



## A STUDY OF TRAFFICKING OF PERSONS BILL 2018

By Shivangi Mugdha  
From KPMSOL, NMIMS

### 1.) Abstract

**Purpose:** To make people more aware about how the Trafficking of persons bill has evolved and what are the various features included in it for the people who are a victim of trafficking and what are the punishments mentioned in it for the people who commit the crime.

**Research Implications:** This research paper tries to bring to light the role and importance of the bill. It tries to analyze the role this bill will play in near future. It also tries to read and critique the good and bad part of the bill. The researcher also tries to portray the views of people who are not in favour of the bill.

**Findings:** The author believes that the bill however impressive may seem has a lot of points people may oppose, and there is a big question that is the bill as good as it seems. The government in the first place needs to dig into its own complex legal history. It then needs to work out the precise relationship between the varied streams of anti-trafficking law and consolidate these, conceptually, definitional and in regulatory terms. However, it is a good step taken for going towards something better.

**Originality:** The author has also read and written about how various strata of the society are having problems with the bill and how an individual is affected by the

same. A detailed and comprehensive study of the bill and its effect has been done which most of the paper written before have not done.

Key words: human trafficking bill, prevention, sex workers, rescue, rehabilitation, women, children.

### 1. Introduction

Human trafficking refers to the act of illegally transporting people to another area or country for the purpose of forced labor or commercial social exploitation. In Indian law the definition of trafficking is drawn primarily from the section 370 of the IPC, which says 'any act physical exploitation, sexual exploitation, slavery or practices similar to slavery and servitude'.

Human trafficking is not a topic on which political debates or agenda should be centered, rather it is about the millions of people who's not only body but mind and spirit are also trafficked which results in the destruction of emotional as well as mental stability and leads to a lot of human misery. Human trafficking is third largest organized crime which violates basic human rights. The same is in some aspects ignored by law. However, there were laws pertaining for this specific act. Existing law for trafficking in India includes the Immoral Traffic (prevention) act, 1956, the Bonded Labor Act, and the Indian Penal code. Because there were deficiencies found in the existing laws on trafficking in India, the Supreme Court was mandated to study the upshots the current laws to address the human trafficking in the country. The process of formulation of the law started back in 2015 however, the present bill was first presented



in 2016 by the Ministry of Women and children Development after multiple rounds of drafts and consultations. The bill was however finally passed by the Lok Sabha on 26<sup>th</sup> July 2018.

The present bill mainly aims at increasing prevention, rescue and rehabilitation of trafficked person. Key features of the bill include: -

- National anti-trafficking Bureau
- Anti-trafficking units
- States anti trafficking Officers
- Functions of the Bureau
- Relief and rehabilitation committee
- Search and rescue
- Protection homes and rehabilitation provisions
- Trials and penalties

Some other features of the bill include medical checkups after returning home, the prerequisite flow of fund for welfare of affected persons, strict punishments for traffickers. The recent draft has also made more conceptual clarities by giving clearer roles, detailed definition and responsibilities and the definition given is binding. And some of the new provisions proposed in the Bill include creating economic prevention by attachment and penalty of property and freezing of bank accounts used for trafficking, directing surveys, awareness generation and community-based rehabilitation. The bill further aims at creating a special action plan for avoidance of trafficking, providing for International cooperation to tackle cross-border trafficking, mandating a right to rehabilitation to survivors. Also, there are three levels of committees, district, state and national to take care of the rehabilitation and

welfare activities of the victimized persons. This Bill also sets international pattern in bringing legislative rehabilitation together with all aspects of prevention, protection, and online forms of trafficking in one ample legislation. This will provide a solitary point of support to all survivors. It can be rightly argued that the Bill is a massive step by India to not only accomplish, but also set the highest international standards of fighting trafficking in persons. The bill provides to set up designated courts in each district and there are provisions for the victims to be represented by private lawyers. It also has rules for victim compensation through the Legal Service Authority of each state at various stages – from the filing of First Information Report (FIR) to the disposal of the case.

