Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018

Why in news?

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The Union Cabinet has recently approved the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 for introduction.

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What are the key provisions?

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- **Coverage** - The Bill covers a wide range of forms of trafficking which includes:
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i. trafficking for the purpose of forced labour, begging
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ii. trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity
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iii. trafficking of a woman or child for the purpose of marriage or under the pretext of marriage or after marriage, etc
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- In particular, the Bill comprehensively addresses the transnational nature of the crime.
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- **Punishment** - It specifies punishment for promoting or facilitating trafficking of person.

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- The activities may include
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i. producing, printing, issuing or distributing unissued, tampered or fake certificates
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ii. registration or stickers as proof of compliance with Government requirements
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iii. procuring or facilitating the acquisition of clearances and necessary documents from Government agencies fraudulently
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- Punishment ranges from rigorous imprisonment for minimum of 10 years to life, and fine of not less than Rs. 1 lakh.
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- Besides, the Bill provides for the attachment and forfeiture of property and also the proceeds of crime.
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- This is to break the organized nexus, both at the national and international level.
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- **Relief** - The Bill provides for immediate protection of rescued victims and their rehabilitation.
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- The Victims are entitled to interim relief immediately within 30 days to address their physical, mental trauma etc.
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- Further appropriate relief within 60 days from the date of filing of charge sheet is also provided for.
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- **Rehabilitation** - Rehabilitation is irrespective of criminal proceedings initiated against the accused or the outcome thereof.
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- A specific Rehabilitation Fund for this purpose is created for the first time.
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- This will be used for the physical, psychological and social well-being of the

victim.
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- It also for education, skill development, health care/psychological support, legal aid, safe accommodation, etc.
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- **Confidentiality** - The confidentiality of victims/witnesses and complainants must be ensured by not disclosing their identity.
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- Further the confidentiality of the victims is maintained by recording their statement through video conferencing.
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- This also helps in trans-border and inter-State crimes.
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- Time bound trial and repatriation of the victims, within a period of one year from taking into cognizance, is mandated.
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- **Mechanism** - The Bill provides for designated courts in each district for the speedy trial of the cases.
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- It creates dedicated institutional mechanisms at District, State and Central level.
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- These will be responsible for prevention, protection, investigation and rehabilitation work related to trafficking.
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- National Investigation Agency (NIA) will perform the tasks of Anti-Trafficking Bureau at the national level present under the MHA.
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- The National Anti-Trafficking Bureau will -
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i. perform the functions of international coordination with authorities in foreign countries and international organizations
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ii. take up international assistance in investigation
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iii. facilitate inter-State and trans-border transfer of evidence and materials, witnesses and others for expediting prosecution
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iv. facilitate inter-state and international video conferencing in judicial proceedings, etc
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What is the significance?

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- Trafficking in human beings is the third largest organized crime violating basic human rights.
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- It is a global concern, also affecting a number of South Asian nations.
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- But notably there is no specific law so far to deal with this crime.
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- The Bill thus addresses a pervasive yet invisible crime affecting the vulnerable persons especially women and children.
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- The new law will make India a pioneer in formulating a comprehensive legislation to combat trafficking.
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Source: PIB

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