. Over 60 NGOs, Government Departments and Police have taken part in it. We have had extensive discussions with the Members of Parliament and have benefited from their advice.

It has comprehensive and holistic provisions provided in one place – it covers prevention of trafficking; protection of victims, witnesses and complainants; and also the comprehensive rehabilitation of victims. This will only strengthen, confirm and assert our commitment to the Constitution of India, which under Article 23 expressly prohibits human trafficking.

Starting from the perspective of the victim of trafficking, this Bill is a great boon. This is the first time that the spirit of the Constitution has been captured in the Bill, as it makes relief and rehabilitation of the rescued person a matter

of right. So far it has simply been a matter of welfare. How good we want it to be.

Transformation from welfare perspective to a rights-based perspective is a blessing and support to victims. The Preamble starts with the phrase - to create a legal environment for the victims. Several Sections have been incorporated to ensure the rights of victims. Now, the victims of trafficking, who usually suffer in silence have an opportunity to be heard.

From the perspective of investigation, the major challenge today is the issue of trans-border jurisdiction and related investigation. Human trafficking is a borderless crime, but jurisdictional issues come in the way of investigation. The Bill provides for a National Bureau to effectively address this aspect. This is the need of the hour and is welcomed by law enforcement agencies in the country. Special crimes need special attention. Hence the setting up of these special Anti-Human Trafficking Units (AHTU) all over the country, as is mandated in the Bill, is an important step.

The method of trans-border cooperation, beyond the States and even beyond the international border has been, for the first time, identified and addressed. A vast area of confusion has been made clear and lucid.

The system of nodal officers and nodal police officers in States, which started in 2005 under the aegis of the National Human Rights Commission (NHRC), has seen ups and downs. This nodal system is very important to ensure that the convergence of all concerned happens to prevent and combat

human trafficking. The Bill brings a legal status to the nodal system, providing a single window approach to the response system.

As against the existing provisions of the Immoral Traffic (Prevention) Act, this Bill allows police officers to undertake rescue, as and when they receive information. There is no need for any notified police officer or rushing to the magistrate for prior approval. This provision empowers the police station and the Anti-Human Trafficking Units (AHTU) to undertake swift action as and when information is received and rescue the person at the earliest to avoid further exploitation.

The Anti-Human Trafficking Units set up in the country, starting with the first nine set up in 2007 in the MHA-UN joint project and replicated more than 300 districts, are being legitimized and institutionalized. The setting up of these special units is indeed an important step.

Prosecution of offenders starting from recruiters, harbourers, transporters, financiers, abusers, exploiters, conspirators, abettors etc. has been a daunting task for the prosecutors in the country. This Bill makes a strong positive effort in facilitating prosecution of the offenders of this organized crime. The presumption in respect of offences against children, women and physically or mentally challenged persons gives the prosecution adequate scope to ensure easy, fast and efficient disposal of crimes. This will certainly bring in certainty and celerity in the delivery of justice.

The Bill also provides for freezing and confiscating illicit assets, born out of trafficking crimes. This is a landmark addition to the trafficking law as neither

Section 370 of Indian Penal Code (IPC) nor the Immoral Traffic (Prevention) Act (ITPA) has any such provision. It is well known that the traffickers make huge profits out of the sale and purchase of human beings. Funds recovered from frozen bank accounts will be transferred to the Rehabilitation Fund under this Bill, which will further be used to support survivors and prevent re-trafficking. For the first time, the buying and selling of human beings is being made a cognizable offence.

Victims, who have been forced to commit heinous crimes under this Bill by their traffickers, now have been granted immunity to protect them from undue prosecution.

The Bill has given specific charter, shape and method to the rehabilitation process. The functions and roles of agencies have been delineated. The national, State and district level committees on rehabilitation are a strong step, providing a single-window approach to the entire process. So far one had to knock on many doors to get any relief for the victim, but no more.

The Bill also makes it clear that rehabilitation is not contingent on prosecution. This provision is another major breakthrough as it guarantees the rights of the victim in the best possible manner. Further, there would not be any pressure on the victim to speak, state or depose in any particular manner due to external pressure. The provision of setting up a rehabilitation fund and the mandate given for the utilization of the fund is timely.

It is known that the police agencies across the country, except at few places, are indeed helpless in respect of funds for extending even the minimum care to rescued persons. Therefore, this Bill provides a rehabilitation fund for this purpose. For instance, yesterday 16 girls were rescued by the Delhi Commission for Women. Now, they have come to me saying 'what do we do with them?' The Government of Nepal is phoning us, saying 'send them back to us, send them to the Embassy.' The police have no idea where to spend the money from. The Bill removes all such impediments in the law enforcement process and justice by making adequate fund support for every act envisaged post-rescue.

The Bill has brought in accountability of the rehabilitation agencies of the Government. So far, under the existing laws, a duty was cast upon the police to rescue, and yet no accountability existed on the agencies of the Government concerned with rehabilitation. By endorsing a new provision of bringing in accountability of the Government agencies, it is not only the victim who is going to be benefited, but the entire justice delivery process stands to gain. The victim, who is counselled and rehabilitated, will be in a better position to support the prosecution.

Further, a strong step by the victim in ensuring the prosecution of offenders will naturally expedite the entire process. Taking it further, effective and timely prosecution of offenders will be a great boon in the prevention of such crimes. Therefore, this provision of victim and witness care will go a long way in ensuring the rule of law.

The chapter on prevention enhances the richness of the Bill. Earlier legislations like ITPA, Bonded Labour (Abolition) Act, Child Labour Act did envisage prevention, but the body of the legislation was conspicuously silent on the steps and the procedures. The present Bill, for the first time in the Indian Statute, has not left things to imagination. Preventive measures, the role of agencies, the tasks to be performed are clearly spelt out in the Bill. This will bring in accountability of all agencies concerned. Once legislated, prevention of trafficking becomes a legal mandate of the agencies concerned and this will ensure accountability and is a constructive step in good governance.

This Bill is a path-breaking step, and SAARC and UNODC nations are looking forward to India to take lead by enacting this law. While a number of countries have different laws for this crime, our Bill is unique. All other countries mostly focus on the crime and treat the victim primarily as a witness. Our Bill is comprehensive as it focuses on prevention, protection and prosecution, and puts in place institutional mechanisms for the same. It places the victim at the centre of the law. There are no conditions on the victim to testify to get access to entitlements. Unlike any other South Asian country, rehabilitation becomes a right of the victim under this Bill.

It is an improvement over the existing laws, including Section 370 of IPC. This section of IPC defines trafficking and its derivative, but it is silent on forced labour and bonded labour. This Bill incorporates trafficking for forced labour, bonded labour, besides for surrogacy, false marriage and begging as

aggravated forms of trafficking and calls for enhanced punishment for the offenders.

The proposed anti-trafficking Bill will hit the organized nexus of trafficking by attacking the economic base that powers this vicious crime. The provisions under this Bill aim at economic deterrence by providing for attachment and forfeiture of property, as I explained, that is used for the commission of offences. It will levy heavy fines and freeze bank accounts of the perpetrators. The funds recovered, as I have said before, will be transferred to the rehabilitation fund. It covers new and aggravated forms of trafficking with an increased punishment.

As our children look to us, it is time we stand up as a country and be counted for the right decision. The proposed Bill is the right step that will provide a comprehensive solution to deal with the issue of trafficking of persons in India.

India must take global leadership for the achievement of the Sustainable Development Goals by the year 2030. Goal 8.7 pertains to the need to take immediate and effective steps to eradicate forced labour, end any form of slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, by 2030, and by 2025, end child labour in all its forms.

Goal 16.2 seeks to end abuse, exploitation, trafficking and all forms of violence and torture of children. India has also signed and ratified the UN Protocol to prevent, suppress and punish trafficking in persons, especially

women and children, supplementing the United Nations Convention against Transnational Organised Crime, which requires India to formulate a comprehensive approach to eliminate all forms of trafficking.

I speak to all of you. Let us make this Bill a reality today to protect and provide for the millions of victims who have suffered silently for years. We are accountable to all our citizens, especially the most vulnerable ones, women and children. Today we have a chance to deliver to them a law which guarantees their rights and ensures that the perpetrators of crimes are brought to justice. Thank you.

HON. SPEAKER: Motion moved:

“That the Bill to prevent trafficking of persons, especially women and children and to provide care, protection and rehabilitation to the victims of trafficking, to prosecute offenders and to create a legal, economic and social environment for the victims and for matters connected therewith or incidental thereto, be taken into consideration.”

PROF. SUGATA BOSE (JADAVPUR): I wanted to just correct an error in the List of Business at No. 15. It is an important Bill. It says that this Bill is being moved to ‘persecute offenders’. I am sure that this is probably a typographical error. But it could also be a Freudian slip since so many vulnerable people are being ‘persecuted’ in our country. I know that Shrimati Maneka Gandhi is a very kind hearted person and she would not wish to ‘persecute’ any one. So, before we proceed any further, I think we should make a correction at No. 15 of the List of Business to say that this Bill will ‘prosecute offenders’. There is a big difference between ‘persecution’ and ‘prosecution.’

HON. SPEAKER: It must be a typing mistake.

SHRIMATI MANEKA SANJAY GANDHI: I did not make the List of Business.

HON. SPEAKER: It is a typing mistake.

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Some of us are conscious that this Government is not always aware of the distinction between 'persecution' and 'prosecution'. But that is another matter.

Let me just stress that there is absolutely no doubt, no two views about the need to have a strong law to deal with trafficking in people.

13 33 hrs

(Hon. Deputy Speaker *in the Chair*)

It is interesting to note that our founding fathers and mothers found the offence of trafficking so horrific that they penalised it through Article 23 of the Constitution even though constitutional provisions do not normally deal with criminal law. So, that was a very major step. As the Justice Verma Committee Report pointed out, it is a matter of deep concern in our country and across the world that lakhs of people, especially women and children, are uprooted and transmitted through illegal placement agencies and rackets as part of the trafficking and trade in human beings.

Now, we are all in agreement that trafficking must be rooted out. But we may differ on how to approach it. We must not adopt the extreme approach of saying that anyone who does not agree with this Bill is pro-trafficking. We are all, as the hon. Minister was saying, determined to fight for the vulnerable women and children of this country, but we wish to fight effectively and this Bill sadly does not do that.

I want to stress that the intent of the Minister in bringing the Bill to deal with trafficking is good. Indeed there are many good things about this Bill. I agree with her intent and the positive provisions, some of which she has

mentioned, like the interim relief for the victims, requiring cases of trafficking to be conducted by special public prosecutors, providing for compensation for victims, as well as mandating cross border repatriation of victims of international trafficking in a time-bound manner. These are to be applauded. However, the rest of the Bill raises very many serious concerns.

We already have numerous laws which deal with trafficking. There is Section 370 of the Indian Penal code; there is ITPA which the Minister mentioned; there is Juvenile Justice Act which she sadly changed couple of years ago; there is the Bonded Labour System (Abolition) Act; there is the Contract Labour Act; there is the Inter-State Migrant Workmen Act; etc. But the problem with all these laws is that they have varied approaches and parallel enforcement and institutional mechanisms to deal with trafficking. So, clearly the need of the hour is a comprehensive legislation which truly harmonises these various provisions and brings out a clear-cut strategy to deal with trafficking. This is what was promised by the Government to the Supreme Court in the Prajwala vs. Union of India case in 2015.

Sadly, however, this Bill only adds to the existing overlapping cocktail of laws, and through the creation of 10 anti-trafficking bureaucratic bodies it will also create confusion in the enforcement of these laws.

Now, the Statement of Objects and Reasons of this Bill states that the existing laws do not recognize trafficking of persons for the purposes of physical and other forms of exploitation. This is simply factually incorrect. In fact, all the new offences that the Bill creates under the term 'aggravated

trafficking' -- which the Minister also mentioned -- are already covered under the ambit of Section 370 IPC and other provisions. In other words, this is a rehash of existing laws, and we must face it for what it is.

One of the cardinal principles involved in drafting legislation is to study how the existing laws have been applied, so that the new laws can improve not only upon the old laws, but upon any unintended consequences, difficulties and failings of the previous laws.

The Bill heavily relies on the definition of trafficking provided under Section 370 of the IPC. However, a study of 125 appellate cases just in the last five years, between 2013 and 2018, shows that this provision and Section 370A have been applied liberally by the Police and the courts, going well beyond the legislative intent of those provisions, as a proxy for wrongful confinement. In a case, one case out of these many cases, where a woman left her husband and lived with another man along with her child, attracted this provision of trafficking. This provision has also been used to target sex workers -- which I have mentioned to the Minister also -- most of whom are marginalized and vulnerable women in our society.

My big critique is not just to say that there is lack of safeguards in all the provisions in the Bill. The legal system, unfortunately, conflates the fine distinction between those women who are trafficked into sex work and adult consenting sex workers. There is no doubt that our society views sex work negatively, prejudicially, and through a moralistic lens. But, as the Supreme Court has just reminded us in a different context, we, as Legislators, need to

view matters of rights and laws through the lens of constitutional morality and not majoritarian social morality.

Irrespective of our individual views, I do not think that anyone can accept the idea of harassing people who voluntarily engage in the sex trade owing to their economic condition. As it is, Section 370 of the IPC is used extensively against sex workers in conjunction with the ITPA. There are numerous instances in which the Police have threatened sex workers, and they have cited these laws to threaten them and demanded bribes and even demanding sex from these poor women. Unfortunately, this Bill has no safeguards against such misuse.

Let us keep in mind that if we want to ensure success of HIV awareness programmes, for example, and if we want to root out trafficking in sex work, then we need to cooperate with sex workers in collectives. If we fail to place enough safeguards against misuse, then the law will only drive them further underground and jeopardize our public health programmes and the larger fight against trafficking. ... (*Interruptions*)

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, why is it that only the Chair is being shown on the screen?

DR. SHASHI THAROOR : It seems that the camera is not looking at the speaker. I hope that it is hearing us. Sir, we are seeing you extensively, but not the speaker who is speaking in the House, but only for a couple of minutes.

Nonetheless, even if the Bill does not expressly mention 'sex work', phrases such as 'resulting in pregnancy' or 'causing exposure to HIV' can be

used to bring it under the ambit of the law. Similarly, the use of phrases such as 'administration of hormones' in the Bill can be used to target transgender persons since many of them take hormones during their process of gender affirmation, and since some medical practitioners are unwilling to do so, on their behalf they at-times self-administer these substances.

Transgender persons also work in collectives, and they unfortunately often have to engage in begging due to lack of opportunities available to them. This Bill criminalizes trafficking for the purpose of begging, and since Section 370 has been widely applied in the past, I fear that this provision will now be used to target transgender groups because they beg as often as they do.

The Bill uses phrases such as 'may lead to trafficking' or 'likely to be used for trafficking' in penal provisions. How can we have language like this in something that criminalises and imposes punishment - 'likely', 'maybe'? We must have a clear nexus between an Act and an offence. That is how laws are supposed to be written. These provisions can be struck down by the Judiciary even as being unconstitutional because vagueness in the definition of criminal offences can be applied arbitrarily, and will therefore, violate Article 14 of the Constitution. This is the recent ruling of *Shreya Shingal Versus Union of India* and the court has taken a clear line on this.

The Bill, as the hon. Minister mentioned, creates a new offence of aggravated trafficking. This attracts at least 10 years of imprisonment and may extend to life imprisonment. Now, this is an addition to the existing definition of Section 370 of the IPC – definition of trafficking. Therefore, it is supposed to be

more serious in nature; otherwise, what makes it aggravated. But the logical fallacy of this is completely apparent when you look at the Bill because it says that trafficking for the purposes of begging is an aggravated offence but trafficking for the purpose of sexual exploitation is a general offence. So, what is the difference? Why is begging worse than exploiting women sexually? What is aggravated trafficking all about?

It is distressing to note that Clause 16 of the Bill which allows medical examination of the victims fails to mention that the consent of the victim shall be taken as and when practical. This is particularly relevant for victims who may be suffering from HIV-AIDS because there were instances of sharing of medical results with the courts without the consent of these persons. And the court have unfortunately ruled that such persons must remain in rehabilitation homes as their families cannot take care of them, forcing them thereby to be torn apart from their loved ones. I have got details if the Minister is interested in such cases.

Now, let us look at rehabilitation which again the hon. Minister mentioned as a serious and important element. This Bill sadly reiterates the failed method of institutional rehabilitation. We need to make sure that people who do not want to be in these homes are not forcefully incarcerated in them. In fact, a recent study has revealed that out of a sample of 243 women picked up in raids in Maharashtra, 193 were adult consenting sex workers who were incarcerated in rehabilitation homes against their wishes. Some of these

women were kept in these homes for nearly three years. The only beneficiaries in this provision are the people running those homes, they are not the victims.

I understand that the Bill also empowers the Magistrate to release victims from these homes if they can apply for the same. But there is no requirement for the Magistrate to hear them in person before deciding on the merits of their case. Nor is there an appeal procedure provided if the Magistrate rejects the application. If anything, in fact, the proviso in Section 17(4) even allows the Magistrate to disregard the wishes of an adult victim, if the Magistrate is not convinced that it has been made voluntarily. This is a paternalist measure unworthy of the hon. Minister, which denies the agency of the victim. These homes can be places of mental and physical torture.

The interesting thing is that this Bill has gone through many drafts. The earlier draft, the fourth draft, had provisions which mandated monthly inspections of these homes because we clearly need regular assessment of quality of these homes. Even the Supreme Court appointed panel had stated that the type of vocational training provided in these homes fails to provide the skills necessary for basic sustenance. That draft of the Bill also had beneficial provisions such as giving the victim timely notice of trials, giving them the power to summon materials, periodic review of the protection of the victims, mandating the Government to take immediate action against anyone harassing the victims. Unfortunately, the present Bill has dropped all these provisions. Clearly some vested interests have intervened; the people involved in these homes don't want to be inspected; they don't want to be held accountable. I

urge the Minister to retain these provisions which help the victims of trafficking in the long run. They were there in the earlier draft and she can easily restore them again.

Bonded labour is a permanent form of trafficking in our country. Steps must be taken to enforce the mandate of the Bonded Labour System (Abolition) Act of 1976. Despite its poor implementation the Act of 1976 is revolutionary. It lays importance on the rehabilitation of the victims of bonded labour by recognising their agency while providing them economic assistance. However, this rights-based approach of the Act may be weakened by the institutional method of rehabilitation favoured by the present Bill. Particularly, clause 59 states that the provisions of this Bill will have an overriding effect over the provisions of any other statutes if conflict arises. So, even the more progressive language of the Bonded Labour Bill can be overridden by this retrogressive Bill. It is a disgrace.

In fact, this Government could have even used an existing model in the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 which was passed by the then UPA Government. This Bill fails to replicate this Model even though it lays emphasis on providing assistance to victims and respecting the agency while empowering them. That is a sort of model which this Government should follow but, unfortunately, the Bill today before us fails to replicate any of these core principles.

So, we are going backwards in this Bill from progressive legislation already adopted by this Parliament in recent years.

The Bill establishes a Rehabilitation Fund for a wide range of activities, the Minister rightly mentioned, such as providing legal aid, housing, skill development and rehabilitation of victims of trafficking. Interestingly, this discarded fourth Draft of the Bill had a clause mandating the Government to allot budgetary allocations to this Fund. But this Bill mysteriously drops that request. As per the Financial Memorandum attached to the Bill, Mr. Chairman, a paltry sum of Rs. 10 crore has been allotted by the Government to the Rehabilitation Fund whereas this Government is a government that has spent Rs. 4,343 crore on publicity and advertising alone since it came to power in May 2014. For women and children victims of whom the Minister speaks so emotionally, Rs. 10 crore has been allotted. In fact, Rs. 10 crore is the same amount given to one more bureaucratic institution of which our country has too many, namely, the National Anti-Trafficking Bureau. That amount goes up to Rs. 25 crore in the second and third year for the bureaucracy whereas renewal of the Rehabilitation Fund is only assured on an 'as needed' basis.

Let me say, Sir, unambiguously to the Minister, this is a Bill of the bureaucracy, drafted by the bureaucracy and for the bureaucracy. The victims are the lowest priority in this Bill.

Now, I want to get to the very important issue of prevention because the Bill claims to place measures to prevent trafficking. It is, actually, stated as the very first in the Objects and Reasons of what this Bill is trying to accomplish. But there is only one clause in the entire Bill which deals with preventive measures. These measures are broad and very vaguely worded. I will quote

some: “Developing appropriate law and order framework to ensure prevention of trafficking...”. What is ‘appropriate law and order framework’? Are we going to give the *Sarkar* a complete blank cheque? I will quote another point: “Coordinating with corporate sector to implement various schemes and programmes for the prevention in trafficking of persons”. Are we now through the law empowering a nameless set of companies to profit from dealing with the trafficking of persons? It fails to give any vision of policy to prevent trafficking. But I suspect that this may even be deliberate on the part of the drafters because placing vague obligations in a law makes it even more difficult to hold the Government accountable.

There is a well-accepted distinction that troubles me that has been ignored by the Government in talking about the migration perspective. The distinction between human trafficking and the smuggling of migrants is well established in international law. Trafficking in persons, i.e. the kind of thing we are trying to outlaw in the Bill today, involves the use of either deception or coercion to exploit the victim either within their own country -- in this case, our country -- or transnationally (as the hon. Minister mentioned Nepal as an example) whereas in the case of smuggling of migrants, there is no coercion or deception, the smugglers are facilitating the irregular crossing of international borders with the consent of the migrant. Very often, the migrant pays money to an agent or a syndicate to smuggle him across the border to another country.

The relationship between the smuggler and the migrant, therefore, is not exploitative in nature; it is symbiotic. But the relationship between the trafficker

and the migrant is exploitative. That distinction has to be observed and is completely missing in the language and intent of the Bill.

Smuggling or migration often takes place due to dire economic conditions, we know that. The UN member states as far back as 1975 agreed to avoid the word 'illegal' in relation to migration. In fact, there is a draft Global Compact for Migration that has just been negotiated, with India agreeing to it. The negotiation finished this month and it will be adopted at the UN in December. This Global Compact makes a clear distinction between smuggling of migrants and human trafficking in judicial prosecutions policy and legislation. Even though these activities may both be offences, it will be unfair and disproportionate to club the two while imposing penal consequences.

So, again I request the Minister to look again at the Bill. Clause 31(11) of the Bill mentions trafficking by encouraging any person to migrate illegally into India or Indians into other countries as 'aggravated trafficking'. Thereby it conflates trafficking with smuggling of migrants in violation of international law and human rights principles. And once again India is just agreeing to a Global Compact and then we are passing a Bill today that will undermine what we have agreed to that we are going to ratify in December.

Let me now conclude with a few suggestions. The Bill talks about the repatriation of victims of trafficking. However, it completely ignores the fact that victims of trafficking also have families. Repatriation only means under the law that the Government would transfer the victim from one State to another, to their home State. But the Bill should have actually prescribed restoration,

which mandates the Government to help the victim reunite with his or her family from which they have been separated ,rather than merely leaving them in a limbo in the State of origin. This must only be undertaken if the adult victim wishes to return to his or her home.