### **1.1 Research Objectives**

- To have an in-depth knowledge of the trafficking of persons bill, 2018.
- To know its key features and see whether it is appropriate for the people who are affected by such instances.
- To analyze why certain group of people in the country are opposing the bill.
- To study whether and how the bill actually harms those it wants to protect.
- To analyze suggested amendments to the bill and its further applicability.

### **1.2 Research Question**

- How the bill did come into existence and what does it aim to do?
- What are various other pre-existing laws for human trafficking and why were they not so effective?



- Is it exactly doing and serving the motive for which it was introduced or does it have any loopholes?
- Why is it that people who are supposed to be protected under the bill are opposing and speaking against the bill?
- What are the ambiguities in this bill and are further amendments needed?

### **1.3 Research Methodology**

To meet the objective of this study the researcher has used the secondary mode of research. As the research has taken the help of several methods such as e-books, online journals and other relevant materials, primary research method of survey and interviews pose to be infeasible and ineffective means as the ambit of the topic is based on conversion based study.

### **2. Evolution of the Bill**

The Indian law on trafficking had basically 2 sides in sync with the National Crime Bureau which can be further be broken down into general criminal law, which is in the Indian penal code, 1860 and then the local law such as Immoral trafficking (prevention) Act, 1986.

Now, after the abolition of slavery, the IPC tried bringing in various laws for prevention of procurement, importation, buying and selling minors for prostitution, unlawful compulsory labor and habitual dealing in slaves. Thus in 2013, section 370, a standalone offence on trafficking was introduced. Although India managed to develop labor law jurisprudence in 1970s on bonded, contract laborers which is in today's date referred to as "trafficking" however these laws have remained largely in books. The fact that out of the 231 prosecution that

were launched under Bonded Labor System Abolishment Act (BLSAA) since 1996-97, only six has been decided and even those has been resulted in acquittal, leads us to the previous statement. Also the Contract Labor Act 1970 which was a result of the Contract Labor Amendment Act of 1986 (CLRAA) has been undetermined severely. Even the Inter-State Migrant Workman Act, 1979 which was meant to regulate the working etc. of a large no. of migrant workers has been used in a much restricted manner as compared to BLSAA or CLRAA. The CLRAA has been unable to realize either of the goals of the law—that is elimination or regulation of contract labor, which results in them getting paid less than the minimum wage.

Coming to the Immoral Trafficking Prevention Act (ITPA), section 5 of the act criminalizes acquisition for sex with or without consent of the person mixing trafficking with sex work, also some aspect of sex work is criminalized but not the act of sale of sex per se. Such ambiguities in the law in combination with some sections of IPC were used against the sex workers by the police in various cases. In the 1990s, the availability of international funding for HIV prevention enabled the mobilization of Indian sex workers who organized into the National Network of Sex Workers (NNSW) and the All India Network of Sex Workers (AINSW). They reframed "prostitution" as sex work—a legitimate form of reproductive labor.

This position is supported by neo-abolitionist anti-trafficking non-governmental organizations (NGOs). However, as efforts to amend the ITPA did not materialize, these groups took



to public interest litigation (PIL) as a route to achieving institutional reform. Activist Supreme Court lawyers had already approached the courts in *Vishal Jeet v Union of India 1990* and *Gaurav Jain v Union of India 1997*, but through the 1990s, neo-abolitionist NGOs followed suit. These groups sought to hold a weak and understaffed executive (and ineffective police) accountable for the prosecution of exploiters and traffickers (Nair and Sen 2004), the framing of a Victims' Protection Protocol and guidelines for proper rehabilitation.<sup>1</sup> In 2006 the ministry of Women And Child Development introduced an amendment to criminalize customers of trafficked sex workers, "trafficking" being defined broadly after India was downgraded to Tier two watch lists in 2004 from Tier Two under the Trafficking of persons report issued by the US state department, however it lapsed in March 2009. Again, The MWCD's inter-ministerial committee appointed in September 2012 associated trafficking exclusively with sex work and then they presented The Criminal Law (Amendment) Bill in Parliament on 4 December 2012 which fact had no anti-trafficking offences. After all this ultimately section 370 did not mix trafficking with prostitution. Even after all these things were clarified and section 370A being used in a wrong manner A PIL filled by Prajwala in 2004 came alive which lead to a new committee established by the National Legal Service Authority (NALSA)

