

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:5708

ANSWERED ON:30.04.2013

LEGISLATION FOR CHILDREN

Dhotre Shri Sanjay Shamrao;Mahtab Shri Bhartruhari

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has any proposal to bring a comprehensive legislation to deal with the issues of child trafficking, missing children, sexual exploitation, slavery and employment of trafficked children;
- (b) if so, the details thereof along with the time by which such legislation is likely to be introduced;
- (c) whether the Government has received suggestions from the Non-Governmental Organisations in this regard; and
- (d) if so, the details thereof along with the reaction of the Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH)

(a) & (b): Ministry of Home Affairs is not aware of any such proposal under consideration in this regard. However, there are several extant legislations which take care of the concerns raised on various forms of crimes against children.

A comprehensive legislation on sexual offences against children named 'Protection of Children from Sexual Offences Act, 2012' has already been enacted vide Presidential assent on 19th June 2012. The President of India on 2nd April, 2013 has consented to the 'Criminal Law (Amendment) Act, 2013', which have come to force since 3rd Feb, 2013, wherein section 370A criminalizes the employment of trafficked children for sexual exploitation. Under the Act any contravention to Sections 370A of IPC will attract very stringent punishment which in some cases would extend to rigorous imprisonment for the remainder of the offender's natural life. Section 370 also deals with trafficked children for any form of exploitation and has provisions for stringent punishment for offenders and traffickers.

As per seventh schedule to the Constitution of India "Police" and "Public Order" are State subjects and, as such, the primary responsibility of prevention, detection, registration, investigation and prosecution of crime, lies with the State Governments/Union Territory administrations. However, Government of India is deeply concerned with the welfare of children and through various schemes and advisories to the State Governments/Union Territory Administrations, augments the efforts of the States/UTs.

Ministry of Home Affairs has issued a detailed advisory on missing children-measures needed to Prevent Trafficking and Trace the Children-regarding dated 31st January, 2012, wherein it was specifically advised to the States/UTs to prevent children from being victims of any heinous or organized crime such as, victims of rape, sexual abuse, child pornography, organ trade etc. States/UTs were also advised on various measures needed to prevent trafficking and trace the children. These includes computerizations, community awareness programmes etc. to facilitate the tracing of missing children.

Ministry of Home Affairs has also issued an Advisory dated 30th April, 2012 to provide guidelines to law enforcement agencies on the manner and modalities regarding effectively dealing with the organized crime aspect of human trafficking.

Ministry of Home Affairs has issued another Advisory on missing children dated 29th October, 2012 wherein the States/UTs were requested to become a part of a country wide online database on Missing Children named 'Track CHILD' which has already become operational.

(c) to (d): Ministry of Home Affairs is not aware of any such suggestions in this regard.