We need to recognise that trafficking is not merely a law and order issue, it has its roots in socio-economic realities of our country and our neighbouring countries. By weakening our labour laws, denying MNREGA workers their wages, you make people more vulnerable. Those are the ones who end up being exploited by trafficking. So, we need to also have some sense of responsibility to improve the socio-economic condition of our women and children.

Then the safeguards against misuse are missing. One way in which misuse of this Bill can be reduced is if the Government implements the recommendations of the Supreme Court appointed panel report submitted in September, 2016 which suggested amendments to the regressive provisions of the ITPA. This will prevent enforcement agencies widening the scope of the Bill by conjointly reading it with an outdated ITPA. So, if you fix the ITPA as well, hon. Minister, then this Bill has a better chance of being applied fairly and not misused.

The Bill still follows the conventional method of combating trafficking. The Minister could have considered, but should consider still, inserting a supply chain transparency clause as done under the laws of the US, UK, France, Switzerland and Australia which will actually hold corporations liable if

there is forced labour in any of their supply chains. That too is an act of trafficking.

I agree with the hon. Minister that we should have enacted a legislation which can make us a leader in South Asia and even in the world. She mentioned that SAARC is looking at us. Many countries in the world would look at us if we took decisive action in the fight against trafficking. However, this Bill suffers from numerous problems and deficiencies.

The hon. Minister even spoke of international cooperation. I wish to draw the attention of the Minister to the statements issued by the United Nations Special Rapporteur on Trafficking in Persons as well as the UN Special Rapporteur on Contemporary Forms of Slavery just four days ago on this Bill when this Bill became public. They said, "Trafficking in persons is primarily a gross human rights violation. However, the Bill overemphasises the criminal response and does not give due consideration to the rights and needs of victims and their effective protection and proper rehabilitation."

If I know a little bit about the UN organisation, Mr. Deputy Speaker, the Special Rapporteurs are not people who would usually comment on matters of pending domestic legislation before a law is passed. But even these top international experts have been forced to issue this warning because this Bill is so bad. It would be ill advised on the part of the Government to ignore such a public warning by the United Nations' two leading experts on the subject of this Bill.

I do agree with the hon. Minister that women and children are vulnerable because our laws have failed. Let us not have one more law that will fail despite the Minister's good intentions and certain positive features of the Bill that I had mentioned. It is very clear that my objections are fundamental and a lot more can be done. Therefore, I appeal to the Minister; I am not opposing the Bill; I am requesting that the Minister may refer this Bill to the Standing Committee, which, it is astonishing, has not been done, so that the deficiencies in this Bill can be addressed and we can really formulate a model law against trafficking which the whole of South Asia can look up to and say that India has set an example. I plead with you, hon. Minister, to seriously refer this Bill to the Standing Committee and then come back to us in the next session. We will pass it with pleasure.

श्री ए. पी. जितेन्द्र रेड्डी (महबूबनगर) : उपाध्यक्ष महोदय, यह बहुत महत्वपूर्ण बिल है और सदन में सरकार की तरफ से बहुत कम सांसद बैठे हैं। ... (व्यवधान) There is nobody in the House. ... (*Interruptions*)

SHRI K.C. VENUGOPAL (ALAPPUZHA): Hon. Deputy Speaker Sir, at least the Minister should have sent this Bill to the Standing Committee.... (*Interruptions*)

SHRI MALLIKARJUN KHARGE (GULBARGA): Hon. Deputy Speaker Sir, what is the problem in sending this Bill to the Standing Committee?

HON. DEPUTY SPEAKER: I cannot force the Minister to do it. You have conveyed it to her. Now it is up to her.

... (*Interruptions*)

श्री ओम बिरला (कोटा): उपाध्यक्ष महोदय, आजादी के 70 साल बाद देश में यह विधेयक अपने आप में बहुत महत्वपूर्ण विधेयक है, जो संगठित गिरोह को रोकने में कामयाब होगा। देश और दुनिया में ड्रग्स और हथियार के बाद मानव तस्करी सबसे बड़ा व्यापार बन गया था। इस कारण जब हम दुनिया के देशों की बात करते हैं, तो 80 प्रतिशत तस्करी महिलाओं और बच्चों की होती है। देश में यौन शोषण के कारण संगठित अपराध लगातार बढ़ते जा रहे हैं। मैं माननीय मंत्री श्रीमती मेनका गांधी जी को धन्यवाद देना चाहता हूँ, जो केवल मानव तस्करी की ही नहीं, बल्कि मूक पशुओं की भी चिंता करती हैं। उन्होंने इस विषय की संवेदना को समझा है। यह बिल जल्दी में नहीं लाया गया है बल्कि वर्ष 2016 से कई देशों के सुझावों, कई सांसदों, विधायकों के सुझाव, कई समितियों के सुझावों के बाद इस बिल को लाया गया है। आज के अखबार में हमने एक दर्दभरी कहानी देखी। हमारे पड़ोसी देश की 16 महिलाओं को किस प्रकार मानव तस्करी द्वारा नेपाल से भारत और भारत से दूसरे देशों में भेजा जा रहा था। यह केवल एक कहानी नहीं है। ट्रेन में सफर करने वाले एक व्यक्ति ने 25 बच्चियों को देखा और जिस तरह से माननीय प्रधान मंत्री जी ने सिस्टम डेवलप किया है, तो तुरंत उस ट्रेन से मैसेज प्राप्त होने के बाद उन बच्चियों की तस्करी रोकने का काम किया।

14 00 hrs

कानून पहले भी था। पहले भी आइपीसी एक्ट, 1860 में इम्मोरल ट्रेफिक (प्रिवेंशन) एक्ट, 1956 के कानून की कुछ बातें आती थीं। आइपीसी एक्ट, 1860 की धारा 370 में मानव तस्करी और यौन शोषण को अपराध की श्रेणी में रखा गया था। इम्मोरल ट्रेफिक (प्रिवेंशन) एक्ट, 1956 में यौन और वाणिज्यिक शोषण के लिए बिल लाये गये थे। लेकिन यह बिल, अपने आप में एक व्यापक बिल है। अभी तक जो कानून थे, उनके अंदर मानव तस्करी को रोकने का एकबद्ध प्रावधान नहीं था। लेकिन, इस बिल के माध्यम से हम इस देश में संगठित रूप से मानव तस्करी को रोकने में कामयाब होंगे। इसीलिए इस बिल में पीड़ितों की देखरेख, संरक्षण और पुनर्वास के प्रावधान किये गये हैं। उन पीड़ितों को ठीक से न्याय मिल सके, इसके लिए उनको विधिक आर्थिक सहायता, अच्छे सामाजिक वातावरण की व्यवस्था भी की गयी है। मानव तस्करी द्वारा लोगों को विदेशों में

भेजने का जो क्रम चल रहा था, उसे रोकने में भी यह विधेयक कामयाब होगा। इसी के साथ, इस विधेयक में मानव तस्करी से निवारण, संरक्षण, पुनर्वास और अन्वेषण के पहलू भी हैं।

जब एक राज्य से दूसरे राज्य में मानव तस्करी होती थी, तो अलग-अलग राज्यों में घटना घटित होने के कारण पुलिस इनवेस्टीगेशन का सवाल आ जाता था। किस राज्य से बच्ची लायी गयी, किस राज्य में बेची गयी, कहाँ एफआइआर दर्ज हो, किस कोर्ट में केस चले, इसी में मामला उलझा रहता था। इसमें दो राज्यों के सम्मिलित होने के कारण तथा अलग-अलग इनवेस्टीगेशन होने के कारण पीड़ितों को न्याय नहीं मिल पाता था। हमने अभी तक जितने भी तस्करी के उदाहरण देखे हैं, उनमें यही पाया गया है।

जहाँ पर अपराध घटित हुआ, वहाँ पर पीड़ितों को जाना पड़ता था। पीड़ितों और साक्ष्य देने वाले व्यक्तियों के संरक्षण का कानून नहीं था। पीड़ित व्यक्ति या महिला या बच्चे को नये कानून के अनुसार वीडियो कांफ्रेंसिंग के माध्यम से बंद कमरे में उसकी जनसुनवाई होगी और पीड़ित और साक्ष्य देने वाले व्यक्ति को संरक्षण देने का प्रावधान इस कानून के माध्यम से किया जाएगा।

महोदय, भारतवर्ष 125 करोड़ जनता का देश है। अभी तक हम देश में मानव तस्करी को रोकने में कामयाब नहीं हुए हैं। दुनिया को पता है कि हमारे देश के अनेक हिस्से और प्रदेश आज भी गरीबी और अशिक्षा के कारण पिछड़े हुए हैं। इसलिए सरकार ने पहली बार पूरे देश में उन जिलों में, उन तहसीलों में, उन गाँवों में, जो शिक्षा से पिछड़े हुए हैं, स्वास्थ्य से पिछड़े हुए हैं, रोजगार से पिछड़े हुए हैं, अपेक्षाओं से भरे ऐसे 115 जिलों को माननीय प्रधान मंत्री जी ने आगे लाने की कोशिश की है। उन पिछड़े जिलों को, जहाँ गरीबी, अशिक्षा और रोजगार के संसाधन नहीं हैं, उनको किस तरीके से बेहतर किया जाए।

उपाध्यक्ष महोदय, माननीय प्रधान मंत्री जी ने वहाँ सारे मापदंडों को पूरा करने के लिए वहाँ के जिला कलेक्टरों से सीधा संवाद किया है। हम 70 सालों के बाद यह देख सके कि पूरे देश के हर गांव में समकक्ष रूप से शिक्षा, स्वास्थ्य और रोजगार का जो पैरामीटर है, उसको लेकर पूरा देश एक साथ आगे बढ़ सके, सब का साथ, सब का विकास की अवधारण का पालन कर सके, इसके

लिए माननीय प्रधान मंत्री जी ने प्रयास किया है। जब तक इस देश के अंदर गरीबी और अशिक्षा दूर नहीं होगी, तब तक हम मानव तस्करी को नहीं रोक पाएंगे। हम कानून जरूर बना रहे हैं, लेकिन अगर हमें मानव तस्करी को रोकना है, तो देश में गरीबी को रोकना पड़ेगा, अशिक्षा को रोकना पड़ेगा।

उपाध्यक्ष महोदय, हालत यह थी कि जिस देश में 70 सालों में 19 हजार गांव में लाइट नहीं हो, पीने का पानी नहीं हो, ऐसी हालत में यह देश चल रहा था। आज प्रधान मंत्री जी ने कहा है कि पूरे 19 हजार गांवों में लाइट होगी। महिलाओं को रोजगार - स्वरोजगार देने के लिए स्वयं सहायता समूह के माध्यम से 12 करोड़ महिलाओं को आत्म निर्भर करने का काम करेंगे। इस देश में गरीब जहां रहता था, वहां छत नहीं हुआ करती थी। छत के अभाव में वह बाहर जिंदगी गुजारता था। आज माननीय प्रधान मंत्री ने कहा है कि एक करोड़ मकान बनाने के लक्ष्य के तहत हमने अब तक 36 लाख मकान बनाने का काम किया है। उन घरों में लाइट दी है, उज्ज्वला योजना के तहत गैस का कनेक्शन दिया है, उन घरों की बेटियों के पढ़ने के लिए निःशुल्क शिक्षा दी है।

उपाध्यक्ष महोदय, सिर्फ इतना ही नहीं, हम इस देश में 12 करोड़ लोगों को मुद्रा बैंक के माध्यम से रोजगार दे सके। उसमें हमने 50 परसेंट उन महिलाओं को देने का लक्ष्य तय किया है, जो आर्थिक रूप से कमजोर हैं और जिनके पास रोजगार के संसाधन नहीं हैं। इन महिलाओं को रोजगार के माध्यम से खड़ा करने का काम इस देश में अगर किसी ने किया है, तो माननीय प्रधान मंत्री नरेन्द्र मोदी ने किया है। अब गांव के अंतिम छोर पर बैठी हुई महिलाएं भी स्वरोजगार योजना और मुद्रा बैंक के माध्यम से 50 हजार रुपये से 10 लाख रुपये तक का लोन लेकर अपनी गरीबी को दूर कर सकती हैं।

उपाध्यक्ष महोदय, जब इस देश से गरीबी दूर होगी, अशिक्षा दूर होगी, तब जाकर हम देश के विकास की बात कर सकते हैं। तब जाकर हम मानव तस्करी को रोकने की बात कर सकते हैं। जिस देश में करोड़ों महिलाएं शौच के लिए जाती हों, इसलिए देश में हमने छह करोड़ से ज्यादा शौचालय बनाने का काम किया है। हमने तीन लाख गांवों में शौचालय बनाने का काम किया है। ये

इज्जतघर हमारी इज्जत है, उपाध्यक्ष महोदय। इसलिए हम देश से अशिक्षा और गरीबी को दूर करने के साथ-साथ मानव तस्करी को रोकने का कानून भी लाए हैं। मानव तस्करी का कानून लाने के साथ ही हमने मानव तस्करी और ट्रैफिकिंग रोकने की कई चीजें बनाई हैं, जिससे मानव तस्करी कराने वाला वह व्यक्ति भी अपराधी की श्रेणी में आए। इसलिए हमने कानून को व्यापक बनाया है।

हमारे माननीय सदस्य चले गए हैं। वे कह रहे थे कि इस कानून में बहुत कमियां हैं, कानून अपरिपक्व और अधूरा है। वर्ष 2016 से वर्ष 2018, दो साल तक इस कानून पर जनता के बीच में माननीय मेनका गांधी जी ने काम किया है। वे कई संसद सदस्यों और हमसे से भी मिली थीं। कई महिलाएं और एन.जी.ओ. मिले, जिन्होंने कहा कि आप संसद में बैठते हो, हमारे साथ इनजस्टिस हो रहा है, अन्याय हो रहा है, मानव तस्करी हो रही है और आप संसद में बैठकर इस पर कानून नहीं बना रहे हैं।

उपाध्यक्ष महोदय, मैं प्रधान मंत्री जी और मेनका गांधी जी को धन्यवाद दूंगा, जिन्होंने इस कानून को बनाया। इतना ही नहीं, इस कानून में स्टेट लेवल पर एक नोडल अधिकारी बनेगा। इसमें जिला लेवल पर एक नोडल अधिकारी बनेगा। इसमें जिला लेवल पर एंटी ट्रैफिक ईकाइयां बनेंगी और लोगों को जल्दी न्याय मिले, इसके लिए हर जिले के अंदर डिस्ट्रिक्ट कोर्ट बनेगा। एक साल के अंदर ऐसे मामलों का निपटारा हो और जल्दी न्याय मिले, इसलिए इस कानून के अंदर इसे परिभाषित किया गया है। इतना ही नहीं, इस कानून के तहत, जो लोग पीड़ित हैं, उनका पुनर्वास, रोजगार और उनके परिवार की स्थितियों को देखते हुए उनको किस तरीके से आर्थिक रूप से मजबूत करें, इसे भी इस कानून के अंदर लाने का काम किया गया है। अभी तक महिलाओं के लिए पुनर्वास क्या होगा, उसकी राशि क्या होगी, इसके बारे में माननीय सदस्य बोल रहे थे कि दस करोड़ रुपये की राशि कम है।

उपाध्यक्ष महोदय, पैसों की कमी माननीय नरेन्द्र मोदी जी के राज में नहीं है। इसीलिए संरक्षण पुनर्वास के साथ इस कानून को व्यापक बनाया गया है। मैं कह सकता हूं कि इस कानून के माध्यम से हम इस देश के अंदर मानव तस्करी को रोकने में कामयाब होंगे। अभी तक हमारे देश में

बच्चों के अंग बेचने की तस्करी होती थी। छोटे-छोटे बच्चों को बेचा जाता था, महिलाओं को बेचा जाता था। इस देश के अंदर संवेदना खत्म हो गई थी। इस कानून के बनने के बाद जो देश में समेकित रूप से मानव तस्करी का काम कर रहे थे, अब मानव तस्करी का काम करने वालों का एक रास्ता तिहाड़ की जेल में होगा या हिंदुस्तान की अन्य जेलों में होगा। कोई भी बंधुआ मजदूर या किसी भी मानव तस्करी करने वाले को गम्भीर और दंडनीय अपराध की श्रेणी में रखा गया है। मैं माननीय मेनका गांधी जी को धन्यवाद देना चाहता हूँ कि जिन्होंने इस महत्वपूर्ण बिल को सदन में पेश किया और मैं चाहूँगा कि सारा सदन इस बिल को पारित करे, ताकि उनके साथ न्याय हो सके।

धन्यवाद।

SHRIMATI PRATIMA MONDAL (JAYANAGAR): Sir, I rise to speak on The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018.

Sir, trafficking is not only a global concern, but also it is affecting a number of South Asian Nations. It is commendable that India is taking pioneering action in formulating a comprehensive Bill. The new Bill proposes to tackle one of the most pervasive crimes affecting the most vulnerable persons. It aims at prevention, rescue and rehabilitation of the vulnerable target groups, including women and children.

This Bill, however, does not propose any new things other than what had already existed. It, however, creates a new category of aggravated forms of trafficking which carry a minimum punishment of 10 years and which may be extended to life imprisonment. Some of the aggravated forms of trafficking, included in the Bill, are trafficking for the purpose of forced labour, begging, marriage and child bearing, which have already been included under the existing law. Similarly, the so-called new offences of administering hormones or committing trafficking by administering alcohol and drugs, have already been incorporated in the existing law.

Sir, the new anti-trafficking Bill appears to be flawed as there are provisions that are problematic and also, they make no sense. For instance, gradation of offences appears to be illogical. The anti-trafficking Bill categorises offences for a certain purpose as aggravated forms of trafficking which carry a punishment of 10 years or life imprisonment. Logically, offences that are graded higher must be more serious or culpable than the acts that

constituted trafficking under Section 370 IPC, which attract punishment of 7 to 10 years imprisonment and fine. But, that is not the fact. Trafficking for the purpose of begging is considered to be aggravated, whereas trafficking for sexual exploitation is a simple trafficking. Further, still slavery and practices similar to slavery and servitude, which captures the most shocking forms of operation and bondage, under domestic and international law, are also coming under simple trafficking.

Sir, some of the provisions are also vague and impractical. The Bill criminalises a host of activities which lack culpability and criminal intent. For example, this Bill authorises closure of premises which can be used as place of trafficking. Therefore, applied in the context of labour trafficking, this law would allow factories and firms to be closed down on a simple complaint by police or any person.

The penal provisions against promoting or facilitating trafficking of persons are also vague. IT companies, travel companies and employment sites would need more clarity.

There is a provision for confiscation of properties. The properties may be attached not only when they are used for the commission of an offence but also if they are likely to be used for commission of an offence under the Act. There is no guidance as to when and under what circumstances such a likelihood would arise so as to warrant attachment of the properties.

The Bill falls back on the outdated methods of rescuing and detaining victims in the name of rehabilitation. Institutionalisation of victims in homes

apparently for protection and rehabilitation is contradictory to their fundamental rights. The victim of trafficking, especially woman who had been trafficked for sexual exploitation need to be rehabilitated in homes or shelters which have right environment for rehabilitation and integration in the society rather than providing a hostile and unsafe environment resulting in similar trauma.

Instead of streamlining enforcement, the Anti-Trafficking Bill encourages institutional bureaucracy by creating ten different agencies including Anti-Trafficking Officers, Units, Committees and the bureaus at the district and national levels to counter the problem which will result in chaos and policy indecision as well as passing the buck on the question of accountability.

Besides, none of the proposed authorities has any representation from the affected community whose participation and perspective is vital for addressing trafficking successfully. In fact, involvement of sex worker in oversight committee and Anti-Trafficking Boards was strongly recommended by the Supreme Court appointed panel in light of their effective role and contribution. This has been overlooked.

Sir, the problem of trafficking cannot be dissociated from poverty, livelihood, displacement and security. People have and will always move for work whether out of distress or for better opportunities.

Prisons cannot confine or capture the dreams and aspirations of people, especially the poor and the marginalised. Adopting an approach of imprisonment in jail to what is largely a socio-economic phenomenon, is misplaced and unwise.

Before I conclude my speech, I would like to refer to one incident which happened in an NGO based home in the district of Jalpaiguri in West Bengal where child trafficking cases happened and local and national level women ...* leaders were involved ... (*Interruptions*).

HON. DEPUTY SPEAKER: The name will not go on record. I have expunged that. Please sit down.

SHRIMATI PRATIMA MONDAL : They were women belonging to the ruling Party. If it is the scenario, the *beti bachao* slogan is not only vague but also a show off.

* Not recorded

SHRIMATI V. SATHYABAMA (TIRUPPUR): Sir, first of all, I convey my congratulations and sincere thanks to the hon. Minister for Women and Child Development, Shrimati Maneka Gandhi for bringing the country's first ever anti-trafficking law which is the need of the hour.

The Bill provides for the establishment of a National Anti-Trafficking Bureau to investigate trafficking cases and implement provisions of the Bill. The Bureau will comprise of police officers and other officers as required. Further, the Bureau may request the State Government to co-operate in the investigation or transfer the case to the State Government for investigation and trial.

The coordinating and monitoring surveillance along known routes, facilitating surveillance, enforcement and preventive steps, maintaining coordination between law enforcement agencies and NGOs and other stakeholders, and increasing international cooperation with authorities abroad for intelligence sharing and mutual legal assistance are the main functions of the Bureau.

Under the Bill, the State Government will appoint a State Nodal Officer and State Anti-Trafficking Committee. The Bill also provides for the setting up of Anti-Trafficking Units at the district level. The Bill provides for the establishment of Anti-Trafficking Relief and Rehabilitation Committees at the national, State and district levels. An Anti-Trafficking Police Officer or an ATU can rescue persons if there is an imminent danger to them. They will be produced before a Magistrate or a Child Welfare Committee for medical

examination. The district ATC will provide relief and rehabilitation services to the rescued persons.

The Bill requires the Central or State Government to set up Protection Homes. These would provide shelter, food, counselling and medical services to the victims. Further, the Central or the State Government will maintain the Rehabilitation Homes in each district to provide long-term rehabilitation to the victims. Rehabilitation of victims will not be dependent on criminal proceedings being initiated against the accused or the outcome of the proceedings. The Central Government will also create a Rehabilitation Fund which will be used to set up these Protection and Rehabilitation Homes.

This Bill provides for setting up designated courts in each district which will seek to complete trial within a year. The Bill specifies the penalties for various offences including trafficking of persons, promoting trafficking, disclosing the identity of the victim and aggravated trafficking such as trafficking for bonded labour and begging. For example, aggravated trafficking will be punishable with rigorous imprisonment of ten years up to life imprisonment along with a minimum fine of one lakh of rupees. Further, publishing of any material which may lead to the trafficking of a person will be punishable with imprisonment between five and ten years and a fine between Rs. 50,000 and Rs. 1 lakh.