which included judges and civil society members, which submitted a report in August 2015 on anti-trafficking legislation after which the Supreme Court disposed the petition. The MWCD then drafted the Trafficking of Persons (Prevention, Protection and Rehabilitation) bill, 2016 which was eventually passed by the Lok Sabha on 26<sup>th</sup> July 2018.

### 3. Analysis

India has various other such laws like the Trafficking in Persons Act, 1956. Amendments to this bill have been under construction since 2006 but were never enacted. Also, in the meantime, section 370 was introduced in the IPC which redefined trafficking. Barely the country was getting a grip of this act, a new bill was introduced. However Human trafficking is a huge crime which prevails in India and for which severe concern should be there. Thus, keeping the fact into consideration, Trafficking of Persons Bill 2018 has been prepared. Some of the provisions of the bill are as follows: -

- The view point of prevention, rescue and rehabilitation has been taken into consideration while addressing the issue if trafficking.
- It ensures confidentiality as the identity of victim, complaints or witnesses are not being disclosed to public.
- Time bound trial, designated courts in each district and sending the victim back to their home within a year from the time of cognizance has also been ensured.
- It defines various serious kinds of trafficking such as trafficking by giving chemical substance or hormones on a person for the purpose of early sexual maturity, trafficking for the sole purpose of bonded labor, trafficking of children

<sup>1</sup>Prabha Kotiswaran, *How Did We Get Here? Or A Short History of the 2018 Trafficking Bill*, ENGAGE (sep. 10, 2018, 05:43 PM), <https://www.epw.in/engage/article/how-did-we-get-here-or-short-history>.



and women for the purpose of marriage etc.

- It also mentions to ensure immediate protection and rehabilitation of the rescued victims.
- It also entitles victims to a short-term relief within 30 days to address mental, physical and emotion turmoil and further relief for 60 days from the day of filling a charge sheet.
- It also states that the government shall, establish a Bureau called the Nation Anti-Trafficking Bureau for exercising the powers and discharging its function under the act. Various other mechanisms at the state, district and central level will also be responsible for work related to trafficking.
- It class for Rehabilitation fund which will be used for the well-being of the victims such as education, legal aid, safe and good accommodation, health, etc.
- International crime has also been taken into consideration in the bill and the NATB will perform the function of international coordination to facilitate and keep into check inter-state and trans-border transfer of victims or witnesses and international video conferencing in judicial proceedings if found necessary at any point of time
- The bill ensures punishment for facilitating or promotion of trafficking which includes printing, producing or distributing fake certificates, fraud for procuring the acquisition of clearances and necessary documents from Government agencies.
- It also states that whosoever is found committing the offence of aggravated form of trafficking of a person shall be subjected to imprisonment of not less than 10 years which can however be extended

to life imprisonment, and shall be liable for fine which shall not be less than 1 lakh rupees.

#### **4. Impact of the bill**

Trafficking of person bill passed recently is for sure a step in the right direction to curb the huge problem of human trafficking in India but it also has been a much-debated topic in the recent scenario some people welcome it with an open heart, some welcome it but also criticizes it at some point, and some people are completely against it. The scope of this research paper is to look on the various aspect as to how does it affect the children, the transgender community, the sex workers, bonded laborers etc.

