

## LOK SABHA

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### SYNOPSIS OF DEBATES (Proceedings other than Questions & Answers)

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

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#### OBITUARY REFERENCE

**HON. SPEAKER:** Hon. Members, I have to inform the House about the sad demise of three former Members, namely, Shri Kameshwar Paswan, Shri Pandurang Pundlik Fundkar and Shri Raj Narain Passi.

Shri Kameshwar Paswan was a Member of the 11th Lok Sabha representing Nawada Parliamentary Constituency of Bihar. Earlier, Shri Paswan was a Member of the Bihar Legislative Assembly for two terms and served as the Welfare Minister in the Government of Bihar from 1977 to 1979. He was also a Member of Rajya Sabha from 1990 to 1996. A teacher and a social worker, Shri Paswan worked for the upliftment of the weaker and downtrodden sections of society.

Shri Kameshwar Paswan passed away on 28th May, 2018 in Patna, Bihar at the age of 77.

Shri Pandurang Pundlik Fundkar was a Member of 9th, 10th and 11th Lok Sabha representing Akola Parliamentary Constituency of Maharashtra. Shri Fundkar was Minister for Agriculture and Horticulture in the Government of

Maharashtra at the time of his death. Earlier, he was a Member of Maharashtra Legislative Assembly for two terms and a Member of Maharashtra Legislative Council for three terms.

Shri Pandurang Pundlik Fundkar passed away on 31st May, 2018 in Mumbai, Maharashtra at the age of 67.

Shri Raj Narain Passi was a Member of 10th, 12th and 13th Lok Sabha representing Bansaon Parliamentary Constituency of Uttar Pradesh.

Shri Raj Narain Passi passed away on 19th July, 2018 in Lucknow, Uttar Pradesh at the age of 69.

We deeply mourn the loss of our three former colleagues. I am sure the House will join me in conveying our condolences to the bereaved families.

*The Members then stood in silence for a short while.*

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### **SUBMISSIONS BY MEMBERS**

(i) *Re: Circular of UGC treating respective Department of University as an unit resulting in denial of reservation in promotion to reserved category candidates.*

**THE MINISTER OF CHEMICALS AND FERTILIZERS AND  
MINISTER OF PARLIAMENTARY AFFAIRS(SHRI ANANTH KUMAR)**

*responding to the issue raised by several hon. Members, said: The Government*

has filed special leave petition in the Supreme Court with regard to the reservation given to Scheduled Castes, Scheduled Tribes and OBCs in the matter of recruitment as well as promotion in the UGC and other universities. Further, the Government will not allow any change in the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The Government has also filed a Special Leave Petition to review the decision.

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**\*MATTERS UNDER RULE 377**

- (1) **SHRI DUSHYANT SINGH** laid a statement regarding improving railway connectivity in Jhalawar Parliamentary Constituency, Rajasthan.
- (2) **SHRI AJAY MISRA TENI** laid a statement regarding need to start production and marketing of Ayurvedic medicine for acute promyelocytic leukemia.
- (3) **SHRIMATI RAKSHATAI KHADSE** laid a statement regarding need to desilt all the dams and reservoirs in the country.
- (4) **SHRI SATYAPAL SINGH** laid a statement regarding need to address the problem of contaminated water in Sambhal Parliamentary Constituency, Uttar Pradesh.

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\* Laid on the Table as directed by the Chair.

- (5) **SHRI JANAK RAM** laid a statement regarding need to undertake renovation of approach roads of railway stations, construction of foot-over bridges and road over bridges on level crossings in Gopalganj district, Bihar.
- (6) **ADV. NARENDRA KESHAV SAWAIKAR** laid a statement regarding need to set up a Committee of Experts to study use of Formaldehyde for preservation of fish.
- (7) **SHRI DEVENDRA SINGH BHOLE** laid a statement regarding irregularities in post office situated in Pipar Gawan village in Bidhnu Development block in Akbarpur Parliamentary Constituency, Uttar Pradesh.
- (8) **SHRIMATI RITI PATHAK** laid a statement regarding need to provide adequate compensation to villagers relocated from Sanjay National Park in Sidhi Parliamentary Constituency, Madhya Pradesh.
- (9) **SHRI HARISH MEENA** laid a statement regarding need to fill up vacant posts in Government offices and departments and also to regularize the services of contractual/temporary employees working in government sector.
- (10) **SHRI GOPAL SHETTY** laid a statement regarding irregularities in operation of petrol pumps in Thane district, Maharashtra.