Before I conclude, I urge the Union Government to be cautious and ensure that the provisions of the Bill after becoming an Act should not be misused or abused for personal vengeance or vendetta.

SHRI TATHAGATA SATPATHY (DHENKANAL): Sir, the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 is a very interesting Bill.

Primarily, I find two headlights focussing in two directions. The Bill seems to have two main angles. First is, rehabilitation of unwanted bureaucrats either at the State level or at the Centre who will be adjusted in various Anti-Trafficking Committees. This is part A.

Then, part B is giving excessive powers to cops to search, seizure, rescue, investigation, collecting evidence etc. The very first page itself focusses on two angles. But along with that, I think all hon. Members of Parliament have received a letter from no less a person than Shri Satyarthi supporting and exhorting the MPs to support the Bill that Shrimati Maneka Gandhi will bring forth. We would have anyway done it because no matter what we say, the Bill will be passed.

But, let me, at the outset, say that although the intention of this Bill is extremely good, it is having a lot of lapses and it should have a proper review which it deserves. We are not doubting the intentions of the hon. Minister. Her intentions are good, but the Bill does not focus on human rights or it is not based on victim-centric approach. It lacks in these two things. Mostly the stress is on criminal law perspective. For example, the focus is on rescue, raids, rehabilitation, institutionalisation of victims under the garb of rehabilitation instead of protection.

None of us can claim that we are unaware of what happened in the Muzaffarpur shelter a few days ago. Even the Government of Bihar was

compelled to admit that the hapless girls, who were housed there, were being exploited physically and a lot of injustice was meted out to them and there was no quarter they could approach for help. So, this is not something one can politically wave off and we know that the Minister is not dealing with this as a political subject because if she says that, then it so happens that Bihar is governed by the party which is in power at the Centre.

I would like to refer to the case of *Buddhadev Karmakar v State of West Bengal* in which the Supreme Court constituted a panel to examine legal issues in relation to prevention of trafficking, rehabilitation of sex workers to leave sex work, conditions conducive for sex workers to live with dignity. This was exclusively for sex workers. I am not going into that aspect. But one of the key recommendations of the panel was to adopt community-based rehabilitation. Unfortunately, this Bill badly lacks on that aspect and it completely ignores it.

I read through most of the Bill. It is quite a big Bill, it took me some time to comprehend the language. It has very high levels of surveillance built into it.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Is it American English?

SHRI TATHAGATA SATPATHY : As Mr. Mahtab says, the Bill is virtually a copy of an American Bill, the Immoral Traffic (Prevention) Act, 1956, which probably they might have thrown into the dustbin and one of our bureaucrats, who must have gone on a jaunt to Washington DC, might have picked it up and presented it to the hon. Minister. Madam Minister, this is my creation.

Sir, the language also is a little confusing. If you see Section 20 (vii), it is all surveillance in the garb of rehabilitation. The Bill says that police officers can, on mere suspicion that someone is being trafficked, conduct a raid and rescue operation. The Bill also authorises closure of premises which are to be used as a place of trafficking about which earlier speakers have also mentioned. These premises can include land, farm, home, factory and any movable property. That means, suppose there is a public transport bus, then the police officer can even seize a bus claiming that this might traffick people who have been clandestinely brought in.

I have an issue, especially with this one, because I come from the State of Odisha and in Odisha, we have a lot of migrant labour. I will give an example. The Economic Survey of India 2017 estimates that the magnitude of inter-State migration in India was close to nine millions annually between 2011 and 2016. While Census 2011 says that the total number of internal migrants in the country accounting for inter and intra-State is at a staggering 139 million people. The vague nature of the Bill may lead to the criminalization of all irregular migrants. Odisha might face acute problems because the Supreme Court also says that when you have anybody being paid less than the minimum wages, that is to be considered as forced labour. So, if you see the migrant labour, a lot of our labourers both men and women are brought to more economically advanced States like Punjab, where they do farm work and after the season is over – the cropping or the harvesting season is over – they go back home. But then there are middlemen who organize this in liaison with

the big farmers of Punjab. If this law is left to the mercy of the police and the courts, then there is a probability that we will eventually be nabbing and seizing the properties of the farmers, nabbing these middlemen and topping the flow of migrant labour, which is essential for even developed States. So, I do not know as to how it will be used because as I have said this many a time, and many learned Members have also mentioned it, that we merrily sit passing laws in this House thinking that our intentions are good and the good intentions will be telecast. Now, everybody is on to television. People also complain that why the camera is looking at the ...* and not looking at the ...*. So, let us say, it is telecast down at the grassroot level in a very weird and in a very perverted manner. So, we have to take an overall view of the issue now. This is a very sensitive issue and I will not have the courage to say that the Bill is wrong in its intentions or the motives of the Governments are wrong, but it is something that has been done, I will put it, haphazardly, without proper research. I will take the case of consulting the NGOs as an example. Now, I have my reservations about NGOs because in my constituency in one block called Gondia, there are something like 9,700 odd NGOs. So, I am very scared of NGOs. They will show all the MGNREGS work, take pictures, take videos, bring some people there and send it to an organization, I do not know which organization; and get funded for that also. So, NGOs are very creepy, are very doubtful in nature. Instead, when it concerns workers, it would have been appropriate to consult labour unions and trade unions also. But unfortunately,

* Not recorded

even the list that the hon. Minister read out had no mention of trade unions being consulted because this also concerns workers. So, labour law perspective has been missing in States like Jharkhand and Odisha, which contribute to the growth of the nation not only now, but for the last 70 years as we have been independent since 70 plus years.

So, Jharkhand, Odisha, all the Eastern States have contributed, including Bihar and Bengal. Right from freight rationalisation till today, we are only giving to the country but in case of States like Maharashtra or Punjab, they are only taking. They are very humble people.

So, I would suggest that this Bill be sent to a committee and a fresh opinion be sought on this. There should be no ego issue in this. We fully support the Bill but we would like that it be fine-tuned and it be brought back again for a speedy passage in the House.

Thank you.

श्री विनायक भाऊराव राऊत (रत्नागिरी-सिंधुदुर्ग): महोदय, व्यक्तियों का दुर्व्यापार (निवारण, संरक्षण और पुनर्वास) विधेयक, 2018 जो यहां लाया गया है, उसका मैं समर्थन करने के लिए खड़ा हुआ हूं। समाज में समाजघातक प्रवृत्तियां हैं। पिछले कई वर्षों से, कई कारणों से इस प्रवृत्ति का विरोध करने की जरूरत थी, उस पर पाबंदी लाने की जरूरत थी। इसके लिए कानून है, लेकिन कानून का इस्तेमाल नहीं हो रहा था। इस विधेयक के माध्यम से यह सारी अपप्रवृत्ति, सारी समाजघातक या समाजविघातक जो प्रवृत्ति है, उनके ऊपर सही तरीके से पाबंदी लगाकर पीड़ित लोगों को न्याय देने का काम इस विधेयक के माध्यम से हो रहा है। इसके लिए मैं मंत्री महोदय जी का फिर से एक बार अभिनंदन करता हूं।

महोदय, इस विधेयक की बहुत विशेषता है। सिर्फ कानून बनाने से काम नहीं होगा। कानून बनाने के बाद उस पर सही तरीके से अमल होना चाहिए। जो अपराधी है, उसे सही वक्त पर सजा कैसे मिल सकती है, ताकि भविष्य में इस प्रकार का काम न हो। इसके लिए क्या कर सकते हैं, इसके बारे में पूरी जानकारी, पूरी तैयारी इस विधेयक के माध्यम से करने का काम सरकार के माध्यम से हो चुका है।

महोदय, अगर आप खासकर मुंबई आते हैं, तो आपको यह दिखाई पड़ता है कि एयरपोर्ट में उतरने के बाद सीधा सीएसटी तक, चाहे रास्ते से जाइए, चाहे रेलवे से जाइए, हर एक रास्ते पर, नाके पर, रेलवे स्टेशन पर, चाहे गेट वे ऑफ इंडिया हो, चाहे कोई दूसरी अच्छी जगह हो, कहीं भी जाइए, वहां बड़ी संख्या में ऐसे भिखारी लोग और बच्चे भीख मांगते हुए दिखाई पड़ेंगे। असलियत यह है कि मुंबई में भीख मांगने वाले जो सारे भिखारी बच्चे होते हैं, वे कोई गरीब घर के नहीं हैं। मुंबई में ऐसे गैंग रहते हैं, जिनका काम है ऐसे बच्चों को भगाना, पकड़ना, उनको लेकर जाना और उनके ऊपर अमानुषिक अत्याचार करना, उनको पूरी तरह बर्बाद करके छोड़ना और उनको भीख माँगने के लिए तैयार करना। 10-10 भीख माँगने वाले बच्चों के ऊपर एक आदमी रहता है और इस तरह से उसकी एक टीम बनाई जाती है। 10-15 बच्चों के ऊपर निगरानी करने के लिए एक सुपरवाइजर रहता है। उस सुपरवाइजर के ऊपर एक बॉस और रहता है। मुंबई की कई झुग्गी-

झोंपड़ियों में जेबकतरों के बॉस होते हैं, भीख माँगने वाले बच्चों के बॉस होते हैं। गैंगस्टर के तो बॉस हैं ही। गरीब बच्चों को जो पैसे की मदद करते हैं, उनके पास से पैसा इकट्ठा करना उनका काम होता है। मान लीजिए 100 रुपये कमाए, तो 100 रुपये में से 2 रुपये भी ऐसे बच्चों को खाने के लिए नहीं देते हैं। सारा का सारा पैसा उनसे खींच लेते हैं उनके मुकादिम और उनके ऊपर रहने वाला बॉस। इस तरह से वे क्रूरता करते हैं। अगर मानवता की क्रूरता कहीं पर देखनी है, तो मुंबई में भीख माँगने वाले जो बच्चे हैं, अगर उनकी जाँच करें, तो आपको मालूम होगा कि भगवान की कृपा से उनको यह मानव देह मिली, लेकिन दुर्भाग्य से ऐसे बदमाश लोगों की वजह से उनको रास्ते पर भीख माँगने की मुसीबत आई।

भीख माँगने पर कमाया हिस्सा नहीं मिलता है। महाराष्ट्र और देश के अन्य हिस्सों में अनाथ आश्रम हैं, बाल आश्रम हैं। सांसद अरविन्द सावंत ठाणे जिले के कई ट्राइबल एरिया में हर वर्ष जाते हैं, श्रीकांत शिंदे जी और राजन विचारे जी, हर वर्ष ट्राइबल एरिया में जाकर गरीब, आदिवासी और ट्राइबल लोगों की कुछ न कुछ मदद करने का काम करते हैं। यह दुर्भाग्य की बात है। ट्राइबल एरिया में जो भी अनाथ आश्रम हैं, बालिका आश्रम हैं या स्कूल हैं, वहां जो बच्चियां हैं, उनका जीवन सुरक्षित नहीं है। मैं सभी के ऊपर आरोप नहीं लगा रहा हूँ। जब ज्यादातर बाल आश्रमों में जांच होती है तो मालूम होता है कि बारह-तेरह वर्ष की बच्चियां प्रेगनेंट हैं। बालिका आश्रम होने के बावजूद वहां पुरुष अधिकारी रहते हैं, उस पर पाबंदी लगाने की जरूरत है। इस विधेयक में इसे समाहित कर चुके हैं। आज महाराष्ट्र के सभी जिलों में ऐसी दुर्व्यवस्था है, गरीबी के कारण दलाल उनको पकड़ते हैं, गरीबी के कारण ये बच्चा और बच्ची उसके शिकार बन जाते हैं। उसे नौकरी लगाने का आश्वासन देते हैं या उनके घर के लोगों को हजार-दो हजार रुपये देते हैं। बच्चा-बच्ची को कब्जे में लेकर मुंबई लाते हैं, देश के अन्य प्रांतों में भी ले जाते हैं। कभी-कभी इन्हें देश के बाहर भी भेजने का काम करते हैं। कोई इलेक्ट्रिशियन होता है, कोई आईटी होता है, कोई इंजीनियर होता है। मुंबई में काम करने वाली एजेंसियां हैं, उसकी भी जांच करने की जरूरत है। नौकरी के बहाने परदेश भेजने वाली जितनी भी संस्थाएं हैं, उसके माध्यम से पढ़े-लिखे या

टेक्नीकल लोगों को नजदीक लाया जाता है। उन्हें कहा जाता है कि होटल में नौकरी लगाएंगे, कंपनी में लगाएंगे, इतनी तनख्वाह देंगे। दुर्भाग्य की बात है कि यहां का आईटी इंजीनियर परदेश में जाकर शौचालय साफ करने का काम करते हैं। उसको खाना नहीं, पीना नहीं, रहने की कोई व्यवस्था नहीं, उनका पासपोर्ट जब्त कर लेते हैं, हिसाब का कुछ पता नहीं। यहां का जब कोई इंजीनियर वहां साफ करने का काम करता है तो इस दुर्व्यवस्था को रोकने के लिए सही कानून की जरूरत थी। इस बिल के माध्यम से कानून की बहुत बड़ी व्यवस्था हो चुकी है। मैं इस बिल की विशेषता के बारे में थोड़े शब्दों में कहना चाहता हूं कि तस्करी और दुर्व्यापार करते वक्त जबर्दस्ती मजदूरी, बाल मजदूरी के खिलाफ कानून बना। चाय का ठेला हो, वड़ापाव की दुकान हो, समोसा या कुछ खाने की दुकान हो, भाजी बेचने वाले व्यापारी हों, उनके पास आठ-नौ वर्ष के बच्चे काम करते हैं। हमारे ठाणे जिले के ट्राइबल एरिया में ईंट-भट्टा बनाने का व्यापार होता है। ईंट भट्टा बनाने वाले कारखाने में चार साल के बच्चे से काम कराते हैं, तनख्वाह पांच रुपये देते हैं, खाने के लिए कुछ नहीं देते हैं। अगर काम नहीं करते हैं तो उन्हें चाबुक से मारते हैं, ऐसी हालत रहती है। इस विधेयक में जो लोग ऐसे बच्चों से जबर्दस्ती करके दुर्व्यापार करेंगे, जो लोग उनको सपोर्ट करेंगे, उनके ऊपर भी पाबंदी लगाने का काम इस विधेयक के माध्यम से हुआ है।

अपराधियों को पकड़ने का काम हमेशा होता है। दुर्व्यापार करने वाले लोगों को जेल भेजते हैं, चार वर्ष के बच्चे से काम कराने के बावजूद ऐसे लोगों पर मुकदमा नहीं चलता, उनको सजा नहीं होती, इस विधेयक में समयबद्ध तरीके से लागू करने की व्यवस्था होनी चाहिए। वैसे तो इसमें प्रावधान किया है। पांच से दस वर्ष तक सजा है लेकिन एक ऐसी घटना होने के बाद एक वर्ष के अंदर इसके ऊपर कानून का निर्णय होना चाहिए, न्यायालय की प्रक्रिया पूर्ण होनी चाहिए ताकि इस विधेयक का असली उपयोग हो सके। जो देश की गरीब बच्चियां हैं, बदमाश लोग उनसे दुर्व्यापार कराते हैं, उनके ऊपर कानून का जबर्दस्त दबाव रहे।

SHRI MUTHAMSETTI SRINIVASA RAO (AVANTHI) (ANAKAPALLI): Hon. Deputy Speaker Sir, I rise to support the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018. As we all know, trafficking in human beings is the third largest organised crime violating the basic human rights. There is no specific law so far to deal with this crime. Accordingly, the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018 has been prepared. The Bill addresses one of the most pervasive and invisible crimes affecting the most vulnerable persons especially women and children.

First of all, I suggest there are so many laws that were enacted in this country since Independence. But our society has failed miserably to protect the rights of women and children. I feel prevention is better than cure. Socio-economic issue is the first reason for trafficking of women and children. It is because of poverty; it is because of lack of education; and lack of awareness in society that people are coming into this life. For example, there is a law prohibiting dowry. Nobody is allowed to take dowry in this country. But the majority of the people in this country are taking and giving the dowry. So, when our late Chief Minister Shri NT Rama Rao banned the consumption of liquor in the erstwhile combined State of Andhra Pradesh, unfortunately, our people used to bring the liquor from the surrounding States like Karnataka, Tamil Nadu and Odisha.

The hon. Minister is going to form a National Anti-Trafficking Bureau. What I want to say is that at least the head of this Bureau should be a strong person like Smt. Kiran Bedi. Even if you appoint a male person to head the

National Anti-Trafficking Bureau, it is of no use. The new law will make India a leader among South Asian countries to combat trafficking. Trafficking is a global concern affecting a number of South Asian nations. Amongst them, India is now a pioneer in formulating a comprehensive legislation. UNODC and SAARC nations are looking forward to India to take a lead by enacting this law.

The Bill has been prepared in consultation with line Ministries, Departments, State Governments, NGOs and domain experts. I thank the Minister for incorporating in the Bill a large number of suggestions received by the Ministry of Women and Child Development through hundreds of petitions.

Sir, recently, we have passed a Bill and formed the Nirbhaya Act. I do not know after passing the Nirbhaya Act, whether really the crimes have been stopped or not.

This Bill addresses the issue of trafficking from the point of view of prevention, rescue and rehabilitation. There are various forms of trafficking like forced labour, begging, trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity, trafficking of a woman or child for the purpose of marriage or under the pretext of marriage or after marriage.

The Bill prescribes punishment for promoting or facilitating trafficking of persons which includes producing, printing, issuing or distributing unissued, tampered or fake certificates, registration or stickers as proof of compliance with the Government requirements or commits fraud for procuring or facilitating

the acquisition of clearances and necessary documents from the Government agencies.

The Bill provides for the confidentiality of victims/ witnesses and complainants by not disclosing their identity. Further, the confidentiality of the victims is maintained by recording their statements through video conferencing. This also helps in trans-border and inter-State crimes.

Time bound trial and repatriation of the victims within a period of one year from the time the crime is taken into cognizance is also there.

The Bill prescribes for the immediate protection of rescued victims and their rehabilitation. The victims are entitled to interim relief immediately within 30 days to address their physical, mental trauma etc. and further appropriate relief within 60 days from the date of filing of charge sheet.

Rehabilitation of the victim which is not contingent upon criminal proceedings being initiated against the accused or the outcome thereof. This is a very good provision.

Rehabilitation Fund is being created for the first time. Let this Fund also not remain unutilized like the Nirbhaya Fund. This fund would be used for the physical, psychological and social well-being of the victim, including education, skill development, healthcare, psychological support, legal aid, safe accommodation, etc.

I welcome the provision of designated courts in each district for the speedy trial of the cases. The Bill creates a dedicated institutional mechanism

at the district, State and Central level. These will be responsible for prevention, protection, investigation and rehabilitation work related to trafficking.

The National Investigation Agency (NIA) will perform the task of Anti-Trafficking Bureau at the national level present under the MHA. I have my apprehensions whether the National Investigation Agency would be able to take upon itself this much load of work.

Punishment ranges from rigorous minimum 10 years to life and a fine of not less than Rs.1 lakh. I think the fine is very less. In fact, it should be raised to Rs.5 lakh. In order to break the organised nexus both at the national and international level, the Bill provides for the attachment and forfeiture of property and also initiation of criminal proceedings.

Also, the Bill comprehensively addresses the transnational nature of crime. Of course, the National Anti-Trafficking Bureau will perform the functions of, at the international level, coordination with the authorities in foreign countries and international organisations; international assistance in investigation; facilitate inter-State and transborder transfer of evidence and materials, witnesses and others for expediting the prosecution; facilitate inter-State and international video conferencing in judicial proceedings, etc.

Since the Bill, once enacted by Parliament, would make India a leader among the South Asian countries to combat trafficking, I wholeheartedly welcome it. The intention is good and we support the Bill. But it is better if it goes to the Standing Committee to improve upon its effectiveness.

Thank you, Deputy Speaker, Sir, for giving this opportunity.

SHRIMATI KAVITHA KALVAKUNTLA (NIZAMABAD): Thank you, Sir, for allowing me to speak on the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018.

As we speak, it is very sad to note that a child in this country goes missing every eight minutes and every year thousands of women, children, transgender and men are being trafficked into slavery, forced labour and prostitution on a daily basis. South Asia, with India at its centre, is the fastest growing and the second largest region for human trafficking after East Asia, according to the UN Office of Drugs and Crime. The US State Department had placed us as a tier two country in its Annual Report of 2018 because the conviction rate, investigations and prosecutions in this country are disproportionately low relative to the scale of human trafficking.

It is unfortunate this Government has been very, very silent on 1,11,569 missing children in 2016 year alone. Out of these 1,11,569 children, only 55,944 children were recovered and we have no data on the rest of the children, and the Government has never been vocal about this. I request the hon. Minister to be very empathetic to this situation and revert on that.

At this time and given the situation in this country, I truly welcome this Bill. I support this Bill on behalf of my Party, TRS for four reasons mainly. One, in our country, we never had a proper framework to prevent trafficking and we did not have a proper legal framework for protection of victims and witnesses. We did not have a framework or a time bound way to prosecute the offenders.

We also did not have a mechanism for time bound rehabilitation and repatriation of victims. This Bill promises us to provide all the four.

When we speak particularly about prevention of trafficking in persons, this really goes in concurrence with the hon. Prime Minister's idea where he has identified 115 districts and he is trying to develop the most distressed districts of the nation. So, formulating capacity building programmes can certainly empower the vulnerable population and we can prevent trafficking to a great extent. So, I certainly welcome this move.

Of course, when it comes to the protection of victims, this has never been the interest in various laws which we have.

Our learned friend, Shri Shashi Tharoor and many other hon. Members have said that we do already have certain laws which speak about the provisions of the same Bill. But they do not speak about the victims or protection of the victims as this Bill does. This Bill proposes to establish a National Anti-Trafficking Bureau which is a very, very welcome move. The National Anti-Trafficking Bureau will not only work at the national level also but will have its offices and network at the State and district level which will directly interact with the people and the vulnerable sections of society. So, this again is a very welcome move. The best part of this Bill is that the identity of the victims and witnesses will be protected with the help of the local police and officers.

Now, I come to a part of the Bill which deals with prosecution of offenders. All of us know that we have a law for each and every crime in India. We also have laws for the most heinous crimes as well. But why people are

not afraid of committing any crime is because they are never brought to justice. The cases are stuck in courts for years and year and by the time justice is rendered, it is too late. The best part of this Bill and for which I truly appreciate the hon. Minister's efforts in adding this clause in the Bill so that the offenders would be brought to justice just within one year. The designated courts are given in each and every district for this purpose. Moreover, special public prosecutors will be chosen to make sure that this process goes on very well.