#### **Children in concern**

The bill makes references to the Juvenile Justice Act 2015, recognizing the fact that the trafficked person may be a child, but the bill misses on the point of intersect with other important laws such Child and Adolescent Labour Act, 1986 and the Prohibition of Child Marriage Act, 2006 as children are also trafficked for labor and marriage. Even the Protection of Children from Sexual Offences Act (POCSO Act), 2012 finds a mention in the bill but how will it intersect with this law in cases of sexual exploitation of children is very unclear. Various serious and well documented form of trafficking related to child such as trafficking for and through adoption, trafficking of children through agencies for serving as domestic helpers is nowhere mentioned in the proposed bill. Also, the mention of various and multiple layer of authorities will create a chaos. The child protection committee right till the village



level is responsible for the solo purpose of preventive mechanism, how these bodies will coordinate with the newly made committee is quite unclear. There are high chances that so many layers of authorities will create cracks and gaps in which the child victim if trafficking will fall and will be denied and ignored from given the justice they deserve.

A perfect example of this is that section 23 of the bill mention the registration of Rehabilitation and protection home. Now the Juvenile Justice Act already includes child care institutions that are to be registered under the Act for housing affected Child. Now with the mention in both the places will it mean that such a house will need to get registered in both the places or will the registration be canceled or actions will be taken if it is not mentioning under any 1 of these acts?

Another example can be Section 26 of the bill which allows either the Child Welfare Committee or the Anti-Trafficking Committee to deal with the Rehabilitation of victims which clear cut shows how the law easily allows the scope of both the authorities ignoring the responsibilities and leaves the victim to suffer for day in and day out.

### **Sex Workers and transgender**

In today's date when the number of victims of sex trafficking is as high as 16 million, even in such cases the bill fails to mention 'sexual exploitation' or 'prostitution' anywhere. Also, the bill has no specific mention of punishment for the customer or Client who knowingly deals with and promotes trafficking of marginalized girls and women. Despite the fact that the

trafficking bill claims to be addressing other forms of slavery and servitude like domestic work, surrogacy and even marriage there is little doubt that the most vulnerable sections that will be adversely impacted by the bill are adult sex workers. The fundamental flaw with the bill is that it treats victims of human trafficking on par with adult persons in sex work. Trafficking of persons into forced or coerced labor (including sexual exploitation) should not be equated with sex work undertaken by consenting adults. This conflation could lead to misuse and over-broad application of the provisions in this bill. For instance, the report of the UN Special Reporter on violence against women regarding her 2013 mission to India Rashida Manjoo included specific recommendations to review the country's statute on "immoral traffic" that de facto criminalizes sex work and to "ensure that measures to address trafficking in persons do not overshadow the need for effective measures to protect the human rights of sex workers."<sup>2</sup>

Earlier drafts of the bill available in the public domain, in relation with experiences arising from the implementation of the Immoral Traffic (Prevention) Act, 1986 (ITPA) give rise to serious apprehensions because sex workers have consistently been at the receiving end of miss managed anti-trafficking laws and policies. Unless sex work between agreeing adults—sex workers and their clients—is especially removed

<sup>2</sup> Yogesh Pawar, *How new anti-trafficking bill introduced in LS will actually harm those it wants to protect*, DNA India ( sep.10,2018, 06:10 PM), <https://www.dnaindia.com/india/report-how-new-anti-trafficking-bill-introduced-in-lok-sabha-will-actually-harm-those-it-wants-to-protect-2639025>



from the purview of the bill, large-scale human rights violations in the name of anti-trafficking will continue to be the norm. The world over, anti-trafficking laws and policies have placed sex workers on the edge of violence applied by law enforcers and anti-trafficking groups. Also, on the postulation of lack of consent through section 17(2) of the act states that, women who are rescued as a consequence of raid and research operation can be handed over to into the safe hands of guardians and this also included adult woman who have consented for the act. A magistrate satisfied about the previous relation and suitability of the husband, parents or guardians, may issue an order granting custody to them. This section in ITPA which treats adult women as infants is debilitating for women who are in sex work as adults living independent of parents or family. Many are heads of their households and bread earners for their families. In many cases, adult women do not inform their families that they are in this profession. When directed by the magistrate to bring a husband, parents and guardians in court, they are forced to contact family members in embarrassing circumstances. In many cases such custody is compiled by an affidavit of the woman undertaking that she will not do sex work in the future. "This bill does not differentiate between trafficking and consensual sex work and forces rescue and rehabilitation on us. I can tell you as a sex worker, the two are separate. I came to this work through my own desire; I'm not asking to be rescued. I can fundamentally stay anywhere in India- but according to this bill; a magistrate will decide where to send me for rehabilitation. This violates my right." Says Nisha Gulur, head of National Network of Sex Workers.

