Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill

What is the issue?

\n\n

\n
- Government is planning to introduce the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016.
\n
- There seems to be some flaws in the basic understanding and approach towards the social menace of trafficking.
\n

\n\n

What are the notable provisions?

\n\n

\n
- **Penalties** - The Bill has stringent penalties like life imprisonment for aggravated forms of trafficking.
\n
- The burden of proof lies on the traffickers.
\n
- Also, there are provisions for stripping traffickers of their assets.
\n
- **Institutions** - An anti-human trafficking wing is proposed to be set up.
\n
- This would be under a central investigation agency like the National Investigation Agency.
\n
- A district-level anti-trafficking unit with an anti-trafficking police officer is also proposed.
\n
- A designated sessions court for speedy trials is also part of the provisions.
\n
- **Fund** - State governments need to create a Rehabilitation Fund.
\n
- This will allocate financial resources for protection homes.
\n

- They also offer legal assistance to victims and provide skill development programmes.
  \n
- The fund will also be used for victim and witness protection, and for generating awareness to prevent human-trafficking.
  \n

\n\n

What are the present legal protections?

\n\n

  \n
- The Indian Penal Code and the Immoral Traffic Prevention Act (ITPA), 1986 are noteworthy anti-trafficking provisions.
  \n
- The social welfare legislation on contract and bonded labour, and inter-state migrant work are also in place.
  \n
- In India, a combination of penal, labour and contract laws are used to impose obligations for better working conditions.
  \n
- These clutch of laws often delay the trial process.
  \n
- The Trafficking Bill would thus be an umbrella legislation in this regard.
  \n

\n\n

What are the shortfalls?

\n\n

  \n
- **Understanding** - The policy makers largely mistake trafficking to be equivalent only to sex trafficking and sex work.
  \n
- Thus, the criminal laws like the ITPA generally target the men traffickers.
  \n
- The current definition of trafficking in Section 370 of the IPC is also not limited to sex work.
  \n
- **Approach** - The present Trafficking Bill is clearly neoabolitionist.
  \n
- This is an approach which perceives trafficking only through the sensationalist accounts of “modern slaves”.
  \n

- This is seen as victimisation tricked by unscrupulous traffickers.
\n
- Their only hope for rescue is believed to be the law-enforcing personalities.
\n
- The Bill thus pursues the classic raid-rescue-rehabilitation model.
\n
- It also seems to be extending the same model beyond sex work to other labour sectors.
\n
- **Machinery** - The Bill also creates a range of new institutions with unclear roles.
\n
- They are offered with enormous powers including for surveillance.
\n
- However, there seems to be no accountability mechanisms.
\n
- There is no clarity on how the Bill relates to the ITPA and to labour laws.
\n

\n\n

What should be done?

\n\n

\n
- The legislation should be comprehensive enough to address all forms of trafficking.
\n
- It is thus essential to create the necessary regulatory response to reduce incidence of trafficking in the first place.
\n
- The policies should consider:
\n

\n\n

\n
i. a multi-faceted legal and economic strategy
\n
ii. a robust implementation of existing labour laws
\n
iii. improved labour inspection, including in informal economy
\n
iv. corporate accountability for decent work conditions
\n
v. self-organisation of workers
\n

\n\n

\n

- There is also the need for systemic reforms to counter distress migration, and to end caste-based discrimination.
\n
- Proper enforcement of the rural employment guarantee legislation would help in this regard.
\n
- This would also avoid voluntary sex work and protect migrants' mobility and rights.
\n
- Working on these fronts is essential for India to meet its Sustainable Development Goal 8.7.
\n
- It relates to eradicating forced labour, ending modern slavery and human trafficking, and ending child labour by 2025.
\n

\n\n

\n\n

Source: The Hindu, Hindustan Times

\n