Sir, a very interesting and important part is, and here the sensitive side of the Government is revealed, when the hon. Minister has allowed to provide for in-camera trial and video conferencing trial. Usually, victims and witnesses have a very sensitive kind of a situation where they cannot personally be attending the court. Allowing this trial is a true pathbreaking scenario in this Bill.

Of course, when it comes to rehabilitation of rescued victims, many of the hon. Members have said that it is again an approach of taking the victims and putting them in the State Homes. But what else can a Government do and how else does it work? This Bill has also tried to address this issue to a greater extent by involving various communities and NGOs. This is the first step. So, I believe that we should all give this Government a chance and support this Bill.

Meanwhile, I do have certain suggestions to make. The Union Home Ministry has already done a great deal of job and they do run a separate website to control this human trafficking problem. They have set up anti-human trafficking units in almost 264 districts of this country. The hon. Home Minister,

Shri Rajnath Singh is planning to increase their number to 332. So, there should be a synergy between the Women and Child Development Ministry and the Home Ministry. Since these Short Stay Homes are already set up and Anti-Human Trafficking Units are already set up, we do not need to spend more money again.

Another initiative by your honourable self is that you have also set up Short Stay Homes and Swadhar Greh across the nation and about Rs.50 crore is the budget which is given to these Swadhar Greh this year. These Swadhar Greh can also be utilized as a part of this Bill.

There is an issue, which has truly disappointed most of the people of this nation. This is a very organized crime. If they have to traffic one girl, the *mafia* lay eyes on her and waits for six to eight months to make sure that she is convinced that the boy is going to marry her and send her across. So, this is a very organized crime. So, the response of the Government should be very, very organized. It means that we have to go to the very root of the issue. Madam, I have been very disappointed because when I look at the figures, majority of the trafficked people are either sent to do laborious jobs or to the prostitution houses. Madam, your Ministry has apparently never interacted with any labour organization, where majority of the victims are sent. Madam, your Ministry has never interacted with the industry properly. So, I request that at least during framing of rules for this Bill kindly interact with the labour organizations. As Shri Tathagata Satpathy was saying, even in my city of Hyderabad I myself see a major influx of labour from various neighbouring

States like Andhra Pradesh and Maharashtra. Once this labour come in, they do not come in forcefully, they do want to come in wilfully. So, kindly look into that issue.

There is one more issue to which I want to draw your attention. Whenever a crime of drug trafficking or human trafficking occurs, many times foreign nationals are involved. This Bill does not talk about this aspect of foreign nationals being involved. So, my sincere request to the hon. Minister is to address this issue, that is, when a foreign national gets himself into this kind of a crime.

15 00 hrs

Now, I come to page number 14 – Chapter XII - of this Bill which speaks about offences and penalties. Clause 31(xi) says “by encouraging or abetting any person to migrate illegally into India or Indians in to some other country,”. This is a very draconian provision. I would sincerely urge upon the hon. Minister to kindly look into it and get it removed.

Thank you so much.

SHRI MD. BADARUDDOZA KHAN (MURSHIDABAD): Hon. Deputy Speaker, Sir, I support this Bill with a request to refer it to the Standing Committee for a better legislation.

Trafficking of human-beings is the third largest organised crime in the world violating the basic human rights. About ninety per cent of the trafficking problem in India is internal. Vulnerable groups are lower caste dalits, members of tribal communities, women, children and migrant workers. Home Minister, Shri Ranjnath Singh, had said on 7th October, 2015 that 'it was shocking that people are sold like cattle stock and bonded labour and it is still rampant in India.' Our Home Minister told how grave the situation is.

There are so many Acts, legislations and laws in India to combat trafficking, but every year, trafficking is increasing. Now, it has attained a multi-dimensional character. In 2012, the number of cases registered was 3,554 and in 2016, the number of cases registered was 8,132. There has taken place a big jump in the figures.

In the Statement of Objects and Reasons of the Bill, it is said that this is primarily fuelled by poverty, illiteracy and lack of livelihood options. Then, the Government must confess that poverty, illiteracy and lack of livelihood options are increasing in our country every year. At least, it exists in our country in a huge number. So, if we want to stop trafficking, we should try to eradicate poverty and illiteracy. It is a shame to our country when we are going to celebrate 75 years of our Independence in 2022.

Now, I come to some of the clauses of the Bill. The biggest lacuna in the Bill is the absence of a comprehensive definition of 'trafficking'. Trafficking for the purpose of a forced marriage is not included in this Bill. In clause 31(v), it is mentioned in the form of trafficking for a marriage, but forced marriage is not mentioned. In clause 34, it is mentioned that the owners of the places and conveyance used for trafficking will face rigorous punishment. There is a chance of misusing this clause. It is hard to prove a place used for trafficking, knowingly or unknowingly. How will the conveyance owner be liable, if it is a bus or a rented taxi? Parents' home may also be treated as a place of exploitation and be sealed. There is a chance of this kind of happening also.

In clause 10, the responsibility of anti-trafficking unit at the district level and the officer in-charge of the concerned police station is mentioned, especially in sub-clause 10(3). Here, the role of the officer in-charge of the police station is very crucial, but I am sorry to say that in many cases, role of OC or IC is not helpful. OC will register the FIR under Section 154 of the Code of Criminal Procedure, 1973, but some of the officers misbehave with the victims and do not want to register the complaints initially. When some organisations or political parties come in favour of such victims, only then the case is registered by the police. So, in this Bill, there must be some provision of instant punishment to such police officers.

So far as protection and rehabilitation is concerned, the system of licencing the protection homes, special homes as well as placement agencies has been placed most casually. Sometimes, these homes are the sources of

trafficking and immoral work, instead of putting a check on the crime. It must be addressed in this Bill.

Women who are victims of commercial sexual exploitation may not be able or willing to come out of it, but they are not necessarily offenders. The law must protect their basic human rights in the matter of health and education of their children and civic documentation, such as Aadhar, and ration card. Acknowledge the critical role of NGOs to support and collaborate in combating trafficking.

I have two suggestions finally. There is a lack of awareness among the poor people about trafficking. Those who are trafficked are not aware of it and the children are also not aware about it fully. I have a suggestion towards this. We have to create awareness among our children at the school level through teachers and special educators. If we can do it, it will prevent trafficking. Please set up a legal assistance committee with the help of lawyers to help the victims. You can do it at least at the sub-divisional level. Then, it can be prevented.

Finally, I draw the attention of the Minister towards clauses 9 (1) and 9 (2). Both these clauses are the same. I do not know as to why we need two similar paragraphs.

With these few words, I conclude.

SHRIMATI SUPRIYA SADANAND SULE (BARAMATI): Thank you Mr. Deputy Speaker Sir. On behalf of my Party I stand here to support this Bill. Obviously, I do not think anybody in this House would oppose this Bill because it is in the interest of the nation, of our children and women.

I was going through some very alarming data from the Home Ministry. It said that the number of persons arrested for trafficking was 10,000; the number of persons chargesheeted was 7,292; and the number of persons convicted was only 159. As we are all aware, this is not a political issue. This is a social issue. I appreciate the Ministry's intervention in bringing this very important Bill. But I only have a few concerns about this Bill because it is about human trafficking. When anybody is trafficked, it is merely a compulsion on that person. It is not out of somebody's will. The intent of the Government is very noble of giving so much authority to the police, which is much appreciated. But I would like to know how this entire administration of a district will be done. In the Bill there is a talk about anti-trafficking unit. Will they use it for emotional quotient? Will this be a normal police who will be a part of anti-trafficking units? Will they be aware of the sensitivity of the issue? Women who have been through trafficking go through a lot of mental trauma. Will there be an NGO, which has been mentioned? What kind of NGOs? It is because in other issues, like adoption, a lot of wrongdoing has happened. The intent is very good. Nobody wants any child to be adopted wrongly. In adoption what has happened is in every District Committee, there are two NGOs. In that Committee, there are some NGOs who are involved in adoption. So, it

becomes a big racket. So, the person who gives children for adoption is on the Committee. So, the Collector is on his side and he is the final authority. So, a lot of wrongdoing happens in adoption. I hope the same thing does not happen here. Sitting in Delhi we make legislation for the whole country. But the implementation bodies are going to be States. So, the noble intention of the Minister and the Ministry may be very good. But on the field, is there going to be some police sensitisation being done about this? It is because the police throughout the country may not be aware of what really the intent of this Bill is.

Actually I hang my head in shame while giving this example. But in Maharashtra, when a woman went to the police station, she was exploited by one of the police officers. So, in such a ghastly situation, are they the only authorities to do this? This is an isolated example. It does not mean all the police are bad. But I think these are little loopholes that we must cover and see how more we can strengthen the trafficking laws. She has extensively talked about rehabilitation, which is a very welcome move. Only yesterday Shrimati Ranjeet Ranjan talked about what happened in a home in Bihar, what happened in Jharkhand over conversion. These are very complex social issues. What happened in Jharkhand and Patna last week are not political issues. So, how do we integrate these things because in every place a legislator cannot be there? How do we make everybody accountable? There has to be a message on top which says we are going to have zero tolerance towards trafficking and it has to be done in a very fair and transparent manner.

As regards rehabilitation, the fund that she has talked about is a very small fund for a size of this nation. Are the States going to contribute to it or will there be enough funds to get counsellors? Okay, she is confirming that there will be. So, I welcome that step if everywhere we are going to get good and qualified counsellors. But is India ready for such a good counselling? Who are going to be the counsellors? Who is going to choose them? If she could throw a little light so that we could feel more comfortable and rest assured that the intent is very good.

As regards the big issue of transgender, it is not an issue that is so easily discussed in this House. I worked very closely with transgenders for several years. Especially, in Mumbai, we have very large issues of transgenders. Now, there is nothing really openly said about them. Would the hon. Minister kindly address the issues of transgenders as to how they will be protected? I am asking this because they are completely left out.

Further, please do not call them 'others'. It is my humble request to you. It has to be a 'male', 'female' and 'tg'. It would be a little kind if you do not call them 'others' because they are not 'others'. So, I would appreciate that, and I am sure that she will look into it.

As regards the other issue of social integration, if somebody is trafficked and brought back, then you will give her a fair hearing. How will you socially integrate her or him back into the society? It is easy for 'him' to integrate in the society, but it is very hard for a woman to get socially integrated back into the society.

Why does this all happen? It only happens because of economic situations. Especially, there is a very good example in Goa. There is a very good NGO who has brought all the sex workers together in Goa, and they run a very fine laundry where they are making so much money that no woman really wants to become a sex worker any more, and no woman wants to be a sex worker. This is not something that she does out of choice. She does that either to feed her children or to protect her family. Why else would she do it? If the hon. Minister could do something even for sex workers, then I think it will be much appreciated.

The Bill talks about jurisdiction of the Magistrate inter-State. If you could kindly clarify how it would work inter-State. If somebody is caught in one State and sent back, then how will the jurisdiction work? So, there should be nothing grey left about it.

Many people have talked about how we would cover issues, which are abroad. I would not repeat them, but there is one question that I would ask the hon. Minister to kindly clarify. She has talked about surrogacy and child marriage. One question was human body exploitation. We see kidneys being robbed, and so many such things. If she could kindly clarify for our satisfaction as to what would be the thinking on this issue.

Now, adoption and surrogacy are the new trends in society today. So, when a child is adopted, will we be 100 per cent sure that the child is not trafficked from any home, any place or even abroad for that matter?

The District Administrator and the Magistrate has been given a lot of importance. Adoption is mainly done through courts so far. She has given a lot of authority so that the paperwork becomes much less. Hence, I appreciate and respect her intent, but I would like to know this. Our District Administrators already have a big administrative set up. Will he or she have enough time to devote to these issues? I am asking this because these are very sensitive issues. If the hon. Minister could give us a broad view on what you think about this issue.

Lastly, I would like to make a point where, in Maharashtra, we have a very good success story about this. Pratham is one of the largest organisations in Maharashtra, which is an NGO that the whole country refers to and we often report for education. They did a very fine programme with the Home Minister, Mr. R. R. Patil, who, unfortunately, is no more the Home Minister. We made several shelters for children and we brought down child labour and trafficking substantially in Maharashtra. So, it has been one of our success stories, and all Governments after that have followed it. Could we do a programme like this where we could call a very refined NGO to work with the Home Ministry and Ministry of Women and Child Development to really make a difference? Can we make sure that every child and woman is protected, and we feel as a proud nation where we can say that? Yes, trafficking was a history and it does not exist in our country anymore. Thank you very much.

SHRIMATI KOTHAPALLI GEETHA (ARAKU): Thank you, Deputy-Speaker, Sir, for giving me this opportunity to speak on the most important legislation pertaining to human trafficking.

15 14 hrs

(Shri Ramen Deka *in the Chair*)

The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 is quite illustrative and certainly designed to curb the social evil of trafficking. I wholeheartedly appreciate the Ministry of Women and Child Development and the hon. Minister who has put in special efforts and conducted various consultations with domain experts and civil society organisations in drafting this Bill.

The Bill incorporates prevention, rescue and rehabilitation for various aggravated forms of trafficking like forced child labour, forced marriage, sexual exploitation, organ trade, forced surrogacy, forced begging, etc.

I feel that for the first time it has given clarity to the term 'trafficking' in the Indian history. This subject is very close to my heart as day in and day out we keep listening to many stories of exploitation of women and children. Sometimes I feel very upset about the current situation as the present law is not stringent. We finally end up in punishing the sufferers leaving the actual culprits.

Human trafficking is the third largest organized crime, as some of my colleagues have stated, after drugs and the arms trade across the globe. The 2016 NCRB statistics suggest that 8,132 cases of trafficking were reported across the country, with the number of victims rescued being 23,117. Sir, 45

per cent of these victims were trafficked for the purpose of 'forced labour', and 22 per cent for 'sexual exploitation for prostitution'.

At this juncture, I would like to draw the attention of the august House to an article published in "The Hindu", a full page article called "Araku Valley's Dark Secret". This is my constituency, Araku. It pertains to the trafficking of women and children from the tribal areas to New Delhi, Goa, Mumbai, Bangalore and Hyderabad. This is being done in an organised manner for a long time. Most of these women who are being subjected to trafficking are minors and their stories are heart touching. I could not stop the tears in my eyes reading their stories. I was quite anguished with the situation; I met some officers; I tried to actually address this issue but it resulted in vain. Nobody took serious cognizance of this crime which has been going on in an organised manner

This Bill goes a step further in addressing the issues of trafficking from the point of view of prevention, rescue and rehabilitation. It has also defined "aggravated" forms of trafficking, which includes trafficking for the purpose of forced labour, begging, trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity, trafficking of a woman or child for the purpose of marriage or under the pretext of marriage or after marriage, etc.

Recently, I have attended a Conference of Survivors of Trafficking from almost six to seven States, organised by the Prayas, an NGO. The survivors have narrated their stories in the Conference; they are very heart touching;

survivors have explained their pathetic heart touching stories. They have been subdued by the people who are actually involved in these types of organised crimes, and they feel that these people who are actually involved in these organised crimes escape without any punishment. Survivors are subjected to a lot of punishment. Delivery of justice in time is one of the major issues. Some cases have been going on for years together. Victims lose their lives while attending the court proceedings. When someone wants to marry, they are not able to do so because they are subjected to court cases; they have to attend the court proceedings and nobody comes to their rescue. So, I fully appreciate the 90-day time frame for completion of investigation and strong mechanisms for rehabilitation of victims. This clause must be emphasised and ensured so that it will be implemented in true spirit.

I appreciate the move to constitute a Rehabilitation Fund which would be maintained and monitored by a high level National Anti Trafficking Relief and Rehabilitation Committee. At this juncture, I would like to request the hon. Minister, through you, this. Clause 13(2) says that the District Anti Trafficking Committee shall consist of the following, namely, the District Magistrate as the Chairperson. But I would like to request the hon. Minister that the Member of Parliament should be the Chairperson of this Committee because this is mostly a social evil. We, as the representatives of the people, will be able to take this issue forward, create awareness in the society. We will be more helpful in creating an impact.

It is also a welcome step to delink rehabilitation from criminal proceedings and enable extension of rehabilitation services to the survivors whose criminal proceedings fall through for no fault of their own and who may not wish to participate in criminal proceedings at all.

Protection of victims and witnesses is also a prerequisite to deliver justice. The Bill in its very procedure maintains the confidentiality of the victim which I truly appreciate. The designated court may record the statement of victim through video conferencing in any case where the victim is unable to appear before the court for the reasons of safety or confidentiality.

To conclude, the provisions listed in the Bill are very important and the enforcement of this legislation will curb the menace of trafficking in India which is a social evil and which is affecting the lives of millions of citizens.

SHRI DHARAMBIR (BHIWANI-MAHENDRAGARH): Sir, I have gone through the entire text of the Bill. I support the Bill in general but I have some very important basic points to make.

Sir, nobody goes into trafficking and prostitution willingly. The very fact is that one per cent of Indian corporates owns 73 per cent of India's total wealth. Every day, more and more people are being thrown into penury, exploitation and very destitute state every year. In this situation, it is this vulnerable section of the society which is compelled to go into this type of trafficking and prostitution.

If we are really to fight out this menace, we have to create a very equitable society so that nobody goes into these dirty jobs by compulsion.

Secondly, if the Government is at all sincere about tackling this problem, my first suggestion is that lakhs of children who have disappeared during last ten years should be considered as having gone into trafficking and should be investigated and the cases should be registered. Every case should be investigated on the lines of trafficking. All the inmates of brothel houses should be investigated and these gangs should be busted which buy them and bring them to the brothel houses. It is not today's problem. This problem has been there for decades.

Thirdly, as regards the implementation and rehabilitation programme, the record of the Government is not very clear. I have seen One Stop Centres and Rape Crisis Centres, they are not being taken care of properly in my city of Patiala, not much funds have been released and not proper centres have been

established. I request the Government to be sincere on rehabilitation programme.

Lastly, my point is about the unhindered powers are given to the police and the bureaucracy. There are chances that the powers may be misused for political vengeance. I think that all steps should be taken, the Bill should be sent to the Standing Committee and all precautions and measures should be taken so that this Bill is not used against any particular opponent.

श्रीमती मीनाक्षी लेखी (नई दिल्ली) : महोदय, आपने मुझे बोलने का अवसर दिया, इसके लिए आपका धन्यवाद। मैं व्यक्तियों का दुर्व्यापार (निवारण, संरक्षण और पुनर्वास) विधेयक, 2018 पर बोलने के लिए खड़ी हुई हूँ। व्यक्तियों की तस्करी, मानवदेह व्यापार के विरोध में जो कानून बना है, यानी इसकी रोकथाम के लिए, इसकी सुरक्षा के लिए तथा पुनर्वास के लिए जो कानून बना है, मैं उसके पक्ष में चर्चा करने के लिए खड़ी हूँ।

मैं माननीय मंत्री श्रीमती मेनका संजय गांधी जी को बधाई देना चाहती हूँ और धन्यवाद देना चाहती हूँ कि उन्होंने दबी, कुचली आवाजों को सुना और उन दबी, कुचली आवाजों को इस संसद के सदन तक लाने के लिए जो विधेयक पारित करने की माँग की है, वह समयानुसार बिल्कुल सही है। इस तस्करी की रोकथाम, बचाव और मानव तस्करी के शिकार जो व्यक्ति हैं, उनके पुनर्वास की देश में कोई व्यवस्था नहीं थी। यौन शोषण के व्यापार में अगर हम बुनियादी स्तर पर देखें तो जिसको मॉडर्न जिन्दगी के अंदर मॉडर्न स्लेवरी का नाम भी दिया जा सकता है, उनके साथ बिल्कुल दासों जैसा व्यवहार किया जाता है। बलपूर्वक, बहला-फुसलाकर उनको ऐसे काम करने पर मजबूर किया जाता है, जो कि वह व्यक्ति अपने होशो-हवाश में कभी नहीं करता।

अगर हम ग्लोबल आंकड़ों की बात करें तो उसके मुताबिक 70 से 80 प्रतिशत तक जिन लोगों को इस व्यापार में धकेला जाता है, उनमें ज्यादा से ज्यादा केसेज देह शोषण के हैं। Trafficking for labour, trafficking for other purposes also happens but 70 to 80 per cent cases are of sex trafficking, trafficking for the purposes of gratifying human beings through sexual offences. About 50 per cent of people who are pushed into this act are children. The House has been discussing the issue of lynching for some time. If you look at the data in detail you will come to know that there has been a rise of about 30 per cent in child abduction cases. देश में ऐसे केसेज की संख्या 30 प्रतिशत बढ़ी है। यह संख्या उन बच्चों की है, जिन्हें बहला-फुसला कर, घर से भटका कर ले जाया जाता है। इन तमाम केसेज के अन्दर जो चार्जशीट है, वह केवल 40.4

प्रतिशत केसेज में ही दाखिल होती है। उन 40.4 प्रतिशत केसेज में से भी जिन केसेज के अन्दर कन्विकशन है, वे केवल 22.7 प्रतिशत है। हर एक लाख में से 24 बच्चे इस तरीके की दुर्घटनाओं के शिकार हो जाते हैं और ऐसे में उनका बचपन खराब किया जाता है। इस प्रकार से मानव अधिकार से वंचित जो शारीरिक शोषण है, उसके खिलाफ हम सब यहां एकत्रित हुए हैं। मुझे लगता है कि इस हाउस का हर व्यक्ति इसके विरोध में है। अमानवीय यातनाओं से जो करोड़ों-करोड़ बच्चे-बच्चियां अपना खोया हुआ बचपन आज़ादी के साथ तलाशना चाहते हैं, उनके रिहैबिलिटेशन का कोई मैकेनिज्म नहीं था। मुझे लगता है कि जन-प्रतिनिधियों से, हम जितने लोग यहां बैठे हैं, हम सबके क्षेत्र से और पूरे देश की हम से यही इच्छा, आकांक्षा और प्रश्न होगा। उसके लिए कुछ लाइनें हैं नज़ीर अक़बराबादी की, जिसे मैं आपके सामने बताना चाहती हूँ –

“किधर छुपे हो, जरा मुँह तो हमको दिखलाओ,
हमारे हाल के ऊपर भी कुछ तरस खाओ,
सबों से सुनते हो, हर एक से कहते हो आओ
हम सब लोग लोगों को इंडाइट करते हैं, पूछते हैं।

सबों से सुनते हो, हर एक से कहते हो आओ,
खुदा के वास्ते जीने की राह बताओ,
हमें भी कहनी है, कुछ तुमसे बात - कोठे पर।”