- (11) **DR. RAMESH POKHRIYAL NISHANK** laid a statement regarding need to start skill development and entrepreneurship programme in Uttarakhand based on the potential of natural resources of the State.
- (12) **SHRI JUGAL KISHORE** laid a statement regarding need to expedite four-laning of Jammu-Akhnoor-Poonch National Highway.
- (13) **SHRI VINOD KUMAR SONKAR** laid a statement regarding need to impart knowledge of Constitution of India to students in schools and higher educational institutions.
- (14) **SHRI RAJENDRA AGRAWAL** laid a statement regarding need to set up a Planetarium in Meerut, Uttar Pradesh.
- (15) **SHRI MOHD. ASRARUL HAQUE** laid a statement regarding need to grant the status of State Government employee to Aanganwadi workers.
- (16) **SHRI ANTO ANTONY** laid a statement regarding final notification on Western Ghats relating to Ecologically Sensitive areas.
- (17) **SHRI MULLAPPALLY RAMACHANDRAN** laid a statement regarding need to allocate funds to Kerala for construction of sea walls along the coastline.
- (18) **SHRI R.K. BHARATHI MOHAN** laid a statement regarding need to set up a Kendriya Vidyalaya at Kumbakonam in Tamil Nadu.

- (19) **SHRI M. CHANDRAKASI** laid a statement regarding need to provide stoppage of Antyodaya Express and Rameshwaram-Bhubaneswar Express at Chidambaram railway station.
- (20) **SHRI NAGENDRA KUMAR PRADHAN** laid a statement regarding non-payment of insurance amount to farmers of Odisha by a private insurance company.
- (21) **SHRI SHRIRANG APPA BARNE** laid a statement regarding need to set up fast track courts for early disposal of corruption cases.
- (22) **SHRI VIJAY KUMAR HANSDAK** laid a statement regarding need to implement Land Acquisition Act, 2013 in letter and spirit in Jharkhand.

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

**THE MINISTER OF WOMEN AND CHILD DEVELOPMENT  
(SHRIMATI MANEKA SANJAY GANDHI)** *moving the motion for  
consideration of the Bill, said:* 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. We can not sit silent and let women and children be bought and sold. If today we do not

pass the Bill we will deny the millions of our children the fundamental rights of life and liberty. The crime of trafficking is hugely organized and largely invisible. Our children's future is put into jeopardy because our laws and Bills failed them. We will have to target the backbone of this organized crime. This Bill has received over 300 suggestions from public and civil society. Regional consultations have been held in all the main cities. The Bill makes relief and rehabilitation of the rescued person a matter of right. Human trafficking is a borderless crime. The Bill provides for a National Bureau to effectively address this aspect. The setting up of special Anti-Human Trafficking Units(AHTU) all over the country is an important step. The Bill also provides for freezing and confiscating illicit assets, born out of trafficking crimes. The buying and selling of human beings is being made a cognizable offence. Let us make this Bill a reality today to protect our citizens, especially the most vulnerable ones, women and children.

