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Title : Proposed anti-trafficking law makes rehabilitation a right

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The draft antitrafficking bill is an omnibus legislation that addresses investigation of inter-country trafficking, provides for rehabilitation as a victim's right and commits government funds for the purpose.

Unveiled by Union minister Maneka Gandhi, the bill introduces economic penalties like seizure of property and new offences like administering drugs or alcohol to victims, injecting of chemical substances or hormones for exploitation and registration of placement agencies. The proposed law will put in place rehabilitation measures like new identity for victims and safety protocols.

Trafficking is the third largest organised crime in the world and the bill, which has been made public for consultation, envisages an investigating agency along the lines of the CBI to tackle human trafficking from across the borders. Speaking about the draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, Maneka, who holds charge of the ministry of women and child development, said, "The bill is victim-oriented and makes clear the distinction between the 'trafficker' and the 'trafficked'. It plugs loopholes in existing laws and brings within its fold additional crimes pertaining to trafficking which don't find a place in the existing laws." However, there appears to be some grey areas in the way a trafficked sex worker will be treated. The existing law, Immoral Traffic Prevention Act, treats soliciting for sex work as a punishable crime. According to the draft bill, the trafficked person would be treated as a victim who is rehabilitated and not jailed. "At present, the law says the trafficked and the trafficker are both criminals and they both go to jail. Now, we are saying the victim will not go to jail. We will find different ways to reform her life," the minister said.

She said decriminalisation of prostitution was a "grey area" which needed to be further discussed.

"There is a grey area and we are going to work on it. Let the draft go through everyone. Let everybody give their suggestions to this draft to see that those grey areas become less grey. For instance, suppose a girl has been in prostitution for 15 years. Is she still a victim or is she just a part of a trade? In which case does ITP Act apply to her or we (the proposed law) do. That also has to be thought about," Maneka said.

Lawyers Collective deputy director Triti Tandon said, "This appears to be a premature effort at making a legislation with many provisions that appear incomplete."

However, many others include Nobel laureate Kailash Satyarthi welcomed the move.

ZERO TOLERANCE

Provisions under the new law:

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| <ul style="list-style-type: none"> ➤ Special agency to investigate cases | <ul style="list-style-type: none"> for trafficking: 10 years in prison and ₹ 1 lakh fine |
| <ul style="list-style-type: none"> ➤ Setting up of a rehabilitation fund |  <ul style="list-style-type: none"> ➤ Use of chemical substance or hormones for exploitation: 10 years in jail and ₹ 1 lakh fine |
| <ul style="list-style-type: none"> ➤ Penalty for disclosure of identity of the victim of trafficking and witness: 6 months prison and ₹ 1 lakh fine | |
| <ul style="list-style-type: none"> ➤ Use of narcotic drug, psychotropic substance, alcohol | <ul style="list-style-type: none"> ➤ Mandatory registration of placement agencies ➤ Provision for victims to be kept in protection homes and special homes |