ये जो बचपन है, ये जो लड़कियां हैं, ये जो मासूमियत के चेहरे हैं, जो कोठे पर धकेल दिए जाते हैं, आज हम सब उनके पक्ष में खड़े हुए हैं, उन मासूम जिंदगियों के पक्ष में, जो मानव तस्करी की शिकार हो रही हैं। इस सदन में बैठे हुए लोग समाज के जिम्मेदार लोगों से ज्यादा कहीं अधिक जिम्मेदार हैं क्योंकि देश का कानून बनाना हमारा केवल अधिकार ही नहीं है, बल्कि कर्तव्य भी है। इसलिए हमें इसमें जहां-जहां गैप्स दिखाई देते हैं, जहां-जहां हमें लगता है कि ये सुधार समाज में होने चाहिए और समाज के सुधार को हम कानून-व्यवस्था के अन्तर्गत ले आएंगे। उसी गैप्स को भरने के लिए यह कानून-व्यवस्था बनी है और हम सब उसी काम के लिए यहां पर खड़े हैं और यह हमारा फर्ज बनता है। उसी फर्ज को आगे बढ़ाते हुए लॉमेकर्स होने के साथ हमें ऐसे सख्त कानून

बनाने की जरूरत थी, जिसमें जो लोग मानव तस्करी से जुड़े हैं, उन्हें सख्त-से-सख्त सजा मिलो साथ ही, उनके मन में वह दर्द भी है, जो उन मासूम चेहरों को देखते हैं कि उन्हें रिहैबिलिटेड किया जाए।

शशि थरूर जी अभी सदन में नहीं हैं, लेकिन इससे पूर्व उन्होंने एक बात कही, जिस पर मुझे लगा कि मुझे उस पर टिप्पणी जरूर करनी चाहिए। उन्होंने कहा कि ऐसे व्यक्तियों को उनके परिवारों के साथ भेज दिया जाना चाहिए। मैं एक केस का जिक्र करना चाहती हूँ, जो कि मेरा आँखो-देखा केस है। यह आज से बीस वर्ष पूर्व का केस है। असम की एक लड़की थी और फिरोज नाम के व्यक्ति ने उसके माँ-बाप से उसे पाँच हजार रुपये में खरीदा था। उस लड़की को यह कह कर कि तुम्हारे साथ विवाह हो गया, निकाह करके उसे यहां ले आया और उसके बाद उसने उसे प्रेगनेंट कर दिया। 14 साल की बच्ची प्रेगनेंट हुई और उस लड़की को दो बार बेचा गया। पहले उसके तथाकथित पति ने खरीदा। उसके बाद उसने मेवात ले जाकर उस लड़की को बेचा। उसके बाद एक और व्यक्ति को वह हरियाणा में बेच दी गयी। उसके बाद उसका रेस्क्यू किया जाता है, उसे रिकवर किया जाता है। वह केस आया, क्योंकि वह लड़की तीन महीने से ज्यादा की प्रेगनेंट थी। जब उससे एबॉर्शन की बात की जाती थी तो वह अपने पेट पर हाथ रख कर कहती थी कि यह मेरे स्वामी का है, इसे एबॉर्ट नहीं करना है। उस लड़की ने खाना-पीना एवं सब कुछ बंद कर दिया था। जहाँ पर देह व्यसन के व्यवसाय की बात होती है, सब इसकी करते हैं; गरीबी, मजबूरी ऐसी स्थिति है जहाँ पर परिवार शामिल होता है और जब परिवार शामिल होता है तो उन परिवारों के पास उन बच्चों को कभी भी नहीं भेजा जा सकता है। ऐसे में जिस निगरानी की आवश्यकता है, उन्होंने एक और बात कही, इस देश में ब्यूरोक्रेटिक सेटअप खड़ा कर दिया है, आपने उस ब्यूरोक्रेसी को और बढ़ा दिया है। भाई, आप मुझे एक बात बताइए कि देश की सरकारी कानून-व्यवस्था क्या ब्यूरोक्रेसी के बिना चल सकती है? क्या आप और हम उनको अपने घर में रखने की जिम्मेवारी ले सकते हैं? ब्यूरोक्रेसी को तो साथ लगना ही पड़ेगा, बिना ब्यूरोक्रेसी के इन चीजों का कोई सॉल्यूशन नहीं है और जब ब्यूरोक्रेसी को साथ रखा जाएगा तो आपको एक व्यवस्था खड़ी करनी होगी जिसमें संसद

सदस्यों के अपने कर्तव्य होंगे, राज्य सरकारों के अपने काम और कर्तव्य हैं, डिस्ट्रिक्ट कमेटीज के अपने काम और कर्तव्य हैं। अगर आप आज का अखबार उठा कर देखें तो नेपाल की 16 लड़कियाँ को मुनिरका गाँव से रिकवर किया गया है, जो कि मेरे क्षेत्र में आता है। आप अंदाजा लगाइए कि वे लड़कियाँ नेपाल से चली हैं, जिन्होंने अंतर्राष्ट्रीय बॉर्डर क्रॉस किया, झारखंड, बिहार तथा उत्तर प्रदेश राज्य को पार करते हुए वे लड़कियाँ दिल्ली पहुँची होंगी। दिल्ली उनकी फाइनल डेसटिनेशन हो सकती है और हो सकता है कि कमाटीपुरा, मुम्बई उनकी फाइनल डेसटिनेशन हो या गोवा हो। इतनी सारी इंटर-स्टेट एजेंसिज और इंटरनेशनल एजेंसिज हैं, जब तक आप उनके पीछे एक एजेंसी के रूप में खड़े नहीं होंगे, तब तक आप उस पर किसी तरीके का नियंत्रण नहीं कर सकते हैं। आज उसी एजेंसी को खड़ा किया गया है, क्योंकि इसमें एनआईए और होम मिनिस्ट्री डायरेक्टली इनवॉल्वड हैं और वे डायरेक्टली इसके ऊपर कार्रवाई कर रहे हैं। सिर्फ यही नहीं, जहाँ पर डिस्ट्रिक्ट लेवल कमेटीज हैं और पैरलल सिस्टम की बात हुई तो आपको पैरलल सिस्टम इसलिए खड़ा करना पड़ेगा, क्योंकि आज का जो सिस्टम है, वह चरमरा रहा है।

अगर देश में लेबर लॉज, जैसा उन्होंने वर्ष 2010-11 के कानूनों का वास्ता दिया कि ये सब कानून उपस्थित हैं, इसलिए आपको नए कानून की आवश्यकता नहीं है। अगर वर्ष 2010-11 का कानून तथा व्यवस्था काम कर रही होती तो वाकई इसकी आवश्यकता नहीं थी। परंतु देश के सामने आँकड़े हैं, देश के सामने समस्या है, जाहिर तौर पर आँकड़े बताते हैं कि वह व्यवस्था काम नहीं कर रही है और वह कानून अपने आप में काफी नहीं है क्योंकि कभी भी आज तक रिहैबिलिटेशन की बात नहीं हुई और इस कानून के माध्यम से स्किल ट्रेनिंग की भी बात हो रही है। आप जब तक किसी को स्किल ट्रेनिंग नहीं करेंगे, मजबूरन बहुत लोगों को इस तरफ जाना पड़ जाता है, क्योंकि उनको एक विक्टिम के तरीके से नहीं, बल्कि परपेट्रेटर के तरीके से देखा जा रहा है। अगर आप उनको विक्टिम के तरीके से देखें और उनको आल्टरनेट जॉब या आल्टरनेट एक्टिविटीज के लिए तैयार करें, तो शायद इसके ऊपर काबू पाया जा सकता है। यही कारण है कि इस कानून को उन सारी व्यवस्थाओं की दृष्टि से लाया गया है। इन सभी को अंजाम देने के लिए

और उन सभी दरिंदों के हौसले पस्त करने के लिए, जो इस तरीके के देह व्यवसाय में लगे हैं, इस कानून को लाया गया है।

महोदय, यह दुनिया का तीसरा ऑर्गनाइज्ड क्राइम है। उपयुक्त कानून, अनुकूल तंत्र, समर्पित पुलिस, कोर्ट की व्यवस्था जिसके तहत एक साल के अंदर इन मुकदमों को सुन कर खत्म करने की ट्रायल की व्यवस्था है और तहकीकात को भी समयानुसार सात दिन के अंदर पूरा करने की व्यवस्था है। अतः, मुझे खुशी है कि श्रीमती मेनका गाँधी जी के नेतृत्व में महिला एवं बाल विकास मंत्रालय ने इस पर गहन विचार किया है और विशेषज्ञों की राय लेकर एक रास्ता ढूँढने की कोशिश की। इसके लिए रास्ता ढूँढना इसलिए आवश्यक था, क्योंकि लीगलाइजेशन ऑफ सेक्स ट्रेड के लिए जो ऑर्ग्यूमेंट्स दिए जाते थे, उन्हीं ऑर्ग्यूमेंट्स को ध्वस्त किया है। आपको एचआईवी का ट्रीटमेंट करना है, आपको लीगलाइजेशन ऑफ सेक्स ट्रेड की जरूरत नहीं है। आपको रिहैबिलिटेड करना है, लीगलाइजेशन ऑफ सेक्स ट्रेड की जरूरत नहीं है। Ultimately, it cannot be a profession. Nobody wants their children to go into sex trade. If I do not want my children to go, how can I tell some body else's children to go? It is not a trade; it is not a profession and the country thinks very strongly that this is not a profession.

जहां पर यकीन होता है, कुछ काम करने का जज्बा होता है, अगर यकीन हो तो कोई न कोई रास्ता निकलता है, हवा की ओट लेकर भी तो चिराग जलता है। यह ओट लेकर चिराग जलाने की कोशिश है, रिहैबिलिटेड करने की कोशिश है।

अंत में, मैं यही कहना चाहती हूँ कि जितने इसके प्रावधान हैं कि कंप्लेनेंट का नाम, विटनेस का नाम, विक्टिमस का नाम, सबकी आपको सीक्रेसी मेनटेन करनी पड़ेगी। नेशनल, इंटरनेशनल एलायंसेज को खत्म करने के लिए जिस तरीके की एक कवायद की जरूरत थी, उस पर गृह मंत्रालय ने बहुत अच्छे से काम किया है। प्रोटेक्शन, रिहैबिलिटेशन की बात हो रही है। सख्त कानून के साथ-साथ इंसानियत की गर्मजोशी मुझे इसे कानून में दिखाई देती है। इन दोनों का

सामंजस्य इस कानून में सफलतापूर्वक बैठाने की कोशिश की है। इसके लिए हम सभी एक सामूहिक प्रयास करें, तो प्रभावी हो सकेंगे।

My hon. Friend Shrimati Geetha said that it is a social evil. I completely agree with her that it is a social evil. Since it is a social evil, all of us have to combine our efforts to deal with this menace. The law will do its own job; the police will do its job; the politicians need to do their job and give a firm voice to the voices which are not heard.

Thank you very much.

SHRI VINCENT H. PALA (SHILLONG): Thank you, Chairman Sir, for giving me the opportunity.

I will take only three or four minutes. I know the intention may be noble but the contents in the Bill are huge. It looks like an umbrella Bill but at the same time there are a lot of lacunae in the Bill. Therefore, I join hands with a lot of other hon. Members that this Bill should be sent to the Standing Committee and have an appropriate examination before being brought to the House. I am saying this because I have seen the experience of a very rich friend of mine in my own constituency.

A young lady and a woman came to his house. With the drawing of a Church, they came to ask him for some donation. As everybody knew, being a generous man, he gave them Rs. 2,50,000 for building the Church. He gave the money, tea and all in his house and sent them back home. Since they came by a taxi, he told his driver to drop them at the station. Later on, this lady and the girl were caught from a hotel. When they were caught in the hotel, interrogation started. They found that they came from his house. So, his car was seized, his driver was arrested, his house was also raided, and he was almost in jail but he got a bail. Even the DG had to resign. This is the best example of how the law can be misused. So, the knowledge which comes with examination by a Standing Committee is not there and based on this example the Minister should consider my request.

In my constituency, I have gone to many rehabilitation centres. I have found that a majority of the victims do not want to go back but many of them,

who came out of the problem and tried to work for four or five months, have been compelled to go back because of poverty and other problems. So, I think, the concerns of the victims should also be considered.

Those are the few things which I think the Minister will look into. I know, this Bill will become an Act but you would be making rules after that. The rules and regulations should be framed in consultation with the State Governments and stakeholders so that this Bill could be implemented in good spirit.

Thank you.

SHRI N.K. PREMACHANDRAN (KOLLAM): Thank you very much, Sir.

I rise to support this Bill. While introducing this Bill for consideration, in her opening remarks Madam Minister has specifically stated that this is a historic Bill as far as prevention of trafficking of persons is concerned. It has also been suggested that this is a comprehensive Bill dealing with this matter. Madam has also made a statement in the House that wider consultation has been done.

She has said that 60 NGOs, a number of stakeholders and even Members of Parliament were consulted. We are having a parliamentary system of governance in legislation and as per the Rules of Procedure as well as the convention of this House there is a concerned Standing Committee. When the Government is consulting the NGOs, stakeholders and even MPs individually why is the Government hesitating to refer the matter to the Standing Committee so as to have a close scrutiny of the entire provisions of the Bill? This is the first question that I would like to ask to the hon. Minister through you.

This is an original Bill having 58 clauses. It is a big Bill. In one sense it is good also and I support it. A historic Bill having comprehensive legislation in respect of trafficking of persons, original Bill having 58 clauses is being consulted in the public domain but is not being consulted in the Standing Committee means that you are undermining the authority of the parliamentary Standing Committee. Why has it not been sent to the Standing Committee?

My first suggestion to the hon. Minister, through you, Sir, is that this Bill may be sent to the Standing Committee for having a close scrutiny of the entire provisions of the Bill.

Coming to the Bill, I do accept that trafficking of human beings is one of the largest organised crimes violating the human rights. To root out and eradicate the human trafficking, I definitely agree with the hon. Minister that a comprehensive legislation is absolutely essential. So, the first question which I would like to highlight is whether this Bill is sufficient to meet the situation. Mr. Chairman, Sir, my answer is, the Bill is neither comprehensive nor clear. This is the first point which I would like to make.

What does the Bill intend to do? The Bill intends to prevent the trafficking of persons, to prosecute offenders, to provide care, protection and rehabilitation to the victims of trafficking. As per the Bill, what are the forms of trafficking? Different forms of trafficking are; trafficking of persons for sexual exploitation, trafficking for physical exploitation and other forms of exploitation like forced labour and bonded labour. According to the hon. Minister and the Statement of Objects and Reasons of the Bill, in order to meet, combat or to arrest the situation, the Bill creates a conducive, legal, economic and social environment for the victims of trafficking and provides an institutional mechanism at district, State and national level for prevention, protection, investigation and rehabilitation. It also provides for the Rehabilitation Fund for the welfare of the victims of trafficking. Unfortunately, the fund earmarked in the financial memorandum is just Rs.10 crore. As Dr. Shashi Tharoor has

said, the intention and the sincerity of the Government is very clear out of it. Finally, we have the penal provision thereof, for those who commit or attempt to commit or abet the offences. This is the crux of the Bill.

Sir, my first concern with regard to the Bill is, the legislation lacks clarity as there are multiplicity of institutional mechanisms to coordinate various agencies to prevent, investigate, prosecute and provide care and protection.

Sir, I may be given time so that I can substantiate my point with regard to the multiplicity of organisations. It is within the purview of the Bill. The first institutional mechanism is the National Anti-Trafficking Bureau. Clause 3 of the Bill says that the Central Government may, by notification, establish a National Anti-Trafficking Bureau. I may be allowed to quote Clause 3 (2) and I quote:

“The Bureau shall have police officers and other officers of such appropriate rank as may be necessary. ”

Who are the other officers? It is not clear. We are talking about the National Anti-Trafficking Bureau and how vague, ambiguous its structure would be, is very clear from the ill-drafting of the Bill.

Coming to the functions, they are explicitly explained in Clause 4 of the Bill. Sir, 25 functions are earmarked and if you see there is no specific function. We have only general functions of coordination, monitoring and surveillance. If you go through the functions of Anti-Trafficking Bureau, 25 functions are earmarked but ill-drafting of clause 4 is evident. A lot of repetition is there. I am not going to explain it.

Another officer is the State Nodal Officer. We have the State Anti-Trafficking Committee, the State Police Nodal Officer, District Anti-Trafficking Committee, District Police Nodal Officer, Anti-Trafficking Police Officer, Anti-Trafficking Unit, National Anti-Trafficking Relief and Rehabilitation Committee, etc. These are full of bureaucrats. There is no clear and distinct responsibility earmarked for each agency, except saying about the coordination and assisting all these agencies.

So, my point is that there are already so many existing legislations. Most of the hon. Members have already cited about it. I am not going into it. But, one point that I would like to make here is this. There is Sections 370 to 373 of Indian Penal Code, including Section 370A which was introduced in 2003, pursuant to the recommendations of J.S. Verma Committee and it was taken from the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.

HON. CHAIRPERSON : Please conclude.

SHRI N.K. PREMACHANDRAN : There are so many provisions. Most of the provisions in this Bill are just repetitions. I will conclude with two points in two minutes.

Sir, what is the logical basis of distinction between simple form of trafficking and aggravated form of trafficking? To me, there is no logical basis. Since there is no time, I cannot substantiate and explain.

Now, finally, I come to the general criticism about the Bill. Madam, kindly take it in a positive and in a constructive way. The Bill does not speak of a

provision where the customer or the client is punished for such trafficking. It mentions only about the party and the victim. As far as the customer or the client is concerned, there is no mention about it. The Bill is more crime-centric than human rights centric. Instead of streamlining the enforcement, the Bill intends to build institutional bureaucracy, bureaucracy by creating more than ten agencies. So, the Bill over-emphasises criminal response and does not give due consideration to the rights and needs of victims and their effective protection and proper rehabilitation.

So, once again, I submit to the hon. Minister that this Bill may be sent to the Standing Committee for having a close scrutiny. With these words, I conclude.

श्री जय प्रकाश नारायण यादव (बाँका): सभापति महोदय, आपने मुझे व्यक्तियों का दुर्व्यापार (निवारण, संरक्षण और पुनर्वास) विधेयक पर बोलने की अनुमति दी, इसके लिए मैं आपको धन्यवाद देता हूँ।

मैं माननीय मंत्री श्रीमती मेनका गांधी जी को बधाई देता हूँ कि इन्होंने एक अच्छा बिल समाज के लिए, देश के लिए और आने वाली पीढ़ी के लिए लाने का काम किया है। इससे अपराधियों पर नकेल कसेगी और उन पर कानूनी शिकंजा भी बढ़ेगा। माननीय श्रीमती मेनका गांधी जी समाज सुधारक होने के साथ ही मंत्री भी हैं। मानवों के अधिकारों का अतिक्रमण हो रहा है, अधिकारों पर हमला हो रहा है। अभी तीन दिन पहले बिहार के मुजफ्फरपुर की घटना जबर्दस्त मानव तस्करी की घटना है। वह घटना हमारी बहनों-बेटियों के साथ हुई है, जिस पर सभी का सिर झुका हुआ है। बिहार में कोई शासन और सुशासन का नाम नहीं है। वहां की स्थिति बहुत नाजुक है। पन्द्रह साल और बीस साल की बेटियों के साथ सामूहिक रूप से बलात्कार किए गए, यहां तक कि उन्हें मार डालने का भी काम किया गया। जैसे कभी महाभारत में दुश्शासन के द्वारा महिला का चीरहरण हुआ था, वैसे ही लगता कि आज मां-बहनों की अस्मत् लूटी जा रही है। मुजफ्फरपुर की घटना से हमारा सिर शर्म से झुक जाता है। दुष्कर्म की घटनाएं बढ़ती जा रही हैं। जब बिहार में ...* का राज था, ... * का राज था, ... * कहते थे, लेकिन आज वहां ... * और ... * साबित हुआ है। स्थिति बहुत ही नाजुक है। बिहार के सीतामढ़ी, मोतिहारी, बेतिया और मुजफ्फरपुर में नेपाल के रास्ते से बड़े पैमाने पर तस्करी होती है। बेटियों ने इसे उजागर करने का काम किया है, अखबारों ने भी इसे उजागर करने का काम किया है। ऐसी जानकारी मिली है कि बड़े पैमाने पर लड़कियों को देह व्यापार के लिए जबर्दस्ती लाया जाता है, आर्केस्ट्रा के नाम पर लाया जाता है और उन्हें बेचने का काम किया जाता है। इसके इंटरस्टेट लिंक बने हुए हैं। बिहार से झारखण्ड, झारखण्ड से दिल्ली, दिल्ली से छत्तीसगढ़ तथा अन्य जगहों पर लिंक बने हुए हैं। इस तरह से यह एक राज्य में, राज्य के बाहर और राज्य से देश के बाहर तक जा रहा है।

* Not recorded

सभापति महोदय, यह बहुत ही शर्मनाक बात है। सोशल अत्याचार बढ़ रहा है, देह व्यापार बढ़ता जा रहा है, तस्करी हो रही है, घृणित अपराध हो रहे हैं। बचपन बचाओ, बेटी बचाओ, हमें बच्चों का बचपन और बेटियों को बचाना होगा। मानव तस्करी हो रही है, बाल मजदूरी कराई जा रही है, इसके लिए गरीबी भी कारण है, अशिक्षा भी कारण है, जीविका का उपार्जन भी कारण है। दिल्ली में भी भीख मांगी जा रही है, उसकी आड़ में भी गड़बड़ी हो रही है। बच्चों को विकलांग करके, अंधा करके, छोटे-छोटे बच्चों की आंख फोड़ दी जाती है, उन्हें हाथ-पैर से विकलांग बना कर लाल बत्ती के पास भीख मंगवाने का धंधा किया जाता है। मानवाधिकार हमारा अधिकार है, हमें इसे बचाना है। आज इसके लिए पुनर्वास, कानूनी सहायता देने, शिक्षा एवं अन्य तरह की व्यवस्थाएं करना बहुत जरूरी है। खासकर एससी, एसटी और ओबीसी के जो बच्चे और बच्चियां हैं, उन्हें अशिक्षा के कारण गलत ढंग से प्रताड़ित किया जाता है। उन्हें परेशानी में डाला जाता है, इसलिए आज लड़कियों की तस्करी हो रही है, लड़कों की तस्करी हो रही है। हमें बचपन को बचाना है। बाल मजदूरी अपराध है। बिहार में ही नहीं बल्कि पूरे देश में मानव तस्करी और देह व्यापार की जो शर्मनाक घटनाएं हुई हैं, उसे सदन मजबूती से विचार करे और इस पर रोक लगाए।

DR. HEENA VIJAYKUMAR GAVIT (NANDURBAR): Sir, I thank you for giving me this opportunity.

I rise to support the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018. This Bill is actually the need of the hour and I congratulate the hon. Minister for having brought this Bill.

Human trafficking is a deplorable human rights violation that occurs worldwide. Trafficking in persons for labour and for sexual exploitation is a form of modern-day slavery and a human rights violation that constitutes a crime against the individual and the State.