**DR. SHASHI THAROOR** *initiating said:* It is a matter of deep concern in our country and across the world that lakhs of people, especially women and children are trafficked by illegal placement agencies and rackets. Trafficking must be rooted out this Bill does not do that. We already have numerous laws which deal with trafficking but the problem with all these laws is that they have varied approaches and parallel enforcement and institutional mechanisms to deal with trafficking. So, the need of the hour is a comprehensive legislation which brings

out a clear-cut strategy to deal with trafficking. This Bill is a rehash of existing laws. The Bill heavily relies on the definition of trafficking provided under Section 370 of the IPC. However, this provision and Section 370A have been applied liberally by the Police and the courts going well beyond the legislative intent of those provisions. 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 are numerous instances in which the Police have threatened sex workers and this Bill has no safeguards against such misuse. This Bill criminalizes trafficking for the purpose of begging and 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. These provisions can be struck down by the Judiciary. The Bill creates a new offence of aggravated trafficking but it is not clear as to what is aggravated trafficking all about? It is distressing to note that Clause 16 of the Bill which allows medical examination of victims fails to mention that the consent of the victim shall be taken as and when practical. As regards rehabilitation, we need to make sure that the people who do not want to be in these rehabilitation homes are not forcefully incarcerated in them. The Bill empowers the Magistrate to release victims from these homes 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. In such situation, these homes can be places of mental and physical torture. The earlier draft of this Bill had mandated monthly inspections of these homes. 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 etc. Unfortunately, the present Bill has dropped all these provisions. I urge the hon. Minister to retain these provisions.

We are going backwards in this Bill from progressive legislations already adopted by this Parliament in recent years. This is a Bill of the bureaucracy, drafted by the bureaucracy and for the bureaucracy. The victims are the lowest priority in this Bill. There is only one clause in the entire Bill which deals with preventive measures. It fails to get 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. Smuggling or migration often takes place due to dire economic conditions. The UN Member states as far back as 1975 agreed to avoid the word 'illegal' in relation to migration. It conflates trafficking with smuggling of migrants in violation of international law and human rights principles. India is just agreeing to a Global Compact and then we are passing a Bill today that will undermine the same. The Bill talks about the repatriation of victims of trafficking,

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. This must only be undertaken if the adult victim wishes to return to his or her home. We need to recognize that trafficking is not merely a law and order issue, rather it has its roots in socioeconomic realities of our country. Therefore, we need to also have some sense of responsibility to improve the socioeconomic condition of our women and children. This Bill still follows the conventional method of combating trafficking. The Minister could have considered 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. 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 and Contemporary Forms of Slavery just four days ago on this Bill when this Bill became public. The Bill overemphasizes the criminal response and does not give due consideration to the rights and needs of victims and their effective protection and proper rehabilitation. In fact, top international experts have been forced to issue this warning because this Bill is so bad. It is very clear that my objections are fundamental and a lot more can be done. I am requesting that the Minister refers this Bill to a Standing

Committee so that the deficiencies in this Bill can be addressed and we can really formulate a model law against trafficking.

**SHRI OM BIRLA:** This is a very important Bill. Human trafficking has become the big business after drugs and weapons smuggling. The present Bill has been brought after taking suggestions from several countries including MPs, MLAs and several committees after it was introduced in the year 2016. But this Bill is a comprehensive Bill in itself. There was no composite provision in the laws enacted so far to check human trafficking. I am hopeful that we shall be able to effectively check organised human trafficking in the country. Therefore, various provisions have been made in this Bill relating to looking after the victims and protection and rehabilitation of the victims. People were being sent abroad through human trafficking and this Bill will effectively check that problem. We are, of course, drafting a law but if we want to check the human trafficking effectively then we ought to check poverty and lack of education. Our Government has made a provision in this Bill that the person involved in human trafficking will also be included in the category of criminals. An Hon. Member was saying that this Bill has got many deficiencies but Hon. Minister met several MPs, women and NGOs to elicit their views on this Bill during the period from 2016-18. I am very hopeful that after enactment of this law, we shall be able to check human trafficking effectively in the country.