The police, NGOs and others involved in ordering and conducting raids are generally not sensitive to the complex situation of the individuals they encounter during raids. The prevailing presumption that rescued sex workers are victims runs through the entire enterprise, along with a refusal to listen to those who are being rescued. And this is one of the biggest reasons why Raid, rescue and rehabilitation strategies backfire. The only light at the end of this dark tunnel comes from the togetherness of vigilant sex workers who can organize themselves to root out the violence and abuse in their own lives and that of minors and women trafficked into sex work. In any society, the idea that a rescue can be integrated from the "outside" using an oppressive police force that incites violence rather than protection, compounds the problem.

However, the list of offences under Chapter XII of the Bill only criminalizes a person who buys and sells other persons for the purpose of profiteering. The Bill does not criminalize voluntary sex work. It aims at criminalization of trafficking in relation with the already existing definition of trafficking under Section 370 of the Indian Penal Code 1860. The point of transgender if taken into consideration is very wage as the bill is stated to be gender neutral. It tries to bring all under one umbrella and serve each and every individual equally and maybe this is the reason why special vulnerabilities of transgender individuals are addressed in the Bill.

#### **Bonded laborers**

In the current time of globalization, the forms of labor dispossession and exploitation are changing and are also increasing. Nobody can deny the reality that



a large no. of women and girls are entering into the labor force just because they want to bring home some bread or the survival of the family. They generally move out seasonally many times alone for longer period depending on the need. They move through various contractors and go to various places without a permanent mention of the wages which they will be getting. The bill neither seeks to highlight the need for awareness-raising to ensure safer channels of migration nor does it consider the trafficked persons as workers who have rights.

There is a lack of clarity as to whom is the bill addressed to. The statement declares that the purpose of the bill is to address lacunae in existing legislations, namely, Section 370 of the Indian Penal Code (IPC), 1860 introduced in 2013, which, according to the bill, only defines and penalizes trafficking of persons, and the Immoral Traffic (Prevention) Act (ITPA), 1956, which, according to the bill, deals only with commercial sexual exploitation and not trafficking of persons for “physical and other forms of exploitation.” Yet the statement does not make any direct reference to bonded labor and is quite on the Bonded Labour System (Abolition) Act (BLSAA), 1976. Only trafficking, Trafficking of person etc. is mentioned throughout the Bill and there is No direct mention of bonded labor and forced labor. The initial clause states: “A bill to prevent trafficking of persons, especially women and children and to provide care, protection and rehabilitation to the victims of trafficking, to prosecute offenders and to create a legal, economic and social environment for the victims...” Here also, forced labor and bonded labor are not mentioned clearly. The

focus is therefore on the trafficking of persons, especially women and children, and the victims of trafficking. By specifying women and children as the main victims of trafficking, it is easy to understand that men are excluded from the scope of the bill and that the bill is concerned only with sexual exploitation.

Of particular concern is the overlap between the ITPA, IPC 370, the bill and BLSAA and the lack of clarity as to which legislation should be used for which crime. As a result, none may be in a condition to function effectively. The mistake could be that the first three legislations will be used with one another (to the neglect of the BLSAA) resulting in no action against bonded labor at all. There would be terrific confusion in approaching the appropriate authority for any particular form of exploitation and in interpreting the definitions in the various legislations concerned. Since these legislations are enforced and monitored by different ministries, there may not be any coordination regarding their implementation. This will give further scope for district and sub-divisional administrations to not take action against bonded labor and pass on the responsibility to the bodies proposed under the bill, which may not entertain bonded labor at the beginning stage itself.