I would like to share some figures with the House here. In India, almost 90 per cent of trafficking occurs domestically in the State, inter-State and 10 per cent outside the country. As per the Crimes in India Report, 2015, which was released by the National Crime Records Bureau, there are 8132 cases reported related to human trafficking in 2016. Some States have highest reporting which include, West Bengal, Tamil Nadu, Andhra Pradesh, Karnataka and also Maharashtra, the State from which I come. I think this was a concern of each and every person sitting here in Parliament. Human trafficking is a very serious issue which needs to be looked at. The Government has introduced this Bill. It is really commendable and I again congratulate the Minister.

Some really good steps have been taken. One of them is setting up of a National Anti-Trafficking Bureau. The Bill seeks to establish a National Anti-Trafficking Bureau for the prevention and investigation of the trafficking of

persons' cases and protection of the victims of trafficking. Even though, law and order is under the State supervision, trafficking is intra, inter and trans-national issue. Cases consisting of different source, transit and destination points, create difficulty in providing timely justice to the victims. Thus, cases involving multiple States will be dealt with by the National Bureau only if approved by the State Police Nodal Officer. The Bureau consists of a team of police officers and other experts to ensure effective discharge of their duties. In addition to this, the Bureau would develop and monitor a database related to trafficking, traffickers and other offenders connected with trafficking or persons, which can only be accessed by the State Governments and District level Committees.

The State Anti-Trafficking Committees will be constituted to oversee the implementation of the Bill to see whether it is happening properly or not. The District Anti-Trafficking Committee would exercise the power and perform functions in relation to prevention, rescue, protection, medical care, psychological assistance, need based rehabilitation of victims and redressal of grievances.

Coming to the State and District Police Officers, one very good initiative in this Bill is that a dedicated team of police officers will be working on this issue. There is a wide range of issues that police officers will have to look at and sometimes, these issues remain side-lined. I think this is a very good step that the Government has taken in this Bill.

There are certain specific offences which are mentioned in this Bill. They are trafficking leading to mental illness or disability, trafficking for the purpose of bearing child, trafficking leading to serious injury amounting to grievous hurt or death including suicide, trafficking of a pregnant woman or resulting into pregnancy, giving narcotic drugs or psychotropic substances or alcohol for the purpose of trafficking, administering chemical substance or hormones for the purpose of attaining sexual maturity and exploitation, punishment for keeping a place of exploitation or allowing premises to be used as a place of exploitation.

Regarding Rehabilitation Fund, this Bill makes a provision to create a Rehabilitation Fund for the welfare and rehabilitation of the victims of trafficking children. Either Central or State Governments will make adequate budgetary allocation towards the Fund. Voluntary donations, contribution under CSR may be credited to the Fund and this would be made available to the State and District Anti-Trafficking Committee.

At this point, I would request the hon. Minister one thing. When we are specifying about the Rehabilitation Fund, we are not specifically saying as to how much will be the budgetary allocation for this. When we are talking about donations, we are not sure as to how much donations we will be getting. I think, we must be very specific about how much will be the Government's contribution in the Rehabilitation Fund like we have the Nirbhaya Fund which is disbursed by the Government.

One very good step is that speedy courts for speedy trials are going to be established and a stipulated time will be given even to the courts to come to a decision in such cases.

For child victims, a special procedure is going to be followed. The Bill provides for plea bargaining as per the procedure given in Chapter XXIA of the Criminal Procedure Code, 1973.

Regarding confiscation, forfeiture and attachment of property, if a person is accused of having committed an offence and possesses or owns any property, and if he is convicted, the property shall be confiscated and stands forfeited and the same may also be used by way of auction.

I would specifically give some suggestions here. I already mentioned about the Rehabilitation Fund. Secondly, the Bill is silent on prevention of re-trafficking. Trafficking is basically a syndicate and we are tackling this on case to case basis. We have also to think about this aspect. If a syndicate is being run and we are able to get hold of one person, the entire syndicate should also be looked into.

Every provision in the Bill is very good. I once again congratulate the hon. Minister of the NDA Government and I whole-heartedly support the Bill.

श्री दुष्यंत चौटाला (हिसार): सभापति महोदय, आपने मुझे इस बिल पर बोलने का मौका दिया है, इसके लिए मैं आपका आभारी हूँ। यह बहुत अहम बिल है। मैं मंत्री जी को बधाई दूंगा कि इसे कानून के तौर पर देश में लाने का काम किया है, क्योंकि गैर कानूनी ढंग से तीसरी सबसे बड़ी एकटीविटी के तौर पर ह्यूमन ट्रेफिकिंग मानी जाती है। इस बिल के माध्यम से सरकार की इस विषय पर गंभीरता सामने आती है। छोटे बच्चों की सबसे ज्यादा ट्रेफिकिंग होती है। अस्पताल से, रेलवे स्टेशन और पब्लिक प्लेसेज से छोटे बच्चे ज्यादा उठाए जाते हैं और इस कानून के अंदर आप लोकल पुलिस आफिसर्स के साथ यूनिट्स क्रिएट करने की बात करते हैं। जब तक हम लोकल पुलिस को इनवाल्व रखेंगे, मेरा मानना है कि उन क्रिमिनल्स के साथ हैंड इन हैंड हो कर पुलिस आपके कदम को कमजोर करेगी।

16 00 hrs

आपको इस बात पर विचार करना चाहिए कि यदि हम यूनिट्स सेटअप कर रहे हैं, तो हमें ऐसे यूनिट्स सेटअप करने पड़ेंगे, जिनमें डिस्ट्रिक्ट्स से बाहर के लोग आकर इनवेस्टीगेशन करें। इसके साथ, सबसे बड़ी चिन्ता उन बच्चों की सिव्योरिटी की आती है, जो कि रिहैबिलिटेशन सेंटर्स में रहते हैं। हमने हरियाणा में देखा है, जिन रिहैबिलिटेशन सेंटर्स में बच्चियों के साथ निरन्तर रेप हुए हैं, उनके दोषियों को सीबीआई इनक्वायरी के बाद अब उम्र कैद की सजा हुई है। कल श्रीमती रंजीता रंजन जी ने बिहार का मामला उठाया, जहाँ उसी प्रकार के रिहैबिलिटेशन सेन्टर 'अपना घर' की वारदात मुजफ्फरपुर में देखने को मिली। आप कहते हैं कि रिहैबिलिटेशन सेंटर्स में मंथली विजिट्स होंगे, उनकी मॉनिटरिंग बहुत जरूरी है।

देश में अनेक रिहैबिलिटेशन सेंटर्स एनजीओज द्वारा चलाए जा रहे हैं और उनकी गतिविधियाँ निरन्तर संशय में रहती हैं। मैं आपको बधाई दूँगा कि आपने इस काम को टाइमबाउंड करने का काम किया है। एक साल के अंदर इस विषय में फैसला दिया जाएगा।

मंत्री जी, जहां आप पैनल्टीज की बात करती हैं, आपके इस बिल का सेक्शन-40 दर्शाता है कि जो भी बच्चे का एम्प्लॉयर होगा, चाहे वह नौकर के तौर पर घर में रखने की बात हो या वर्कर के

तौर पर पब्लिक प्लेस में रखने की बात हो, ट्रैफिकिंग करने वाले आदमी को अलग से सजा दी जाएगी।

कल इसी सदन में प्रिवेंशन ऑफ करप्शन एक्ट पास किया गया। जो रिश्वत देगा या जो रिश्वत लेगा, सभी को बराबर सजा होगी। ऐसा ही होना चाहिए। सरकार को यदि इस बिल को कारगर ढंग से लागू करना है, तो बराबर अधिकार मिलने चाहिए क्योंकि एक तरफ तीन साल की सजा देने की बात आप कह रही हैं और दूसरी तरफ दस साल सजा देने की बात कह रही हैं। यह जो डिसपैरिटी बीच में आ रही है, वह कहीं न कहीं इस कानून को कमजोर करने का काम कर रही है।

आपने सर्च एंड रेस्क्यू ऑपरेशन की बात कही है कि आपके जो एटीयूज होंगे, वे सर्च एंड रेस्क्यू करके उनको चाइल्ड वेलफेयर आर्गेनाइजेशन या मैजिस्ट्रेट के सामने पेश करके रिहैबिलिटेशन होम में भेजेंगे। आज भी यही कार्रवाई होती है। यदि ह्यूमन ट्रैफिकिंग में कोई बच्चा या बड़ा व्यक्ति पकड़ा जाता है, तो उस पर इसी प्रक्रिया के तहत कार्रवाई होती है। जैसे आपने देश में निर्भया सेन्टर्स बनाए हैं, क्यों न इस बिल में भी ऐसे सेन्टर्स बनाने के प्रावधान किए जाएँ ताकि इस तरह की गतिविधियों को रोकने में हमारी मदद करने का काम करें।

सभापति जी, मैं इस बिल का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

श्री कौशलेन्द्र कुमार (नालंदा): माननीय सभापति महोदय, आपने 'व्यक्तियों का दुर्व्यापार निवारण (संरक्षण और पुनर्वास) विधेयक, 2018 पर चर्चा में भाग लेने का मौका दिया, इसके लिए बहुत-बहुत धन्यवाद।

मैं अपनी पार्टी जनता दल यूनाइटेड की तरफ से इस बिल के समर्थन में बोलने के लिए खड़ा हुआ हूँ।

वर्तमान में इस अपराध को रोकने के लिए कई कानूनों का सहारा लेना पड़ता है। वे कानून भी पूर्णरूपेण सक्षम नहीं हो पा रहे हैं। इसलिए इस प्रस्ताव के द्वारा कानून को कठोर बनाया जा रहा है, जिससे देश के अन्दर और बाहर, दोनों स्थितियों में मानव तस्करी अनैतिक व्यापार, शारीरिक शोषण को रोका जा सके। अभी हाल ही में, 46 बच्चों को अनैतिक तरीके से बेचने का समाचार मदर टेरेसा संस्थान के एक कर्मचारी द्वारा प्रकाश में आया। कुछ दिन पहले, मुगलसराय रेलवे स्टेशन पर 50 से अधिक बच्चे छुड़ाए गए। देश के अन्दर यह एक आम बात हो गयी है।

इसी प्रकार से, विदेश भेजे जाने के नाम पर ठगी और तस्करी की जा रही है। यह एक संगठित गिरोह द्वारा किया जा रहा है, जो विशेषकर मुम्बई, दिल्ली, पंजाब आदि राज्यों में सक्रिय है। उसी प्रकार से, कबूतरबाजी के समाचार भी आते रहते हैं। अतः यह कानून बनने से व्यक्तियों के दुर्व्यापार पर लगाम लगेगी और पीड़िताओं की देखरेख और उनका पुनर्वास भी संभव होगा। पीड़ित व्यक्तियों के लिए सामान्य आर्थिक और सामाजिक वातावरण के साथ-साथ राहत एवं उनके कल्याण के प्रावधान हैं। विदेशों में भी ऐसे अपराध होने पर यह कानून सक्षम रूप से कार्य कर सकता है। इससे कठोर दण्ड के साथ ही, जल्द-से-जल्द मामले का निपटारा भी संभव होगा। इसमें गोपनीयता के प्रावधान भी हैं। यह कानून राष्ट्रीय और अंतर्राष्ट्रीय स्तर पर संगठित सांठगांठ को तोड़ने में भी प्रभावी कार्य करेगा।

यह देखा जाता है कि स्थानीय स्तर पर मानव तस्करी के मामले में दलालों की मुख्य भूमिका होती है। इसलिए मेरा सुझाव है कि इसके लिए एक निगरानी तंत्र बनाया जाए, जो उन दलालों पर नजर रखे और विशेषकर दलालों को कठोरतम दण्ड दिये जाएँ मैं इस बिल का समर्थन करता हूँ

SHRIMATI SATABDI ROY (BIRBHUM): Mr. Chairman, Sir, I rise to support the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018.

Sir, to showcase our commitment to combat human trafficking, I request the Government of India to ensure the following:

1. Time-bound procedures for rescue of victims of trafficking;
2. Empowerment of AHTUs across districts in India with authority to take on powers of rescue and investigation throughout a case cycle, to rescue, filing and registration of FIR, arrest, seizure of evidence, investigation and prosecution.
3. Protocols and funds for coordination of inter-State cases of forced labour should be made available to support officials, survivors and NGOs in inter-State transfers, including lodging and food for survivors and their dependents. Adequate police protection should also be ensured in these transfers.
4. Acknowledge the critical role of NGOs to support and collaborate in combating trafficking, including labour trafficking and bonded labour;
5. allocate adequate funding and resource for the enforcement of the new law on trafficking;
6. On 31st May, the Walk Free Foundation released its 2016 Global Slavery Index, which claimed that there were 45.8 million `modern slaves' around the world, of whom 18.3 million were in India
7. The proposed law does little to remove India's shame of `modern slavery'. It is a photocopy of a western approach.

मैंने स्टैंडिंग कमेटी की वजह से दो-चार जेलों में विज़िट की। वहां मुझे बहुत सारे बांग्लादेश के लोग मिले। वहां जेलों में बच्चे छह साल की उम्र तक अपनी मां के साथ रह सकते हैं। उसके बाद वे वहां नहीं रह सकते। उस समय बहुत सारी माएं मेरे पास आई थीं, जिनके बच्चे पता नहीं कहां हैं। वे बच्चे किस एन.जी.ओ. के पास हैं, इसके बारे में उन्हें कुछ नहीं मालूम। उनके पास कोई सपोर्ट नहीं है, जिससे वे आपके पास आ कर अपनी बात बता सकें। यदि आप कभी जेल में जाएंगे, तो डिप्रेशन में आ जाएंगे। वहां सात साल, दस साल से ट्रायल ही चल रहे हैं, जिनका कोई रिज़ल्ट नहीं आ रहा है। वे लोग आपके पास नहीं आ सकते हैं।

मैं एक बात और बताना चाहूंगी। आप सबको मालूम है कि, it is a very big racket. एन.जी.ओज़. होम्स और पुलिस भी इनके साथ जुड़े होते हैं। एक बच्चे को लाने से इन लोगों को 700 रुपये मिलते हैं। ये लोग इसके लिए ये सब करते हैं। मैं अडॉप्टेशन के बारे में भी एक बात बोल सकती हूँ। इसके लिए रूल्स एण्ड रेग्युलेशंस बने हुए हैं, लेकिन जो लोग क्राइम करते हैं, वे निकल जाते हैं। जो लोग सचमुच इसे अडॉप्ट करना चाहते हैं, वे लोग इतनी फाइल्स और रूल्स के कारण पहुंच नहीं पाते हैं। जब बच्चे बड़े हो जाएं, तो उनके अडॉप्टेशन का कोई मतलब नहीं है। कितने लोग बच्चों के लिए तरसते हैं। ये रीहैबिलिटेशन की बात बोल रहे हैं। चाहे वे बच्चे पांच महीने के बाद घर आए या पांच साल बाद घर आए, घर उन बच्चों को सोसायटी की वजह से एक्सैप्ट नहीं करते हैं।

मैं यह मानती हूँ कि रूल्स, लॉ और कानून में से कुछ भी सोसायटी को बदल नहीं सकते हैं, नहीं तो इतने क्राइम्स ही नहीं होते। मैं यह रिक्वेस्ट करूंगी कि आपके इस नए लॉ के साथ भगवान करे कि सोसायटी चेंज हो जाए और इसके साथ ही हम इस सोसायटी में उन लोगों को एक्सैप्ट करें, जो सचमुच प्रॉब्लम में हैं। हम इस सोसायटी चेंज के लिए अपील करते हैं और इस बिल का समर्थन करते हैं।

श्री रवीन्द्र कुमार पाण्डेय (गिरिडीह) : धन्यवाद सभापति महोदय।

मैं इस विधेयक के पक्ष में बोलने के लिए खड़ा हुआ हूँ। सब से पहले तो मैं माननीय मंत्री महोदय को धन्यवाद देता हूँ, जो ये बिल लेकर आई हैं और उससे पहले मैं आदरणीय प्रधान मंत्री जी को भी धन्यवाद देना चाहूंगा कि साढ़े चार सालों में जितनी भी पूर्व की सरकारें रहीं, जो नियम-कानून बने, उसमें समय-समय पर बदलाव लाने का काम आदरणीय प्रधान मंत्री जी ने किया है। इसी कारण आज इस स्तर पर हम लोग आए हैं, जब हमें इस मानव तस्करी की बात को देखना है।

सभापति महोदय, आप देखेंगे कि जब कोई घटना घटती है, तो दो-तीन दिनों तक मीडिया और बाकी सब जगहों पर उसकी चर्चा होती है, चाहे वह लोक सभा हो या कोई विधान सभा हो। तीन-चार दिनों के बाद वह विषय पूरी तरह वॉश-आउट हो जाता है। मैं झारखंड प्रदेश से आता हूँ। वहां जो मेरे आदिवासी भाई हैं, जो गांव-देहात में रहने वाली महिलाएं हैं, बच्चियां हैं, उनको एक रैकेट के द्वारा वहां से दुबई या किसी अरब कंट्री भेज दिया जाता है। उसके बाद वे लोग वहां से वीडियो बनाकर भेजते हैं। उन्हें पैसा कमाने का प्रलोभन भी दिया जाता है, जैसे आप साल भर में ही राजा हो जाएंगे और आपकी सब चीजों की डबलिंग हो जाएगी। वहां से वीडियो बनाकर वे लोग यहां भेजते हैं।

फिर बाद में हमारी सरकार द्वारा कई बार प्रयास करके उन्हें वापस भी लाया गया है। हमारा कहना यह है कि खासकर स्टेशंस, बस पड़ाव और एयरपोर्ट्स पर कुछ ऐसी निगरानी की व्यवस्था होनी चाहिए, जहां हम देखकर समझ सकें कि यदि बीस की संख्या में लोग जा रहे हैं तो कहां जा रहे हैं। कहीं बारात वगैरह में तो नहीं जा रहे हैं और उन्हें ले जाने वाला आदमी गाइड करके समझा-बुझाकर ले जा रहे हैं। उसे वहीं पर यदि हम ब्रेक देंगे, तब कहीं जाकर इसमें सुधार होगा।

दूसरा मेरा यह कहना है कि जो एनजीओ की बात हो रही है कि ऑल इंडिया में ये एनजीओज हैं, उन्होंने बच्चियों को पकड़ा और उन्हें सुधार गृह में ले जाया गया। मैं समझता हूँ कि जितने भी जनप्रतिनिधि हैं, चाहे वे पंचायत के मुखिया हों, एमएलएज या एमपीज हों या राज्य सभा के सांसद हों, उनके पास मंत्रालय के द्वारा एक पत्र जाना चाहिए कि आपके जिले में ये-ये सुधार गृह

हैं और ये-ये एनजीओज लोग चला रहे हैं। आप यहां समय-समय पर जाकर देखिए कि इनमें क्या एक्टिविटीज हो रही हैं। तब कहीं जाकर उन लोगों को डर लगेगा कि ऊपर के लोग भी देखने और समझने के लिए उनके यहां आ रहे हैं।

मेरा आपसे निवेदन है कि आज की तारीख में जो भी हमारी बच्चियां इस कुचक्र में फंसकर कष्ट को प्राप्त होती हैं। चार दिन पहले झारखंड की एक न्यूज आई कि वहां से एक बच्ची को ले जाया गया और यहां एक बड़े आदमी के यहां नौकरानी के रूप में उसे रखा गया, फिर उसके साथ रेप हुआ, उसके बाद डिलीवरी हुई, ऐसी नाना प्रकार की बातें आईं। लेकिन दो दिन के बाद वह सारा मामला शांत हो गया। हमारे गिरिडीह लोक सभा क्षेत्र से बगोदर, डुमरी, गुमियां, नावांडीह आदि क्षेत्रों से लोग दुबई जा रहे हैं। इसलिए मेरा निवेदन है इन चीजों पर ध्यान दिया जाए।

मैं माननीय मंत्री महोदया को इस बिल को लाने के लिए बहुत-बहुत धन्यवाद देता हूं।
धन्यवाद।

SHRI PRASANNA KUMAR PATASANI (BHUBANESWAR): Chairman, Sir, let me congratulate the hon. Minister today. I adore her because she is protecting the lives of animals. But she has failed in protecting the lives of human beings. It is not her fault. She is fighting for everybody. So, I congratulate the hon. Minister. Children are blooming in God's Garden. They are not only blooming but also blossoming. The fragrance of knowledge is also structured in consciousness. We are not conscious of our own consciousness. Shri Kailash Satyarthi was conferred the Nobel Prize for protecting the children, the bonded labour, who were labouring hard. He was brutally beaten for his kind work, despite the fact that he is being honoured by the world. He has given some proposal about protecting the children. We should consider the proposal made by the Nobel laureate Kailash Satyarthi ji about protecting the children and the women. Practically, the kidnapping cases are everyday exhibited on television. You can see how a woman is being tortured today. We are promulgating the law in this august House. But, what happened to the dowry? It starts from the house; it starts from the family and then it covers the entire country. How is the human being so brutal today? मिट्टी जन्म से उर्वरक, मानव जन्म से बर्बर. The soil by birth is fertile whereas human being by birth is brutal. Why is it happening? One should see it. One should ask about it. One should know it. Sir, I know, there is not much time. I can just make some points. Today, I would like to draw the attention of this House towards a prominent law which cannot be rooted out.

You know, what happened in Delhi. You are setting up fast track courts. Rapes are occurring at a raster rate. How many people have been punished? So, this law should protect the humanity. Therefore, I pray to this august House to make the law very strong. If one mother is guilty, it means our motherland India is also guilty.

SHRIMATI BUTTA RENUKA (KURNOOL): Thank you, Sir, for giving me an opportunity to speak on the Bill concerning trafficking of persons. As a woman, I am pained on seeing the violations and the loopholes giving scope for human trafficking. Trafficking, as far as our country is concerned, is mostly in women and children. Trafficking is a violation of human rights.

Poverty and illiteracy are the main root causes of human trafficking. This Bill apart from specifying the penal provisions should have dealt with handling the root causes. We must also note that trafficking is more among rural women and children who fall prey to anti-social elements. Vulnerable sections shall be identified and they shall be offered various welfare schemes so that they do not fall into the trap of traffickers.

Trafficking is usually promoted, encouraged and handled by pimps, brokers and traffickers. The law should ensure that trafficked victims are prevented from being prosecuted, detained or punished for they are victims of circumstances beyond their control. Protection to such victims should be provided with any conditionality.

I would like to give a few suggestions. Mainly we are talking about the rules and we are bringing laws, Bills and all such things. But, we all have witnessed, especially at traffic junctions and places, where we see small children begging. In spite of knowing that, we are unable to help these children. At every common place, we see child labour and child abuse. In spite of that, we are unable to help them. Practically, we have to go to the ground level and see how we can help these children. Basically, for the

children who are victims, we need to bring this law. With this new Bill, I hope, positive changes will definitely take place into our society and system. I appreciate and I really support this Bill. Thank you.