**SHRIMATI PRATIMA MONDAL:** The new Bill proposes one of the most pervasive crimes affecting the most vulnerable persons. This Bill, however, does not propose much new things than what had already existed. The new anti-trafficking Bill appears to be flawed as there are provisions that are both problematic and make no sense. For instance, gradation of offences appears to be illogical. Trafficking for the purpose of begging is considered to be aggravated, whereas trafficking for sexual exploitation is a simple trafficking. Some of the provisions are also vague and impractical. This Bill authorizes 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. The Bill falls back on the outdated methods of rescuing and detaining victims in the name of rehabilitation. 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. Instead of streamlining enforcement, the Anti-Trafficking Bill encourages institutional bureaucracy by creating ten different agencies 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. Adopting an approach of imprisonment in jail to what is largely a socio-economic phenomenon, is misplaced and unwise.

**SHRIMATI V. SATHYABAMA:** First of all, I convey my sincere thanks to the Government 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. 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. Similarly, the bill requires the Central or State Government to set up Protection Homes. These would provide shelter, food, counseling and medical services to the victims. The Central Government will also create a Rehabilitation Fund which will be used to set up these Protection and Rehabilitation Homes. This Bill also 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. 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:** 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. Second, it is being giving excessive powers to cops to search, seizure, rescue, investigation, collecting evidence etc. 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. Also, the bill does not focus on human rights or it is not a victim-centric approach Bill. Mostly the stress is on criminal law perspective. I would like to refer to the panel constituted by Supreme Court. 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. The Bill says that police officers can, on mere suspicion that someone is being trafficked, conduct a raid and rescue operation. 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. And the vague nature of the Bill may lead to the criminalisation of all irregular migrants. 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. So, to take an overall view of the issue now, this is a very sensitive issue and it is something done, without proper research. Since Government has consulted NGOs but I have my reservations about NGOs. Because NGOs are very doubtful in nature. Instead, when it concerns workers, it would have been appropriate to consult labour unions and trade unions also. So, I

would suggest that this Bill be sent to a committee and a fresh opinion be sought on this.

**SHRI VINAYAK BHAURAO RAWAT:** Through this Bill, efforts are being made to provide justice to the victims by imposing ban on all anti-social approach. There are many features of this Bill but mere enacting of laws is not going to serve the cause. It is essential to implement the enacted laws properly. With regard to Mumbai, we find that the children engaged in begging in the Mumbai area do not belong to poor family instead they are part of gangs engaged in begging. There are various gangs engaged in trafficking and inhuman torture of children and forcing them into begging in Mumbai. These children even do not get their share from their earnings. Similarly, girl children are also not safe in the orphanages and children homes situated in the tribal areas. So, first of all, there is a need to put restriction on the appointment of male officers in Balika Ashrams. Today, pimps are involved in human trafficking in all the districts of Maharashtra. Similarly, there is also need to conduct inquiry about the functioning of agencies involved in foreign placement. Now, provisions have been made in this Bill to resolve all these problems. In the tribal area of Thane district, children of 4 years of age are being forced to work in brick kilns by the kiln owners. But these people are not being prosecuted. I would also like to request that the whole trial process should be completed within the period of one year.

**SHRI MUTHAMSETTI SRINIVASA RAO:** 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. The first reason for trafficking of women and children is because of socio-economic issue. It is because of the poverty, lack of education and lack of awareness in society. What I want to say is that hon. Minister is going to form National Anti-Trafficking Bureau. But at least head in this Bureau should be a strong person. Even if you appoint a male person for National Anti-Trafficking Bureau, it is of no use. The new law will make India a leader among South Asian countries to combat trafficking. The Bill has been prepared in consultation with line Ministries, Departments, State Governments, NGOs and domain experts. This Bill addresses the issue of trafficking from the point of view of prevention, rescue and rehabilitation. The Bill prescribes punishment for promoting or facilitating trafficking of person. Similarly, a provision for time bound trial and repatriation of the victims within a period of one year from taking into cognizance is also there. Again, Rehabilitation Fund is being created for the first time. I welcome the provision of designated courts in each district for the speedy trial of the cases. The National Investigation Agency (NIA) will perform the tasks of Anti-Trafficking Bureau at the national level. Also, the Bill comprehensively addresses the



transnational nature of crime. In all, we support the Bill. But it is better if it goes to the Standing Committee to improve upon its effectiveness.

