

Bill Summary

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

- The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 was introduced in Lok Sabha by the Minister of Women and Child Development, Ms. Maneka Gandhi on July 18, 2018. The Bill provides for the prevention, rescue, and rehabilitation of trafficked persons. Key features of the Bill include:
 - **National Anti-Trafficking Bureau:** The Bill provides for the establishment of a National Anti-Trafficking Bureau to investigate trafficking cases and implement provisions of the Bill. The Bureau will comprise of police officers, and any other officers as required. It may take over the investigation of any offence under the Bill, that has been referred to it by two or more states. Further, the Bureau may: (i) request the state government to co-operate in the investigation, or (ii) transfer the case to the state government for investigation and trial, with approval from the central government.
 - **Functions of the Bureau:** Key functions of the Bureau include: (i) coordinating and monitoring surveillance along known routes, (ii) facilitating surveillance, enforcement and preventive steps at source, transit and destination points, (iii) maintaining coordination between law enforcement agencies and non-governmental organisations and other stakeholders, and (iv) increasing international cooperation with authorities abroad for intelligence sharing, and mutual legal assistance.
 - **State Anti-Trafficking Officers:** Under the Bill, the state government will appoint a State Nodal Officer. He will be responsible for: (i) follow up action under the Bill, as per the instructions of the State Anti-Trafficking Committee, and (ii) providing relief and rehabilitation services. The state government will also appoint a Police Nodal Officer at the state and district levels. The state government will also designate Anti-Trafficking Police Officers for each district, to deal with all matters related to trafficking in the district.
 - **Anti-Trafficking Units:** The Bill also provides for the setting up of Anti-Trafficking Units (ATUs) at the district level. ATUs will deal with the prevention, rescue, and protection of victims and witnesses, and for the investigation and prosecution of trafficking offences. In districts where an ATU is not functional, this responsibility will be taken up by the local police station.
- **Anti-Trafficking Relief and Rehabilitation Committee:** The Bill provides for the establishment of Anti-Trafficking Relief and Rehabilitation Committees (ATCs) at the national, state, and district levels. These Committees will be responsible for: (i) providing compensation to victims, (ii) repatriation of victims, and (iii) re-integration of victims in society, among others.
- **Search and rescue:** An Anti-Trafficking Police Officer or an ATU can rescue persons, if there is an imminent danger to them. They will be produced before a Magistrate or Child Welfare Committee for medical examination. The district ATC will provide relief and rehabilitation services to the rescued persons.
- **Protection and rehabilitation:** The Bill requires the central or state government to set up Protection Homes. These would provide shelter, food, counselling, and medical services to victims. Further, the central or state government will maintain Rehabilitation Homes in each district, to provide long-term rehabilitation to the victims. Rehabilitation of victims will not be dependent on criminal proceedings being initiated against the accused, or the outcome of the proceedings. The central government will also create a Rehabilitation Fund, which will be used to set up these Protection and Rehabilitation Homes.
- **Time-bound trial:** The Bill provides for setting up designated courts in each district, which will seek to complete trial within a year.
- **Penalties:** The Bill specifies the penalties for various offences including for (i) trafficking of persons, (ii) promoting trafficking, (iii) disclosing the identity of the victim, and (iv) aggravated trafficking (such as trafficking for bonded labour and begging). For example, aggravated trafficking will be punishable with rigorous imprisonment of 10 years up to life imprisonment, along with a minimum fine of one lakh rupees. Further, the publishing of any material which may lead to the trafficking of a person will be punishable with imprisonment between five and 10 years, and a fine between Rs 50,000 and one lakh rupees.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.