SHRI E.T. MOHAMMAD BASHEER (PONNANI): Sir, thank you very much for giving me this opportunity. I would like to say that this is a most welcome move. Hon. Minister is in the process of making a divine law. I congratulate her for this. It is a bold initiative. The situation is very alarming. About 20,000 women and children were victims of human trafficking in India in 2016, a rise of 25 per cent from the previous year. The Minister of Women and Child Development stated in the Parliament itself that 19,223 women and children were trafficked last year as against 15,448 in 2015.

Our country, which is the centre point of South Asia, is one of the fastest-growing regions for human trafficking in the world. It is a matter of shame. Thousands of people – largely poor, rural women and children – are lured to India's towns and cities each year by traffickers who promise good jobs but sell them into modern day slavery.

We all know that some of the domestic workers are forced to work in small industries such as textile workshops, farming or even small kinds of works. They are exploited like anything. They are not getting any kind of remuneration. We are all saying that India is a country where child labour is eradicated. That is not a fact. In rural areas, you can see a lot of children who are doing heavy work. Bonded labour is one thing. They are exploited in many ways. Our brothers, sisters and kids are exploited in a ruthless manner.

What is the main reason? The main reason is poverty. We all know that. Using this, they are exploiting them in all kinds of activities. It is a bold initiative

on the part of the Minister. That is why, I said that this legislation is very important.

I would like to say only one thing. Stringent action should be taken. One should not have any kind of lenient attitude against the offenders. It is a very serious offence. They are spoiling the generation and they are bringing shame to the nation.

I once again wholeheartedly congratulate the hon. Minister for taking such an initiative for a noble cause.

With these words, I conclude.

SHRIMATI P.K. SHREEMATHI TEACHER (KANNUR): Sir, I rise to support the Bill. I also congratulate the Minister. But I have some differences of opinion and I want to mention these things in the august House.

The biggest lacuna in the Bill is the absence of a comprehensive definition of trafficking, which should not only include trafficking for the purposes of labour and prostitution but also for forced marriage.

The draft Bill needs to take cognizance of the Immoral Trafficking Prevention Act, 1956, Juvenile Justice(Care and Protection of Children) Act, 2015, IPC Section 370 and various protocols and SOPs which are already in existence to address gaps in existing legislations and to uphold best practices. Merely overriding existing laws will compound the confusion.

The 'District Anti-Trafficking Committee' proposed as the major instrument of implementation is grossly inadequate and incapable of executing the functions vested in it. The important role of the police and the Home Department has been minimised. The Bill is silent on the existing provision in ITPA for a special police officer and an advisory body as also on search, rescue and custody matters. The provision that the rescued person has to be first produced before the Member Secretary of the proposed district committee unnecessarily complicates the matters.

So many other differences of opinions are also there. But I am shortening my speech. So, Sir, I request the Government and the Minister that the Bill be sent to the select Committee. Then only, the Bill will become perfect and practical.

श्रीमती जयश्रीबेन पटेल (मेहसाणा) : महोदय, आपने मुझे व्यक्तियों का दुर्व्यापार (निवारण, संरक्षण और पुनर्वास) विधेयक, 2018 पर बोलने का मौका दिया, इसके लिए मैं आपकी आभारी हूँ।

मानव तस्करी पर सभी सम्माननीय सदस्यों ने बोला है और विस्तार से चर्चा की है। मानव तस्करी मानव अधिकारों का सबसे बुरा उल्लंघन है और दुनिया भर में दवाओं और हथियारों के व्यापार के बाद तीसरा सबसे बड़ा संगठित अपराध है। हम बच्चों को भारत का भविष्य कहते हैं, लेकिन ट्रैफिकिंग के जरिए उन मासूमों का बचपन रौंदा जा रहा है।

नेशनल क्राइम रिकॉर्ड ब्यूरो (एन.सी.आर.बी.) के मुताबिक भारत भर में मानव तस्करी के मामले बढ़ रहे हैं।

16 24 hrs

(Shri Kalraj Mishra *in the Chair*)

अभी मेरी सहयोगी मीनाक्षी लेखी जी ने अपने भाषण में उनका जिक्र भी किया है। मानव तस्करी के कुल मामलों में 60 प्रतिशत मामले बच्चों के हैं यानी 60 प्रतिशत मामलों में बच्चों की तस्करी हुई है। बच्चों की ट्रैफिकिंग के बाद कुछ कहा नहीं जा सकता कि वे बच्चे चाइल्ड लेबर में जा रहे हैं, उनकी चाइल्ड मेरिज हो रही है, उनका यौन शोषण किया जा रहा है या उनसे भीख मंगवाई जा रही है। इन अपराधों से निपटने के लिए अभी तक कोई विशेष कानून नहीं है। इसको देखते हुए व्यक्तियों की तस्करी (रोकथाम, सुरक्षा तथा पुनर्वास) के लिए हमारी कर्मठ महिला और बाल विकास मंत्री श्रीमती मेनका संजय गांधी जी यह विधेयक लेकर आई हैं, मैं इनकी सराहना करती हूँ। मैं इस विधेयक की सराहना करते हुए इसे समयोचित माँग की परिपूर्ति बताती हूँ।

इस विधेयक की कई सारी प्रमुख विशेषताएं भी हैं। इस विधेयक में सबसे बड़ी बात यह है कि पीड़ित का पुनर्वास मुकदमे के फैसले पर निर्भर नहीं है। इस विधेयक के माध्यम से पहली बार पुनर्वास कोष बनाया गया है। यह सबसे सराहनीय कदम है। मुकदमों की तेजी से सुनवाई के लिए

प्रत्येक जिले में विशेष अदालत/फास्ट ट्रैक कोर्ट में सुनवाई करने का प्रावधान भी किया गया है और इसके बारे में मंत्री जी ने बताया है।

खासकर, जिला, राज्यों तथा केन्द्रीय स्तर पर समर्पित संस्थागत ढांचा बनाता है। उससे ये सारे केसेज जल्द-से-जल्द निपटाए जा सकेंगे, यानी उसकी मॉनिटरिंग भी होगी और केसेज सुलझेंगे।

यह विधेयक अपराध के पारदर्शिय स्वभाव से व्यापक रूप से निपटता है। राष्ट्रीय तस्करी विरोधी ब्यूरो, विदेशी देशों और अन्तर्राष्ट्रीय संगठनों के अधिकारियों के साथ अंतर्राष्ट्रीय तालमेल भी करता है।

सभापति महोदय, ट्रैफिकिंग का प्राथमिक कारण हम सब जानते हैं। इसमें गरीबी है, अशिक्षा है। इसके कारण दुर्व्यापार किया जाता है। हमारी सरकार ने इसे रोकने के लिए कई सारे कदम उठाए हैं और योजनाएं भी बनाई हैं। ट्रैफिकिंग और यौन शोषण के शिकार मासूम चेहरे उम्मीद भरी निगाहों से इस कानून की तरफ देख रहे हैं क्योंकि यह कानून देश के हजारों बच्चों की सिसकियों को मुस्कुराहट में बदल सकता है।

महिलाएं, जो देश की आधी आबादी हैं और बच्चे, जो देश का कल हैं, भविष्य हैं, उन्हें इससे बचाने के लिए यह विधेयक कारगर साबित होगा।

महोदय, मैं इस विधेयक के लिए आदरणीय प्रधान मंत्री मोदी जी को और आदरणीय मेनका जी का तहे दिल से अभिनन्दन करती हूं। मैं इस बिल का पुरजोर समर्थन करती हूं।

धन्यवाद।

श्री राजेश रंजन (मधेपुरा): सभापति महोदय, मैं ऐसे बिलों के प्रति बहुत आभार प्रकट करता हूँ और इसका समर्थन करता हूँ। ऐसी परिस्थितियों का, ऐसे सवालों का सबसे बड़ा कारण गरीबी है। गरीबी अभिशाप बना हुआ है। हमारे जीवन में सामाजिक, सांस्कृतिक और आध्यात्मिक चेतना बहुत ही आवश्यक है। जब तक हम समाज को आर्थिक रूप से काफी प्रगति की ओर नहीं ले जाएंगे, तब तक हमें काफी दिक्कतों का सामना करना पड़ेगा।

देश में चार ऐसे राज्य हैं, जिनमें एक बिहार भी है, जहां मानव तस्करी के सबसे ज्यादा अड्डे हैं। नेपाल से लगातार सेक्स वर्कर्स को लाया जाता है। अभी सीतामढ़ी में नेपाल के कई बच्चों की हत्या की घटना भी उजागर हुई है। आज हमारे बिहार राज्य की तरफ से इसके लिए सी.बी.आई. जांच की बात आ गयी है। मैंने इसे कई बार अंकित किया है कि जैसे ही माँ की नजरें गयीं, वैसे ही उसके बच्चों का शोषण शुरू हो जाता है। चाहे वह परिवार का हिस्सा ही क्यों न हो, इसे हमारी बड़ी बहन भी जानती हैं। हमने इस पर कई बार चर्चा भी की है कि जब किसी के माता-पिता मर जाते हैं तो उसकी क्या स्थिति होती है। भ्रूण-हत्या भी इसका सबसे बड़ा कारण बनता चला जा रहा है।

दूसरा कारण बंधुआ मजदूर की स्थिति है। देश में 14 वर्ष के बच्चे, चाहे वह आर्थिक, भौगोलिक या सामाजिक कारणों से हों, किसी भी परिस्थिति में हम उन मजदूरों को मजदूरी करने देना नहीं चाहते हैं। फिर उनके लिए वैकल्पिक व्यवस्था क्या है? यदि हम उन्हें रोजगार नहीं देंगे, शिक्षा नहीं देंगे, स्वास्थ्य की सही सुविधा नहीं देंगे तो फिर वह बच्चा कहां जाएगा? फिर तो वह किसी-न-किसी बंधुआ मजदूर के शोषण का कारण बनेगा। जब हमारे परिवार में हमारे मां-बाप भूखे होंगे तो वह बच्चा कहां जाएगा?

कानून आवश्यक है, लेकिन इसका कार्यान्वयन नहीं हो पाता है। बहुत सारे एन.जी.ओज, बहुत सारी एजेंसियां इस पर काम कर रही हैं। आप भी जानते हैं कि हिन्दुस्तान में इस विषय पर कितनी एजेंसियां काम कर रही हैं।

मैं एक बात कह कर अपनी बात समाप्त करूंगा। जिस मजदूर को हम फैक्ट्री से लाते हैं और लाने के बाद उसे हम यदि कोई रोजगार नहीं देते हैं, एजुकेशन नहीं देते हैं, उसे जीने का कोई रास्ता नहीं देते हैं तो फिर वह पुनः उसी फैक्ट्री में चला जाता है। चूंकि परिवार और माता-पिता की स्थिति अच्छी नहीं होती है तो उसे मजबूरन काम करना पड़ता है।

मैं आग्रह करूंगा कि एक ऐसा कानून बनना चाहिए, जिसमें भ्रूण-हत्या, गरीबी जैसे अभिशाप से निपटने की बात और सामाजिक-सांस्कृतिक चीजों का समावेश हो। कानून का कार्यान्वयन इसलिए नहीं हो पाता है कि थाना, पदाधिकारी और नेता के बीच का जो सम्बन्ध है, वह बहुत मजबूती के साथ नहीं हो पाता है। इसमें राजनीतिक व्यवस्था और राजनेताओं का बहुत योगदान है। अभी भी इसमें बहुत लोगों का नाम आया हुआ है। मैं चाहता हूँ कि राजनीतिक व्यवस्था और राजनेताओं द्वारा एक बेहतर रास्ता दिया जाए, जिससे मानव तस्करी को रोका जा सके।

THE MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI): I would like to thank all of you for having taken part in the discussion. Many of the hon. Members have read this Bill very carefully. I appreciate all the suggestions that were made.

Before I start, I would like to say, whatever lacunae that you perceive, and whatever I have learnt from you, we will incorporate that in the rules, and when we put the rules in, I would request all of you to look at them. This Bill has been on the website for the last one year and every draft has been put on the internet. It would have been good, if everybody had read it before and have given us suggestions.

I am going to start from Pratima Mondal ji. I would like to say that I am not creating ten institutuins. It is only the National Anti-Trafficking Bureau and everything comes under that. The rest is already there. We are just legitimising it, putting in money and making it stronger. We have proposed committees headed by the existing officers to ensure the required focus. So, it is not a bureaucrat employment device, as Tathagata ji said.

Then, I would like to thank Shri Om Birla ji for helping with the formulation. Smt. Pratima ji has asked for the places where the offence is being committed, and the participants in the committee should be defined. These are certainly being specified and defined in the rules.

I also thank Smt. Sathyabama ji for her comments. I always enjoy the interventions of Shri Tathagata Satpathy and I especially enjoy interventions that are prompted by Shri Mahtab in his own quiet manner. Unfortunately, he is

not correct this time. The Bill is very victim-centric. That is the only reason that I have brought it. Otherwise, there is absolutely no reason for me to reintroduce the laws that already exist.

This is a Bill that has a compassionate view of people who become victims in the sex trade. What is happening at the moment? We get a sex worker and we put her into jail, whether the trafficker goes in or the person, who has sheltered her, makes money from her, does not matter. The woman is always penalised; the child is always penalised. In this Bill, we ask them if they are there on their own volition. So, there is no question of penalising them or putting them in jail. We are just after the traffickers and not the victims.

Then, Tathagata ji said that we used NGOs. Yes, we used NGOs but not the 7800 that exist in his constituency. We actually use very specialised NGOs, which have been involved in preventing trafficking for many, many years. We used police people; we used sex workers; we used people who are involved in rehabilitation; we used dozens of lawyers, who have been fighting trafficking cases. So, we did use a lot of NGOs.

I appreciate the point raised by Shri Vinayak Rao, who pointed out the reality of begging. It has been repeatedly asked as to why begging is considered an aggravated crime. It has been considered an aggravated crime because it involves extreme violence and extreme suffering. As many of you pointed out, when you stop at traffic lights, you see these little babies. All of them have been given drugs to make them sleep. All of them have that *nakli* bottle which supposedly shows that milk has been given to them. All of them

actually are hired out for hours, for days. For me nothing could be worse than this. So, it is an aggravated crime.

I want to thank Shri Srinivasa Rao for participating in the debate. One of the points that has come up again and again is why only it has been capped at Rs.10 crore. It is not Rs.10 crore. When the Nirbhaya Fund was created, it had, I think, Rs.1000 crore in it.

Over the last few years, we have increased it to Rs. 6,000 crore and this amount of Rs. 6,000 is also being spent. This amount of Rs. 10 crore is just a notional amount of money. It will be increased and it will be increased hugely. Hopefully, it will never be needed, but of course, it will be done. Therefore, we have put in money as is needed so that there is no cap on it.

Shrimati Kavitha asked how we prevent trafficking and what this Government has done about prevention, before we even got to this Bill. I would like to tell her a few things that my Ministry has done. The Home Ministry has done a lot as well, so has the Labour Ministry, but I am going to tell you what we have done. As soon as I became Minister, I realised that the railways were the main reason behind why one could get away with trafficking because thousands of women and children were coming through railways. So, the first thing we did was that we immediately put posters in every single compartment or coach saying that if you can see a woman or a child that you believe is being trafficked, or has come against his or her will, please call any of the three numbers we have given. I have to tell you that this has been extremely

successful. Our rescue rate is very high. Literally, if you phone, at the next stop, you will have police waiting.

We have got an institution called Childline which is internationally one of the best. It gets about four crore calls a year. Since I came, we have doubled it. Our response time to picking up a child or woman or anybody in trouble is one hour.

Then, we have started something new called Railway Childline. We took the 100 most vulnerable railway stations where children, who are trafficked, usually come. Where are they trafficked from? It is from villages where the train stops for one minute. I cannot patrol those areas, but I can patrol the areas to which they arrive. We have given training, and people are stationed at every railway station which is vulnerable. Again, thousands of children have come in. In fact, we gave a Naari Shakti Award to one woman who in Mumbai alone, as part of the Railway Police, has rescued over 900 children herself.

Then, there are two more things. We have something called Track Child which was done by the UPA Government. What it consisted of was that all police stations should have the facility where they could put a child's face into a computer. Unfortunately, this did not work because the places where children disappeared from do not have electricity or computers or they are not involved. So, we started something called Khoya-paya where anybody in India can put in the face and name of a child or a woman who has disappeared, along with his or her details. Anybody else, who thinks that he has seen them or may have

seen them, can also put information into this. So far we have saved about 50,000 people through this initiative.

One of the things that bother me a lot is that it is difficult when it is a sexual crime, which children and women get trafficked for. How do you take action when your forensics cannot prove anything? So, we decided to strengthen the Forensics Department. We found, to our dismay, that after so many years, there were capabilities of only 1,500 sexual crimes' forensic investigations. Immediately, we have put in money into six forensic centres at Kolkata, Mumbai, Pune, one in Tamil Nadu, and Chandigarh which has already started working. They have put up an advertisement and are hiring 5,000 people who have qualifications in chemistry and physics to be trained as forensic experts. Once I can get the forensics in place, justice will come that much faster.

16 39 hrs

(Hon. Speaker *in the Chair*)

We are also putting in kits. Though it is not relevant to this subject, but I would like to tell you what else we are doing. Every police station and district hospital will have rape kits. These are simple small boxes in which there are test tubes, places for cloth, places for cotton wool, blood, semen etc. and a list of what is to be done and they are lockable. They go from there straight to the forensic lab so that they cannot be tampered with.

So, that would make collection of evidence so much easier. These are some of the things we have done. Shri Dushyant Chautala asked as to why we do we not use One Stop Centres. One Stop Centres are completely new for

India. Some of them are working very well. In fact, I am really sorry that Shri Gandhi has said that his is not working well because he was one of the first people to ask for one. He asked me so many times. I am very happy he has got one but it is not working well. Perhaps you could let me know what is wrong with it and I can correct it. But these One Stop Centres could also be used for rescue and keeping the women if they want to. You had also talked about foreign nationals. This Bill covers and is applicable to foreigners as well. Some Member asked about taking over buildings. This is very simple to do and can be misused by the police by just saying that this is the centre of trafficking and so take it over. No building or premises can be taken over without giving notice and hearing the person or the owner. It has to go through the due process. These are very strong safeguards. If you believe that these safeguards are not enough, please tell me after reading the Bill and I will put them in the Rules. I am also equally frightened about misuse because I am not going to be in Government forever and by instinct I am an NGO. So, I need to protect the rest of India. So, if there is something left out let me know.

Officers and persons in-charge of homes are punishable if they do not discharge their duties. Until now we can have a Muzaffarpur and we can have things like this happening only because there was no law saying that somebody in-charge of a home can be penalised. Now, they can be penalised. I would like to tell Shri Badaruddoza Khan that marriage is certainly mentioned. He said that somehow we should make this Act known. What we have done is something new. I can look at this and push it a little further in response to his

suggestion. We have started something new, that is, every exercise book of every school should have the POCSO Act behind it which says what is good touch, what is bad touch, what will happen if you are molested, etc. His suggestion was that we should also have this anti-trafficking law. We will request the HRD to put this as well in some of the exercise books.

Trafficking for the purpose of marriage or on the pretext of marriage is an offence. You were saying it is not there. It is not true. It is a frequent crime and girls are taken away pretending to be married and forced into prostitution. The Bill is gender neutral. Shrimati Supriya Sule had brought up many good points. The District Committee will have NGOs and people who are aware of the issue. Rules will ensure that proper ones are chosen. The sensitisation of the officers, as she said, is the most important thing. There is no point sitting here and wasting the whole day passing this Bill if it is never going to percolate down. But we have already started that process. In fact, this Bill was made with the help of a large number of police people who aimed it at sensitisation of their own cadre. Accountability has been built in the law. States will contribute to the Fund. But there are other ways to top up this Fund. The Bill is applicable to all persons, not men and women. I apologise. In future we will remember to put it properly.

SHRIMATI SUPRIYA SADANAND SULE: Thank you Madam.

SHRIMATI MANEKA SANJAY GANDHI: Regarding adoption, you said that sometimes adoption can lead to trafficking. What happens in the CARA form of adoption? There are two or three things which happen with adoption. One is

adoption where people are just taking the baby and pretending that they found the baby somewhere. These are people that you cannot do anything about because they never come anywhere for certification.

Then there is another Act called HAMA Act whereby people adopt children. It applies to the Hindu Adoption. The CARA is now very strict and it may take a long time but all children are kept under watch after adoption for a long time both here and abroad. Periodic assessments are done until the child is fully integrated with the adopters.

Regarding these Homes, I have written to MPs again and again requesting them to take charge of all the Homes in their areas. I would like to repeat it today. If they could visit all the different homes in their areas whether they are Homes for adoptions, Swadhar Greh, Juvenile homes or anything, and give me an independent assessment. I would be very grateful for that. Every time I have got independent assessment, work has been done immediately. The problem is that we do not have enough Members of Parliament who actually go and visit these places. So, I would request all of them to do that.

You had asked for a Member of Parliament to be made a part of the Committee. An MP will be made a part of the Committee. We will just put it into the Rules.

What is completely new Supriya ji is buying and selling humans is being covered as a crime for the first time. Then, trafficking for the purpose of buying

and selling organs is already covered under Section 370 of the IPC which deals with trafficking.

Regarding National Anti-Trafficking Bureau, you were worried that if you find it in one State, you do not have to go to another State. It is 'National Anti-Trafficking Bureau' because it covers all the cases involving inter-State; the problem of jurisdiction of Magistrates is clearly addressed in this Bill.

Geetha ji, you wanted to know the people involved in the making of this Bill. Sunitha Krishnan, who comes from your State has done work in anti-trafficking for decades and also in rescuing rehabilitating victims; Prayas; the Nobel Prize Winner, Kailash Satyarthi; the Tata Institute of Social Service; and Shri Nair, are some of the sixty different groups who have helped draft the Bill.

You were worried about conviction and the low rate of conviction. I am saying that the provisions of designated courts in this Bill will hopefully improve the conviction rate and speed up the judicial process.

Many Members have expressed their concerns about sex workers and the inability of existing systems to stop organised crime in this area. Once the provisions relating to confiscation of property under this Bill are implemented, the hell holes of Kamathipura and G.B. Road, will all be a thing of the past because these will directly come under confiscation of property.

Meenakshi ji, thank you for that brilliant speech and for understanding the spirit and also the technicalities of the Bill.

Vincent ji, consent of the victims is very much a part of the Bill. If you believe that it is not enough, we will reinforce it through the Rules.

Mr. Premachandran, it has been two years already for this Bill. It has been long overdue. Almost everybody in this area has been consulted. You were saying that the misuse of the law is possible. There are thousands of laws and you can misuse anything that you want to misuse but the point is that we need to have a law to begin with. If you do not have a law, then you can do what you want to. I do not think that it should prevent us from making the law. This law is victim-centric as I keep repeating and full protection is given to the victims. It provides a singular structure of institutional frameworks at national, State and district levels. Trafficking is complex. It involves enforcement, supervision, rehabilitation and investigation. So, you have to have people at different levels doing different things. We are not proposing ten bodies. The only new body proposed is a National Anti-Trafficking Bureau.