**SHRIMATI KAVITHA KALVAKUNTLA:** 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 Government 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 for four reasons mainly we never had a proper legal framework to prevent trafficking, protection of victims and witnesses and 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. This Bill proposes to establish a National Anti-Trafficking Bureau which is a very, very welcome move. This Bureau will have its offices and network at the State and district level and it will directly interact with the people and the vulnerable sections. The best part of this protection is that the identity of the victims and witnesses will be protected with the help of the local police and officers. The best part of this Bill is 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. The Bill also provides for in camera trial and via video conferencing trial. Usually, victims and witnesses have a very sensitive kind of a situation

where they cannot personally be attending the court. Regarding rehabilitation of the victims, the Government has set up short stay homes and swadar homes across the nation. I support this Bill.

**SHRI MD. BADARUDDOZA KHAN:** 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. If we want to stop trafficking, we should try to eradicate poverty and illiteracy. 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 10, the responsibility of anti-trafficking unit at the district level and the officer in-charge of the concerned police station is mentioned, but some of the officers misbehave with the victims and do not want to register the complaints initially. 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 licensing 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. 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. There is a lack of awareness among the poor people about trafficking. We have to create

awareness among our children at the school level through teachers and special educators. Legal assistance committee should be set up with the help of lawyers to help the victims, at least at the sub-divisional level.

**SHRIMATI SUPRIYA SULE:** On behalf of my Party, I stand here to support this Bill. I do not think anybody in this House would oppose this Bill. It is very alarming that out of 10,000 persons arrested for trafficking, only 159 persons were convicted. This is not a political issue. This is a social issue. When anybody is trafficked, it is merely a compulsion on that person. It is not out of somebody's will. I would like to know how the entire administration of a district and anti-trafficking unit will be done. 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 as women who have been through trafficking go through a lot of mental trauma. Will there be an NGO? It is because a lot of wrongdoing happens in adoption. I hope the same thing does not happen here. These are very complex social issues. What happened in Jharkhand and Patna last week are not political issues. So, how do we make everybody accountable? There has to be a clear message which says we are going to have zero tolerance towards trafficking and it has to be done in a very fair and transparent manner. The fund provided for rehabilitation is a very small fund for a size of this nation. There is nothing really said about transgenders as to how they will be protected. If somebody is trafficked and brought back, then how will you socially integrate her back into the society. The Bill talks about jurisdiction of

the Magistrate inter-State. But, how it would work inter-State. If somebody is caught in one State and sent back, then how will the jurisdiction work? 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? The District Administrator and the Magistrate has been given a lot of importance. Our District Administrators already have a big administrative set up. Will he or she have enough time to devote to these issues? These are very sensitive issues and the Government must clarify about them giving us a broad view.

**SHRIMATI KOTHAPALLI GEETHA:** Human trafficking is the third largest organised crime across the globe. As per 2016 NCRB statistics 8,132 cases of trafficking were reported across the country, with the number of victims rescued being 23,117. 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. Delivery of justice in time is one of the major issues. Victims lose their lives while attending the court proceedings. So, I fully appreciate the 90-day timeframe for completion of investigation. I would like to request that a Member of Parliament should be the Chairperson of the District Anti Trafficking Committee instead of the district magistrate because this is mostly a social evil. It is also a welcome step to delink rehabilitation from criminal proceedings. Protection of victims and witnesses is also a prerequisite to deliver

justice. The Bill maintains the confidentiality of the victim. 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 affecting the lives of millions of citizens.

**SHRI DHARAM VIRA GANDHI:** I support the Bill in general but I have some very important points to make. 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. If the Government is at all sincere about tackling this problem then lakhs of children who have disappeared during the last ten years should be considered as having gone into trafficking and should be investigated. The rehabilitation centres are not being taken care of properly in my city of Patiala and not much funds have been released. As regards, unhindered powers given to the police and the bureaucracy, there are chances that the powers may be misused for political vengeance.

