

**GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:355

ANSWERED ON:26.07.2005

AMENDMENT IN IMMORAL TRAFFIC PREVENTION ACT

Adhalrao Patil Shri Shivaji;Adsul Shri Anandrao Vithoba;Verma Shri Ravi Prakash

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) whether the Government propose to amend Immoral Traffic (Prevention) Act, 1986;
- (b) if so, the details thereof;
- (c) whether the Government has set up Group of Ministers to study the proposed amendments;
- (d) if so, the amendments suggested by the Group of Ministers;
- (e) whether the Ministry of Tourism has opposed the changes as reported in the Hindu dated June 26, 2005;
- (f) if so, the reasons therefor; and
- (g) the measures taken/being taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KANTI SINGH)

- (a) Yes, Sir.
- (b) The proposed amendments are as under:
 - (i) Amendment of the definition of "child" provided in Section 2(aa) to raise the age of child from sixteen years to eighteen years.
 - (ii) Omission of the terms 'minor' and 'major' wherever they occur in the Act.
 - (iii) Amendment of section 3 so as to enhance the punishment for a person who keeps or manages or acts or assists in keeping or management of a brothel.
 - (iv) Insertion of a new section 3A to provide punishment for a person who visits or found in a brothel for the purpose of sexual exploitation.
 - (v) Insertion of new section 5A to define the offence of "Trafficking in Persons" on the lines of International Protocol to Prevent, Suppress and Punish Trafficking in Persons. Section 5B has been inserted to provide punishment for the said offence.
 - (vi) Amendment of section 6 with a view to enhance the punishment provided for the offence of detaining a person in a premise where prostitution is carried on.
 - (vii) Omission of section 8 which provide punishment for seducing or soliciting for the purpose of prostitution.
 - (viii) Amendment of section 10A to enhance the term of detention in a corrective institution from 5 years to 7 years.
 - (ix) Amendment of section 13(2) to give the powers of Special Police Officer under this Act to the Sub-Inspector in the place of Inspector of Police.
 - (x) Insertion of a new section 13A to constitute a Central Authority by the Central Government for the purpose of effectively preventing and combating the offence of trafficking in persons. The appointment of the chairperson and members of the said Central Authority shall be made by the Central Government as per the prescribed rules.
 - (xi) Inserting of a new section 13B that empowers the State Government to constitute a State Authority for the purpose of effectively preventing and combating the offence of trafficking in persons. The appointment of the chairperson and members of the said Authority shall be made by the respective State Government as per the prescribed rules.
 - (xii) Omission of section 20 that relates to the removal of a prostitute from any place.

(xiii) Amendment of section 22 to make provision for in camera proceedings to protect the privacy and dignity of the victims.

(xiv) Amendment of the Schedule to the Prevention of Money-Laundering Act, 2002 to make applicable the provisions of confiscation of the property of the persons involved in the offence of trafficking in persons. From the said Schedule, the entry relating to section 8 of the Immoral Traffic (Prevention) Act is being omitted as a consequential nature.

(c) Yes, Sir.

(d) The Group of Ministers has not yet submitted the report on the proposed amendments.

(e) Ministry of Tourism has supported the proposal.

(f)&(g) Question does not arise.