

The Immoral Traffic (Prevention) Amendment Bill, 2006 in Parliament

- On 22nd May, 2006 Minister for Women & Child Development - *Renuka Chowdhury*, introduced the **Immoral Traffic (Prevention) Amendment Bill, (“ITPA Bill”) 2006** in the *Lok Sabha*.
- At the Minister’s instance, the ITPA Bill was referred to the **Parliamentary Standing Committee on Human Resource Development** (“The Committee”). Usually, new Bills are sent to Standing Committees & not amendments to existing laws. However, given the mixed response including opposition from sex workers & civil society, Government thought it best to subject it to further inquiry through the Committee.
- The Committee, chaired by *Janardhan Dwivedi* comprised 28 members from both Houses of Parliament. It had three months to submit its views. The Bill was discussed in **seven sittings** from June till November 2006.
- On 13th June 2006, the Committee issued a public notification seeking comments from concerned groups. In response, it received **62 written memoranda**; several of which were submitted by sex workers’ collectives including VAMP, DMSC & *Godavari Mahila Samakhya*.
- **19** groups were invited to present their concerns **orally** including sex workers, Lawyers Collective, Women’s Commissions, the Ministry of Women & Child Development & the Ministry of Health & Family Welfare.
- On 23rd November 2006, the Committee submitted its findings in the **182nd Report** with recommendations on ITPA & the Amendment Bill:
- Making general observations, the Committee called for a *review of the Immoral Traffic Prevention Act, 1956 in its entirety*, suggesting:
 - Separate provisions on child prostitution including safeguards against prosecution of underage sex workers
 - Prioritise rehabilitation of persons willing to quit sex work
 - More budgetary allocation for rehabilitation, health and education of sex workers
 - Decriminalise voluntary spending by sex workers out of earnings from commercial sex under Section 4
 - Implement 1998 Plan of Action to Combat Trafficking
 - Efforts to reduce stigma; treat sex workers as ‘victims’
 - Redesign AIDS interventions; support exit from sex work as HIV prevention
- The Committee proposed the following changes in the Bill:

<u>Proposed Amendment</u>	<u>Committee's Recommendation</u>
Sec 2 (aa) - Consistent age of child to mean person < 18 years	Approved
Sec 2 (f) – Redefine prostitution as “ <i>sexual exploitation or abuse of persons for commercial purposes or for consideration of money or in any other kind</i> ”	Redraft in view of <i>purpose & intent</i> of legislation
Sec 3 – Enhance penalty for keeping/managing brothels	Approved
Sec 5A – Definition of trafficking in persons	Redraft to include “ <i>inducement of religious or social nature</i> ”
Sec 5B – Punishment for trafficking in persons	(i) Introduce discrete penalty for trafficking in children with 10 yrs imprisonment (ii) Impose life imprisonment on second conviction
Sec 5C - Punishment for persons visiting or found in a brothel for sexual exploitation of victim of trafficking	Redraft with clear definitions for <i>victim of trafficking & sexual exploitation</i>
Sec 8 – Remove penalties against soliciting for prostitution	(i) Approved (ii) Insert provision to penalise soliciting by pimps & agents
Sec 10 (ii) – Extend stay of female offender in corrective home from 5 to 7 yrs	Rejected
Sec 13 (2) – Lower rank of Special Police Officer from Inspector to Sub-Inspector	Rejected
Sec 13 (A) & (B) – Set up nodal authority to combat trafficking at centre & states	(i) Make setting up of authority obligatory (ii) Set out constitution & functions (iii) Ensure mixed composition including sex workers
Sec 20 - Divest Magisterial authority to evict sex worker from a locality	Approved
Sec 22 (ii) – Allow ‘incamera’ trials	(i) Agreed with incamera proceedings to protect victim’s identity (ii) Insert provision allowing presence of person trusted by victim

- The Committee’s report is not binding; governments usually follow its suggestions to avoid conflict. The Recommendations also merit consideration as they are based on an inclusive, consultative process incorporating views of concerned groups.