#### **Socio- economic condition of trafficked person**

The proposed bill places awesome confidence in restoration and reintegration activities. While on the essence of it this might be viewed as a quality, it is vital to know about lacunae in current practices in helping trafficked people and find a way to address those. Numerous in our supporters,



both in India and over the globe, disagree with the possibility that there is essentially something that one should be "restored" from. Our individuals have discovered that when the components that prompt trafficking in any case have not been settled, there is a high danger of continued trafficking or of the individual coming back to the earth of abuse. Most "reintegration" activities encourage an arrival to the individual's locale/nation of birthplace, which may not generally be the best arrangement and might, truth be told, neutralize their social incorporation in the long haul (GAATW 2016). The most tough and rights-attesting approaches put the individual at the middle, and bolster network drove approaches, instead of the protectionist and organized consideration approach proposed in the bill, which restrict ladies' rights and opportunities and disregard their security. Network based reintegration models, for example, those kept running by Shakti Samuha, our part in Nepal, have been basic in having the capacity to address a standout amongst the most harming components of the trafficking background—social shame.

The GAATW's understanding in the course of the most recent 25 years has likewise added to our worry over what we see as an extreme spotlight on indictment. In 2016, we welcomed researchers and experts to break down and banter the issues with indicting human trafficking. Expanded punishments, captures and arraignments remove the concentration from unfortunate casualties and survivors, bother injured individual traumatization and move us far from seriously tending to the issue. Surely, Gallagher (2017) has alluded to the

worldwide endeavors to arraign trafficking as "hopeless"—with just 9,000 indictments made in 2016 against an issue of a scale that, while not precisely measured, is evaluated to be in the many millions. In view of her firsthand involvement in South-east Asia, Gallagher has additionally seen that "the drive for indictments (generally started and sustained by the United States government through the Trafficking in Persons Report process) is adding to premature deliveries of equity on a critical scale as nations scramble to demonstrate their pledge to hostile to trafficking endeavors in a way that will engage their assessors. Cases that are not trafficking, (for example, pimping and marriage facilitating) are being arraigned all things considered and feelings are prompting punishments that are horribly unbalanced to the earnestness of the hidden direct. Charged people are time and again being denied the privilege to challenge their informers, to profit by an assumption of guiltlessness and to anchor help with their safeguard (Anti-Trafficking Review 2016).

Actualizing a rights-based methodology that encourages, and does not criminalize movement and one that advances nice work is the most productive way to deal with anticipating trafficking in people. It decreases open doors for misuse and empowers people to report wrongdoings and look for help without dread of detainment and expulsion. Trafficking and without a doubt relocation can't be taken a gander at in separation from advancement and financial approaches that are making an inexorably unequal world. Without tending to the auxiliary drivers in the worldwide economy that fuel the interest for the modest products and enterprises made conceivable by poor pay and working conditions with next to



zero work control, the conditions for work misuse, including that of vagrant specialists and which may establish trafficking in people, will proceed with (GAATW 2017).

### **5. Suggestion**

After doing a through reading of the bill some suggestions which may be taken into consideration if further amendment of the bill is done are:

- Section 21 and 22 mentions just the rehabilitation home and protection home however they are not categorized. They should be differentiated like shelter homes, observation homes etc. Also it must be distinguished from children's home. It must be made clear that adult victims will not be housed with child victim and child victims will be sent to children's home.
- The bill also mentions rehabilitation but fails to mention psycho,socio and economic rehabilitation of the victim.
- Trafficking for the purposes of begging is considered "aggravated" under the Bill, whereas trafficking for sexual exploitation and forced removal of organs is simple trafficking, even though the MWCD always said that its primary concern is sexual abuse and exploitation of women and children. Further still, "*slavery and practices similar to slavery and servitude*", which capture the most shocking forms of coercion and bondage under domestic and international law, are also simple trafficking. This should also be amended and a clearer and more concentrated definition should be given.
- Section 3 of the Immoral Trafficking Prevention act makes the act of standing in public spaces by the traffickers a criminal

offence. This should be amended and the woman should be treated as a victim of the circumstances and not as the offender.