All the others are the existing bodies of serving officers who will discharge additional functions. I would like to thank you, Shri Yadav. Begging is, as I said, an aggravated crime as it involves continual and extreme violence. Dr. Heena, thank you for your comments. The budgetary allocation would be increased as per the need. You had talked about re-trafficking. It is covered under Sections 32 and 33 and attracts imprisonment for life. So, we take it as seriously as you do. Dushyant ji had suggested the one-stop centres. I do agree with him absolutely. Kaushalendra Kumar ji, thank you for your support.

I would like to respond to Shrimati Satabdi Roy that we have been making changes for women in jails. In fact, that is the next thing. I would be

happy to share that with you. We finally reached after one and a half years of sending it to law schools; we prepare a manual for women prisoners, and for children. I agree with what you are saying that after six, if the child is taken away, where does the child go? It is a great concern. I am not going to leave this. It never occurred to me before. I am going to put this into the Rules.

Then, you said that we can't change society. We actually can change society because when this Government came in, when the Prime Minister suggested that we do, 'Beti Bachao, Beti Padhao', I myself was very sceptical and frightened. I said the same thing. We have been killing girl children for years, for decades and centuries. Why would we stop now? But, the campaign did take off. It didn't take long to change the Indian society for the better. We have a hugely patriarchal society in States like Haryana, Punjab, where the sex ratio at birth of girls had come down to 830 per thousand boys. These are the societies that change the fastest.

DR. M. THAMBIDURAI (KARUR): I would like to say a few words about the girlchild. In my Dharmapuri district of Tamil Nadu whenever a girlchild is born, they kill by giving poison or something. That has been happening. Seeing this, our former Chief Minister expressed serious concern, and said that her Government would come forward and adopt the girlchild. She introduced 'Cradle Baby' Scheme due to which many children were saved; they were educated and they are well placed now. Even before 'Beti Bachao, Beti Padhao' programme, the Government of Tamil Nadu had already implemented and had also succeeded in that.

SHRIMATI MANEKA SANJAY GANDHI: Absolutely. We learn a lot from you. Seeing the success of `Cradle Baby` scheme, we have implemented it all over India. So, thank you.

We can change the society in one year. Every State got involved; every District Magistrate got involved; every MP got involved, and we did change society. Haryana went up from 830, which was shameful, to 950 in less than two years. So, did most districts. Initially we took 100 districts wherein it went up is 61 districts. In regard to others, we worked on to see what mistakes we made. Now, they are doing extremely well. Now, the `Beti Bachao, Beti Padhao` scheme is all over India. So, we can change society; we need to have a desire to do it.

As Supriya ji said that we have zero tolerance for something; and then, we work backwards. The point is, we have had tolerance for beggars; we have tolerance for sex workers; we have tolerance for women, children and labour. When we decide to have zero tolerance, it is gone.

Then, Shri Pandey spoke. As I explained, railway childline operates in 100 stations and has rescued thousands of children. As I said before, I had sent letters to Members of Parliament giving the names of institutions in their constituencies, as you suggested. If you have not received it, I apologise. I will send it again.

Shri Patasani, thank you for your inputs. Shrimati Renuka, you want to tackle first poverty, and then do anything else. If I could, wouldn't I do it? But this Bill, if I spread it and I diffuse it so much that I first root out poverty, then I

root out inequality, then I root out something, then, I would never be able to save whatever little I can save.

So, I kept it more to the point. It also includes skill training which hopefully will work backwards so that they do not come back again into the same problem.

I will tell you what we did. For instance, the Government of Chhattisgarh rescued the girls and for all of them, the District Magistrate opened up bakeries for them and she put ten-ten girls who had been rescued in those bakeries, sent them to Pune where they learnt cooking and now, each bakery makes just wedding cakes. They were given a loan for each bakery and, now, in the first month itself, they have started repaying it to the tune of Rs. 8000 a month which means they are selling a lot of cakes. So, we gave them a Nari Shakti Puraskar for that.

Mr. Basheer, thank you for your appreciation. Shreemathi Teacher, marriage is specifically mentioned and there is a very comprehensive definition of it which I would request you to go through. Mr. Patel, thank you for your appreciation.

Mr. Tharoor made certain points. I have known Mr. Tharoor since I was in college. It is a pity that the hon. Member did not give us the benefit of his great wisdom during the two years when the Bill was being shaped. It was only after it was introduced in Parliament that he came to see me about this and did not mention a single thing of what he has said today. As you can see now, I am very happy to take suggestions. I do not know everything. All of you are as

committed as I am. So, if he had done that, I would have been happy to take note of it.

There are two types of people. I am now going to be very wicked. During the consultation of the Bill, we received comments from two groups. One was representing the victims and another was representing sex workers. Dr. Tharoor represents the second group and has come to me repeatedly in their defence. As Meenakshi ji said, we do not tolerate this.

HON. SPEAKER: He represented sex workers!

... (*Interruptions*)

SHRIMATI MANEKA SANJAY GANDHI: He represented officially. I am just coming to it.... (*Interruptions*)

HON. SPEAKER: There is nothing wrong in that.

... (*Interruptions*)

SHRIMATI MANEKA SANJAY GANDHI: There is nothing to attack or defend. He came to me officially with the representatives of sex workers and he asked for them not to be harassed if they were voluntarily in the profession to which I have said, "Absolutely, there is no question of harassing them". The Bill focusses on a victim. If a voluntary sex worker is not a victim, has not been trafficked, has no one to blame for his or her problem; or other ones like TGs, then there is no question of my harassing them or the police having anything to do with them. The Bill is not intended to facilitate or to harass sex workers.

So, I would like to thank you all for this and I would be deeply grateful if you pass this Bill.

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): While commencing the legislative document, hon. Minister in her introductory speech referred to two bodies – UNODC and SAARC – which are waiting to see India taking a lead in enacting a legislation against the invisible but pervasive crime across the world.

17 00 hrs

In this regard, I would like to refer to the observation of United Nations Independent Rapporteurs – Mariz Grazia, Via Marinero, Special Rapporteurs on Trafficking in Persons; and Urmila Bula, Special Rapporteur on Contemporary Forms of Slavery. They were greatly concerned about the Bill as presented by the Government to the Indian Parliament last week. I am drawing your attention to the observation made by the United Nations officials. They urged the Indian Parliament to revise the Bill in accordance with human rights laws. They raised two, three issues in regard to the Bill which seem to conflate trafficking with the smuggling of migrants, and social integration of those victims. They expressed their concern that this may lead to criminalisation of all irregular migrants including victims or potential victims of trafficking who because of a lack of safe, orderly and regular migration channels are forced into the hands of smugglers or traffickers. Simply I am drawing the flagging of the Minister to this.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam Speaker, I believe laws and institutions cannot be perfect instruments of doing justice in one go. There

is always room for improvement in any law and that is how they evolve. But we cannot keep arguing hoping for a Utopian legislation.

In this Bill, Madam, I would like to refer to two aspects on which clarifications can be given here. We have State Nodal Officers. The State Government is also involved. District-level Committees are to be formed. The Bill was introduced in the House last week and we have taken it up because of its urgency. Ultimately, all of us will be supporting this Bill. But the question arises, have State Governments been consulted or are being consulted? Ultimately, they have to do the work. The hon. Minister has not mentioned anything either in her speech now or at the time of introduction about the State Governments being consulted. This deals with Chapter 3.

I am reading this out from the Bill. On page 16, clause 39, sub-section 2, it says, "Whoever solicits or publicises electronically taking or distributing obscene photographs or videos, or providing material for soliciting or guiding tourists, or using agents or any other form which may lead to the trafficking of a person, shall be punished." The intent of this is not clear. This needs to be clarified in the rules as the Minister has accepted a number of suggestions. This is so wide, but the intent is missing. That intent needs to be clarified.

SHRIMATI MEENAKASHI LEKHI : Madam Speaker, aggravated form of offence is what was pointed out in the case of begging. जो भीख माँगते हैं, वह एग्रावेटेड फॉर्म ऑफ ऑफेंस है, इसलिए मुझे लगता है कि इसके अंदर वह जोड़ा जाना चाहिए। Maiming and blinding और जो उनके साथ फिजिकली किया जाता है, उसको डिफाइन किया जाना चाहिए।

SHRIMATI KAVITHA KALVAKUNTLA : Madam Speaker, I just wanted the hon. Minister to clarify if the labour organisations were taken into confidence while designing this Bill.

Secondly, Clause 19 specifically refers to mentally retarded children and crimes related to them. In that clause, I think the parents of mentally retarded children should be relaxed. That is not mentioned in the Bill. If it can be put in the rules, I think it will be good.

SHRIMATI PRATIMA MONDAL : Hon. Speaker Madam, I would request the hon. Minister that the repatriation process should be taken care of in this Bill so that girls trafficked especially from Bangladesh and other neighbouring countries may go to their homes as early as possible. I was the District President of South 24 Parganas and I personally experienced the scenario of girls being detained in homes for years. So, the repatriation process should be taken care of.

HON. SPEAKER: Prof. Saugata Roy, please speak only in one sentence if you have any query; no *bhashan* at all. I will not permit that.

PROF. SAUGATA ROY (DUM DUM): Hon. Speaker, Madam, actually I have stood up to commend the hon. Minister for her excellent answer. I have seldom heard a Minister reply point by point to every Member who have spoken. I think other Ministers will follow her example and reply in such detail. I have only two small points. The first one is: I do believe that this offence of trafficking is not known to people in general. I saw a Hindi film called 'Mardaani' starring Rani Mukherjee which really brought out this problem of child trafficking. Would the Minister please consider promoting a film or films in different languages by noted directors to highlight the problem of trafficking, particularly child trafficking? The second point is: at the national level, the Minister has given the task of investigation to the National Investigation Agency. The National Investigation Agency is already overburdened with crimes concerning terrorism. I would like to ask her whether she would consider setting up a different national body for investigating crimes regarding trafficking? That

would be very proper instead of burdening the already overburdened National Investigation Agency. Let me again commend the Minister for an excellent reply and a good Bill brought in the Parliament.

माननीय अध्यक्ष : वे मन से बिल लेकर आई हैं।

SHRIMATI P.K. SHREEMATHI TEACHER : Madam, in our country, girls are facing a big challenge. Most of the girls are first mentally exploited and then physically exploited. Cybercrimes are also increasing all over India. The aspect of cybercrimes, especially against girls, should be included in the Bill. ...

(Interruptions)

SHRI MD. BADARUDDOZA KHAN (MURSHIDABAD): Madam, please give me one minute. ... *(Interruptions)*

HON. SPEAKER: No. Everybody has something to ask. Now, the Minister will reply.

... *(Interruptions)*

SHRIMATI MANEKA SANJAY GANDHI: Madam, Shri Adhir Ranjan Chowdhury quoted what Dr. Shashi Tharoor also said, which is that two people from the UN Rapporteurs have asked for a better Bill. While I appreciate their concern, on the other hand when we went to Argentina for Global Conference on the Sustained Eradication of Child Labour, Shri Kailash Satyarthi took along this Bill in its final form and he read it out to 30 Ministers from different countries. I have to say that every one of them thought that it was a better Bill than they had in their own countries. As Shri Bhartruhari Mahtab mentioned, I am not saying that it is the best Bill in the world but what I will try into is that

whatever concerns have arisen now which you believe are not in the Bill will go into the Rules, so that we will try and see what the rapporteurs want because I think it is a good Bill. A lot of people from across the world have written to say that they are amending their Bills to come to conformity with this. But we will still try and make it better. Shrimati Meenakashi Lekhi has brought out that we should put in blinding and other such things. We have actually got it; it is in the Bill as body harming. In response to the query whether we consulted the States, yes, we did. Otherwise, I could not get a Bill.

The Prime Minister always insists that the States should be consulted; besides, every other Ministry and the GoMs are there. So, it goes through a very long process.

Only those electronic forms are criminalised which are abetting trafficking; otherwise, there are a lot of qualifiers to prevent misuse of free speech. However, if you believe that there is still a need, we will try to get it together in the Rules and show it to you.

Thank you again.

HON. SPEAKER: The question is:

“That the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 be taken into consideration.”

The motion was adopted.

HON. SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

Clause 2 Definitions

HON. SPEAKER : Shri N.K. Premachandran, are you moving your amendment Nos. 6, 7, and 8 to clause 2?

SHRI N.K. PREMACHANDRAN (KOLLAM): I beg to move:

Page 2, line 2, --

for “referred to in”

substitute “designated under”. (6)

Page 2, line 19, --

for “referred to in”

substitute “designated under”. (7)

Page 2, line 21, --

after “Sub-Divisional Magistrate”

insert “designated to discharge the duties and functions
under the provisions of this Act”. (8)

I am moving the amendment because it is the designated authority which has to make the Bill better.

HON. SPEAKER: I shall now put amendments No. 6, 7, and 8 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: Shrimati P.K. Shreemathi Teacher, are you moving amendment No. 25?

SHRIMATI P.K. SHREEMATHI TEACHER (KANNUR): I beg to move:

Page 3, for lines 7 and 8, --

Substitute '(w) "trafficking of persons" shall mean recruitment, transportation, harbouring, transfer or receiving of a person using threat, force or any other form of coercion, abduction, fraud or deception, abuse of power or position, inducement, including the giving or receiving of benefits, in order to achieve the consent of any person by anyone having control over such person recruited, transported, harboured, transferred or received, for the purpose of exploitation.

Explanations: 1. The expression "exploitation" shall include any form of physical or sexual exploitation, including the exploitation of the prostitution of others, slavery or practices similar to slavery, servitude, or the forced removal of organs:

Provided that the consent of the victim shall be immaterial in determination of the offence of trafficking;'. (25)

HON. SPEAKER: I shall now put amendment No. 25 moved by Shrimati P.K. Shreemathi Teacher to clause 2 to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4

Functions of the Bureau

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 9 to clause 4?

SHRI N.K. PREMACHANDRAN : I beg to move:

Page 4, *after* line 39, --

insert “(xxvi) facilitate establishment of protection homes, rehabilitation homes, rehabilitation and all other activities beneficial to the victim”. (9)

This is an additional function of the National Anti-trafficking Bureau. It is a harmless proposal.

HON. SPEAKER: I shall now put amendment No. 9 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That clause 4 stand part of the Bill.”

*The motion was adopted.
Clause 4 was added to the Bill.*

Clause 5 Investigation by the Bureau

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 10 to clause 5?

SHRI N.K. PREMACHANDRAN : I beg to move:

Page 5, line 9, --

for “other”

substitute “similar”. (10)

HON. SPEAKER: I shall now put amendment No. 10 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That clause 5 stand part of the Bill.”

*The motion was adopted.
Clause 5 was added to the Bill.*

Clause 6**State Nodal Officer**

HON. SPEAKER: Shri Premachandran, are you moving amendment No. 11?

SHRI N.K. PREMACHANDRAN (KOLLAM): I beg to move:

Page 5, line 22, --

after "relief"

insert ", legal aid". (11)

HON. SPEAKER: I shall now put amendment No. 11 to clause 6, moved by Shri Premachandran, to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 9 were added to the Bill.

Clause 10**Anti-Trafficking Unit**

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 12?

SHRI N.K. PREMACHANDRAN : Madam, I am not moving this amendment.

HON. SPEAKER: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

**Clause 11 National Anti-Trafficking Relief and
Rehabilitation Committee**

HON. SPEAKER : Shri Rabindra Kumar Jena, are you moving amendment No. 1 to clause 11?

SHRI RABINDRA KUMAR JENA (BALASORE): Madam Speaker, the Minister has already assured the House that she will take this into account in the rules. So, I am not moving my amendment.

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 13 and 14 to clause 11?

SHRI N.K. PREMACHANDRAN : I beg to move:

Page 6, line 30, --
for "Member"
substitute "Co-Chairperson". (13)

Page 6, line 38, --
after "victims"
insert "out of which one shall be a woman". (14)

There are four representatives from civil society out of which one should be a woman. That is my amendment. Kindly carry this amendment.

HON. SPEAKER: I shall now put amendment Nos. 13 and 14 moved by Shri N.K. Premachandran to clause 11 to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: The question is:

"That clause 11 stand part of the Bill."

*The motion was adopted.
Clause 11 was added to the Bill.*

Clause 12 **State Anti Trafficking
Committee**

HON. SPEAKER: Shri Rabindra Kumar Jena, are you moving amendment No.2 to Clause 12?

SHRI RABINDRA KUMAR JENA : Madam, I am not moving amendment No.2 to Clause 12.

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment Nos.15, 16 and 17?

SHRI N.K. PREMACHANDRAN : Madam, I beg to move:

Page 7, line 17,-

for "Director General of Police"
substitute "Secretary, Law Department". (15)

Page 7, line 23,-

for "Secretary, Law Department"
substitute "Director general of Police". (16)

Page 7, line 26,-

for "Two"
substitute "Four". (17)

HON. SPEAKER: I shall now put amendment Nos. 15,16 and 17 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: The question is:

"That clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 District Anti-Trafficking Committee

HON. SPEAKER: Shri Rabindra Kumar Jena, are you moving amendment No.3?

SHRI RABINDRA KUMAR JENA : Madam, I am not moving amendment No. 3 to Clause 13.

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment Nos.18 and 19?

SHRI N.K. PREMACHANDRAN : Madam, I am not moving amendment Nos. 18 and 19 to Clause 13.

HON. SPEAKER: Shrimati K. Kavitha, are you moving amendment Nos.26 and 27?

SHRIMATI KAVITHA KALVAKUNTLA (NIZAMABAD): Madam, I am not moving amendment Nos.26 and 27 to Clause 13 as the hon. Minister has assured that she will make it a part of the rule.

HON. SPEAKER: The question is:

“That clause 13 stand part of the Bill”.

The motion was adopted.

Clause 13 was added to the Bill.

**Clause 14 Powers of District
Anti-Trafficking Committee**

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 20?

SHRI N.K. PREMACHANDRAN : Madam, I beg to move:

Page 9, line 4,-

after "protection"

insert "education". (20)

HON. SPEAKER: I shall now put amendment No. 20 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15 was added to the Bill.

**Clause 16 Rescue and Medical
Examination of Persons**

HON. SPEAKER: Shri Rabindra Kumar Jena, are you moving amendment No.4?

SHRI RABINDRA KUMAR JENA : Madam, I am not moving amendment No.4 to Clause 16.

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No.21?

Clause 23**Registration**

HON. SPEAKER: Shri Tathagata Satpathy – Not present.

The question is:

“That clause 23 stand part of the Bill”.

The motion was adopted.

Clause 23 was added to the Bill.

Clauses 24 and 25 were added to the Bill.

Clause 26**Repatriation of victims**

HON. SPEAKER: Shrimati P.K. Shreemathi Teacher, are you moving amendment No.28 to Clause 26?

SHRIMATI P.K. SHREEMATHI TEACHER : Madam, I beg to move:

Page 12, for lines 7 to 10,-

substitute “(4) The repatriation of the victims shall be done after taking care of the social, economic and psychological needs of the victim and after providing assistance to all the urgent and long-term needs including housing, food and nutrition assistance, cash assistance, medical assistance including physical and psychological counselling, legal support, support for securing jobs and support for seeking remedies for rights violations.”. (28)

HON. SPEAKER: I shall now put amendment No. 28 moved by Shrimati P.K. Shreemathi Teacher to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That clause 26 stand part of the Bill”.

The motion was adopted.

Clause 26 was added to the Bill.

Clauses 27 to 30 were added to the Bill.

**Clause 31 Aggravated form of
Trafficking of persons**

HON. SPEAKER: Shrimati P.K. Shreemathi Teacher, are you moving amendment Nos. 29 and 30 to Clause 31?

SHRIMATI P.K. SHREEMATHI TEACHER : Madam, I beg to move:

Page 14, line 5,-

after "bonded labour"

insert "or sexual exploitation". (29)

Page 14, *after* line 31,-

insert "(xii) for the purpose of sexual exploitation by use of weapons to threaten or coerce, or physical beatings, violence and torture.

(xiii) for the purpose of sexual exploitation based on caste-based exploitation or in the name of "tradition". (30)

HON. SPEAKER: I shall now put amendment Nos. 29 and 30 moved by Shrimati P.K. Shreemathi Teacher to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: The question is:

"That clause 31 stand part of the Bill".

The motion was adopted.

Clause 31 was added to the Bill.

Clauses 32 and 33 were added to the Bill.

Clause 34 **Punishment for keeping or allowing
premises to be used as place of
trafficking of persons**

HON. SPEAKER: Shri Tathagata Satpathy – Not present.

The question is:

“That clause 34 stand part of the Bill”.

The motion was adopted.

Clause 34 was added to the Bill.

Clauses 35 to 38 were added to the Bill.

Clause 39 **Buying or selling
of any person**

HON. SPEAKER: Shrimati P.K. Shreemathi Teacher, are you moving amendment No. 31?

SHRIMATI P.K. SHREEMATHI TEACHER : Yes, Madam, I beg to move:

Page 16, *after* line 29,-

Insert “(2)Whoever buys or attempts to buy sexual favour from another person, or hires services of a victim of trafficking, making or agreeing to make payment in cash or kind, shall be punished with rigorous imprisonment for a term which shall not be less than six months but may extend to two years and shall be liable to fine which may extend to twenty thousand rupees:

Provided that on second or subsequent convictions, the rigorous imprisonment shall not be less than two years but may extend to five years and fine may extend to fifty thousand rupees.” (31)

HON. SPEAKER: I shall now put amendment no. 31 to Clause 39 moved by Shrimati P.K. Shreemathi Teacher to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That Clause 39 stand part of the Bill.”

The motion was adopted.

Clause 39 was added to the Bill.

Clauses 40 to 46 were added to the Bill.

Clause 47

Special Public prosecutors

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No. 23?

SHRI N.K. PREMACHANDRAN : Madam, I am not moving amendment No. 23.

HON. SPEAKER: The question is:

“That clause 47 stand part of the Bill.”

The motion was adopted.

Clause 47 was added to the Bill.

Clauses 48 to 51 were added to the Bill.

Clause 52

Cognizances of offences

HON. SPEAKER: Shri N.K. Premachandran, are you moving amendment No 24 to Clause 52?

SHRI N.K. PREMACHANDRAN : Madam, I beg to move:

Page 19, line 14,-
for “guilty”

substitute “interfering with investigation.” (24)

Madam, there is a very strong legal error. At the time of moving the bail application, it is written that “Where the Special Public Prosecutor opposes the application and the court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence.” Madam, how can the Magistrate or the court find that he is not guilty at the time of moving the bail application? This is a very strong legal error on the part of drafting. Kindly look into the matter. I am moving it.

HON. SPEAKER: I shall now put amendment no. 24 to Clause 52 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That Clause 52 stand part of the Bill.”

The motion was adopted.

Clause 52 was added to the Bill.

Clauses 53 to 59 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

HON. SPEAKER: The hon. Minister may now move that the Bill be passed.