**SHRIMATI MEENAKSHI LEKHI:** This Bill is the need of the time. There is no system of rehabilitation in the country for the victims of human trafficking. Sexual exploitation can also be named modern slavery because victims are treated exactly like a slave. They are forced to do such acts which nobody in their normal senses would do. According to the global figure, 70 to 80 per cent of the people pushed into this trade are cases of sexual exploitation. Out of the total number of persons pushed into this trade, 50 per cent of them are children. There has been a rise of 30 per cent in the cases of child kidnapping.

The Government cannot function without bureaucracy and all these issues cannot be sorted out without it. Therefore, it is inevitable to involve bureaucracy in it and at the same time a mechanism is required to be evolved where Members of Parliament, State Governments and District Committees will have to discharge their respective duties. We have figures which clearly reveal that the earlier system is not functioning well. That's why this legislation has been brought in. This seeks to provide for rehabilitation and training as well. This legislation has been brought with a view to tightening the screws on the traffickers involved in the sex trade and bringing them to book. This is the third organized crime in the world. This legislation provides for conducive mechanism, dedicated police, courts so that the process of trial and final decision may be completed within a year. Ultimately, sex trade cannot be a profession and the country thinks very strongly in this regard.

**SHRI VINCENT H. PALA:** The Bill looks like an umbrella Bill but at the same time there are a lot of lacunae in it. Therefore, this Bill should be sent to the Standing Committee and have an appropriate examination before being brought to the House. At the same time, the concerns of the victims should also be considered in the wider perspective. Moreover, the rules and regulations should be framed in consultation with the State Governments and stakeholders so that this Bill be implemented in good spirit.

**SHRI N.K. PREMACHANDRAN:** I do accept that trafficking of human beings is one of the largest organized crimes violating the human rights. Hence, to eradicate the human trafficking, a comprehensive legislation is absolutely essential. The Bill brought by the Hon. Minister to tackle the serious issue is a big one having 58 Clauses. Hence the Bill should be referred to the Standing Committee so as to have a close scrutiny of the entire provisions of the Bill. It also provides for the Rehabilitation Fund for the welfare of the victims of trafficking. But unfortunately the fund earmarked in the financial memorandum is just Rs.10 crore. Is it the intention and sincerity of the Government? The legislation lacks clarity as there are multiplicity of institutional mechanism to coordinate various agencies to prevent, investigate, prosecute and provide care and protection. But no clear and distinct responsibility has been earmarked for each agency. Most of the provisions in this Bill are just repetitions. Moreover, the Bill is more crime-centric than human rights centric. Instead of streamlining the enforcement, the Bill intends to build institutional bureaucracy. At the same time, the Bill does not give due consideration to the rights and needs of victims and their effective protection and proper rehabilitation.

**SHRI JAI PRAKASH NARAYAN YADAV:** I congratulate Hon. Minister for bringing such a good piece of legislation for the society, country and for the future generations. This Bill seeks to tighten the screws on the perpetrators of such crime and they will be brought to book. The incident which recently took place in

Muzaffarpur is nothing but a case of human trafficking. This is a big shame for all of us. Human trafficking is perpetrated on a large scale in Sitamarhi, Motihari, Betiya and Muzaffarpur of Bihar via Nepal which required to be checked urgently. Poverty, illiteracy and lack of means of livelihood also account for such a heinous crime. Protecting human rights is necessary by checking such crimes.

**DR. HEENA VIJAYKUMAR GAVIT:** This Bill is actually the need of the hour. Human trafficking is a deplorable human rights violation that occurs worldwide. So, human trafficking is a very serious issue which needs to be looked at. 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. Moreover, the State Anti-Trafficking Committees will be constituted to oversee the implementation of the Bill to see whether it is being implemented properly or not. One very good initiative in this Bill is that a dedicated team of police officers will be working on this issue. Moreover, this Bill makes a provision to create a Rehabilitation Fund for the welfare and rehabilitation of the victims of trafficking. 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. I would specifically give some suggestions here. I have already mentioned about the



Rehabilitation Fund. Secondly, the Bill is silent on prevention of re-trafficking. As far as trafficking syndicate is concerned, we need to dismantle the entire syndicate rather getting hold of one person.

