

# Standing Committee Report Summary

## The Immoral Traffic (Prevention) Amendment Bill, 2006

- The Standing Committee on Human Resource Development submitted its 182<sup>nd</sup> Report on ‘The Immoral Traffic (Prevention) Amendment Bill, 2006’ on November 23, 2006. The Chairperson was Shri Janardan Dwivedi.
- The Committee recommends that the Bill be passed after the amendments/additions suggested by it have been incorporated.
- The Bill defines “prostitution” as the sexual exploitation of persons for commercial purposes or for consideration in money or any other kind. The Committee feels the definition is too wide due to addition of the words “any other kind”, which could include sex work which may be consensual in nature.
- The Bill covers the offence of trafficking in persons for the purpose of prostitution. The Committee suggests that there is a strong case for bringing separate legislation to cover trafficking in persons for all purposes other than for prostitution (which is covered in the Bill). The Committee also recommends that the definition of ‘trafficking in persons’ should include trafficking driven by religious beliefs and other social practices.
- While the Bill provides for imprisonment for a minimum of seven years to life for the offence of child trafficking, the Committee recommends that the punishment should be increased to a minimum of 10 years. In the event of subsequent conviction, the minimum term should be life.
- According to the Bill, any person found in a brothel for sexual exploitation of any victim of trafficking shall be guilty of a punishable offence. However, it is not clear how a distinction can be made between trafficked and non-trafficked person in a brothel. The Committee recommends that such ambiguities need to be removed from the Bill. It also suggests that the terms “trafficked victim” and “commercial sexual exploitation” should be defined in the Bill. Also, interventions for prevention of HIV/AIDS should be mainstreamed to target the sex workers who are not brothel based.
- The Committee recommends that there should be provision in the Bill to prosecute pimps, procurers, agents and other exploiters with self-interest for soliciting.
- The Committee suggests that instead of detaining female offenders in a corrective institution, the government should create rehabilitation homes where opportunities for seeking an alternative livelihood with the woman’s consent are provided.
- The Committee recommends that the rank of the special police officer authorised to deal with offences in the Act should not be lowered to Sub-Inspector (as proposed in the Bill) because it increases possibility of misuse. It further suggested that special police officers could be appointed for the purpose and more lady officers may be included to deal with crimes under the Act.
- The Bill provides for setting up central as well as state authorities for preventing and combating trafficking in persons. The Committee recommends that setting these authorities should be mandatory and the composition and powers of the authorities should be spelt out in the Bill itself. Also, social workers, including members of women’s organisations, health workers, etc should be included in the authorities.
- The Committee feels that trafficked persons, especially children may feel threatened in the presence of the accused and the police if trials are in-camera. Therefore, it suggests that a person whom they trust should be with them throughout the proceeding.
- The Committee made some general observations about the Bill. It notes that the problem of cross-border dimension of the problem of trafficking has not been dealt with in the Bill. Also, it feels that the legal position of child prostitutes need to be examined and adequate provisions safeguarding the interests of child prostitutes need to be added. The schemes for rehabilitation of trafficked victims are not benefitting the intended recipients. The Bill should make a distinction between living on and living off the earnings of a prostitute to safeguard her right to incur expenditure voluntarily.
- The Committee recommends that the government should create a special fund for the welfare and rehabilitation of sex workers and their children. Also, public awareness measures to treat sex workers as normal human beings need to be undertaken.

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