The bill is a walk in the right direction however its way seems a bit hazy. A few amendments taking into consideration the general public demand and the reaction and suggestion of learned individuals can lead it to be a very decent and effective bill.

### **6. Conclusion**

This research paper followed as to how the Trafficking of Person Bill came into picture and was passed in the Lok Sabha. There were various preexisting laws such as the Immoral Traffic (prevention) act, 1956, the Bonded Labor Act, and the Indian Penal code. However, these existing laws only criminalize the act and no framework is provided for prevention of trafficking, or protection and rehabilitation of the victims. This bill lays down a clear three tier framework for the institutions at the state, district and national level. The bill recognizes some of the wider scope of trafficking as a crime including bride-trafficking, trafficking of children for transportation of for arms and drugs and various others. The bill concentrates and aims to "prevent trafficking of persons, especially women and children and to provide care, protection and rehabilitation to the victims of trafficking, to prosecute culprits and to create a mentally decent, economic and social environment for the victims and for matters connected therewith or incidental thereto." Even though the core of the bill is survivor centered, it also caters to crime and prosecution of offenders. It does miss out on certain issues and there are some critical loopholes in the way the bill is



drafts the outline of the concept of rehabilitation. Some also state that the bill is not completely gender neutral and there is a lack of provision for the rehabilitation of transgender and male victim of child sexual exploitation. The sex workers who were supposed to be protected under this act are also speaking against it as the act in some ways takes away their freedom of free trade and practices. The Bill also in some ways forces itself on individuals who are voluntarily into the business of providing sexual pleasures in return of some kind of capital thus, creating trouble in their earnings as well as free and eased way of working. The bill also criminalizes hormone therapy which is an unjust to do with the people who are willing to do it on their personal discretion. There are some ambiguities in the bill which is becoming the main reason for the bill to be opposed by some people. The bill will however tie various legislations together through a single system of framework which will together work in the dedicated field of trafficking of person and related crime. Also, criticism can lead to many great suggestions and those will always lead to a better framework off the bill and will result in the well-being of the country as a whole. There has been a long struggle to bring this bill into existence which stated back from 2004. This is the right path to travel however hazy it may be, the problems faced will eventually lead to a well-polished future.

“And as we have arrived here today, we will continue to push the boundaries of justice to collaboratively protect and empower the most vulnerable persons of our society. But today, a child in sexual exploitation and a woman in slavery re looking up to us and

questioning us on what we are doing as a civilized society and a welfare state. We need to take this step together, because our children and women cannot wait.”<sup>3</sup>

However, the government in the first place needs to dig into its own complex legal history. It then needs to work out the precise relationship between the varied streams of anti-trafficking law and consolidate these, conceptually, definitional and in regulatory terms. The efforts to stop human trafficking need not be just restricted to forming laws and laying down provision for punishment and providing services to the community affected. But the learned individuals especially lawyers, bureaucrats, judges and activists need to bring the problem into light for the individuals who are not aware and ultimately become victims to such acts. The state also has to look at changing ways how each individual as well as a community looks at trafficking survivors, gender role, and violence. Not being aware and making certain things a taboo will never help a society evolve from a certain backlog however strict the law prevailing there may be.

### 1. **Bibliography**

1. <https://timesofindia.indiatimes.com/india/why-i-pushed-for-passage-of-the-anti-trafficking-bill/articleshow/>
2. <https://www.thequint.com/explainers/all-you-need-to-know-about-the-trafficking-of-persons-bill-2>
3. <https://www.thehindu.com/news/cities/mumbai/news/The-Trafficking-of-Persons-bill-is-good-but-not-good-enough/article14403055.ece>

<sup>3</sup> Stated by Sri Manika Gandhi, Minister of women and child development.



- 
4. <https://www.youthkiawaaz.com/2018/08/deconstructing-the-myths-surrounding-the-anti-trafficking-bill-2018/>
  5. <https://www.epw.in/rethinking-2018-trafficking-bill>
  6. Manika Gandhi's Speech Delivered in the Lok Sabha, 26.07.2018
  7. Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018.

\*\*\*\*\*