**SHRI DUSHYANT CHAUTALA:** Human trafficking is a serious issue. Therefore, the Government should take it into account that the onus of investigating the cases should be entrusted to the police of other districts instead of local police while setting up the units. Besides, the security of the children living in the rehabilitation centres is a matter of serious concern. Hence, the rehabilitation centres run by NGOs need to be monitored as the functioning of the rehabilitation centres has constantly been suspicious. The provision of giving decision in a time-bound manner is a welcome move. Moreover, on the lines of Nirbhaya Centres, provisions should be made to set up centres to check human trafficking.

**SHRI KAUSHALENDRA KUMAR:** I rise to support this Bill on behalf of my party. This Bill provides for stringent legal provisions which will put check on human trafficking and physical exploitation. This legislation will bring the human trafficking to a halt and will facilitate the care and rehabilitation of the victims. At the same time, it will ensure the early disposal of the cases. This legislation will turn out to be an effective instrument in dismantling the organized nexus at national and international level. A monitoring mechanism needs to be set up to

keep an eye on pimps involved in human trafficking and provisions should be made to give such pimps stringent punishment.

**SHRIMATI SATABDI ROY:** To showcase our commitment to combat human trafficking, I request the Government to ensure that there is time-bound rescue of victims of trafficking, AHTUs across districts in India are empowered, Protocols and funds for coordination of inter-State cases of forced labour are made available to support officials, survivors and NGOs, role of NGOs is acknowledged, adequate fund and resources are provided for the enforcement of the new law. The Walk Free Foundation Global Slavery Index 2016 claims that there are 45.8 million 'modern slaves' around the world, of whom 18.3 million are in India. After restoration of the trafficked children, the society tends not to accept them. The society also needs to change its approach.

**SHRI RAVINDRA KUMAR PANDEY:** There are rackets operating in human trafficking. They lure the people and trap them. We should have some monitoring system at railway stations, bus stands and airports to identify the traffickers. The details of the NGOs working in the country should be given to the people's representatives and they should visit these NGOs from time to time to see what activity they conduct. Some persons are even trafficked to foreign countries.

**SHRI PRASANNA KUMAR PATASANI:** Despite several laws being in force, human trafficking is rampant. The people who work in the field of anti-trafficking face threats. It is unfortunate that human being is so brutal. Even fast

track courts fail to deter the perpetrators. This law should protect the humanity. This law should be made very strong.

**SHRIMATI BUTTA RENUKA:** As a woman, I am pained on seeing the violations and the loopholes giving scope for human trafficking. Poverty and illiteracy are the root causes of human trafficking. Vulnerable sections shall be identified and they shall be offered various welfare schemes so that they do not fall into the trap of 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. I hope, this new Bill will definitely bring positive changes in our society and system.

**SHRI E. T. MOHAMMAD BASHEER:** The situation of human trafficking is very alarming. Our country is one of the fastest-growing regions for human trafficking in the world. 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 are all saying that India is a country where child labour is eradicated but that is not a fact. They are exploited in many ways. Stringent action should be taken against the offenders.

**SHRIMATI P.K. SHREEMATHI TEACHER:** I support the Bill but I have some difference of opinion. 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 Bill

needs to take cognizance of the existing laws and address the gaps to uphold the best practices. The provision that the rescued person has to be first produced before the Member Secretary of the proposed district committee unnecessarily complicates matters. I request the Government that the Bill be sent to the select Committee.

**SHRIMATI JAYSHREEBEN PATEL:** Human trafficking is the worst form of violation of human rights. Incidence of human trafficking in India is on the rise which involves 60 per cent children. The best thing about this Bill is that the rehabilitation of the victim is not subject to the outcome of the case. For the first time a rehabilitation fund is proposed through this Bill and special courts/fast track courts in every district are also proposed. The primary reason for trafficking is poverty and illiteracy. This Bill will be of great help to save the women and children.

**SHRI RAJESH RANJAN:** The biggest reason for human trafficking is poverty. There are four states in the country including Bihar which are centers of human trafficking. Law is necessary but its implementation is not effective. Rehabilitation of the rescued children is also a big problem. The political system and the politicians should show a better way to stop human trafficking.

**SHRIMATI MANEKA SANJAY GANDHI** *replying said:* I would like to thank all the hon. Members for having taken part in the discussion. I would like to say that whatever lacunae in the Bill are noticed, will be incorporated in the rules.

Everything will come under the National Anti-Trafficking Bureau which is already there. We are just legitimizing it, putting in money and making it stronger. The Bill is very victim-centric. This is a Bill that has a compassionate view of people who become victims in the sex trade. Presently, the woman is always penalized, the child is always penalized. We did use very specialized NGOs, which have been involved in preventing trafficking for many, many years. We use police people, we use sex workers, we use people who are involved in rehabilitation, we use dozens of lawyers, who have been fighting trafficking cases. Begging is an aggravated crime because it involves extreme violence and extreme suffering. You see little babies at traffic lights. They are used for begging. For me nothing could be worse than this. This amount of Rs. 10 crore is just a notional amount of money. It will be increased and it will be increased hugely. There is no cap on it. In an attempt to prevent trafficking, we put posters in every single compartment saying that if you see a woman or a child that you believe is being trafficked please call any of three numbers we have given. This has been extremely successful. "Childline" is one of the best helplines in the world. Our response time to picking up a child or woman or anybody in trouble is one hour. We have started something new called Railway Childline. We have something called Track Missing Child. We have decided to strengthen the Forensics Department to deal with sex crimes.

One for Member asked as to why do we not use One Stop Centres. One Stop Centres are completely new for India. Some of them are working very well. Foreign nationals as couple and guilty of crimes are Indians. So, this Bill covers and is applicable to foreigners as well. There are very strong safeguards. The Bill and I will put them in the rules. Officers and persons in-charge of shelter homes are punishable if they do not discharge their duties. Trafficking for the purpose of marriage or on the pretext of marriage is an offence. The Bill is gender neutral. The sensitisation of the officers is the most important things. 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 in built in the law. States will contribute to the Fund set up for this purpose. I request you all to give me an independent assessment about shelter Homes(Sudhar Grih). Every time I have got independent assessment, work has been done immediately. Buying and selling humans is being covered as a crime for the first time. Trafficking for the purpose of buying and selling organs is already covered under Section 370 of the IPC which deals with trafficking. More than 60 different groups have helped in drafting the Bill. Many hon. Members have expressed their concerns about sex workers and inability to stop organised crime in that area. Once the provisions relating to confiscation of property under this Bill are implemented, they will all be a thing of the past. Trafficking is complex. It involves enforcement, supervision, rehabilitation and investigation. The only new body proposed is a National Anti-Trafficking Bureau.

We actually can change society because when this Government came in, when the Prime Minister suggested that we do, 'Beti Bachao, Beti Padhao'. The campaign did take off. It didn't take long to change Indian society for the better. When we all involved we definitely will change the society. We will impart skill training to the rescued girls and women which hopefully will work so that they do not come back again into the same problem. The Bill focuses 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. 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. 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. So, it goes through a very long process. I would like to thank you all for this and I would be deeply grateful if you pass this Bill.

*The Bill was passed.*

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### **ANNOUNCEMENT BY THE SPEAKER**

**HON. SPEAKER:** Tomorrow, there is Guru Poornima. Everybody has some Guru in his/her mind. It is needed also to guide us for good behavior. I am also with the House because I also need some Guru to guide me to run the House. So, I declare tomorrow as a holiday.

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**SNEHLATA SHRIVASTAVA**  
*Secretary General*

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*\*\*Supplement covering rest of the proceedings is being issued separately.*

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