

**AMENDMENT PROPOSED IN IMMORAL TRAFFIC
(PREVENTION) ACT, 1956**

| Section | Existing Provision | Amendments proposed |
|----------------|---|---|
| 2(aa) | "Child" means 'a person who has not completed the age of sixteen years' | "Child" means a person under the age of eighteen years. |
| 2(ca) | "major" means 'a person who has completed the age of eighteen years' | May be deleted |
| 2(cb) | "minor" means 'a person who has completed the age of sixteen years but who has not completed the age of eighteen years' | May be deleted |
| 2(k) | After the existing entries after 2(j) add clause 2(k) | <p><i>a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;</i></p> <p><i>b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) shall be irrelevant where any of the means set forth in subparagraph (a) have been used;</i></p> <p><i>c) The recruitment, transportation,</i></p> |

| | | |
|-------|--|--|
| | | <i>transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a);</i> |
| 3(1) | Punishment for keeping a brothel or allowing premises to be used as a brothel | Punishment for keeping a brothel or allowing premises to be used as a brothel |
| | Any person who keeps or manages, or acts or assists in the keeping or management of a brothel shall be punishable on first conviction with RI for a term of <i>not less than one year and not more than three and also with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with RI for a term of not less than two years and not more than five years and also with fine which may extend to two thousand rupees.</i> | Any person who keeps or manages or acts or assists in the keeping or management of a brothel shall be punishable on first conviction with RI for a term of not less than <i>three years with fine which may extend to ten thousand rupees and in the event of second or subsequent conviction with RI for a term of not less than seven years and also with fine which may extend to two lakh of rupees.</i> |
| 7(1A) | Where an offence committed under Sub-section (1) is in respect of a child or minor, the person committing the offence shall be punishable with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine. | Where an offence committed under Sub-section (1) is in respect of a <i>person of less than 18 years, the person committing the offence shall be punishable with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine.</i> |
| 8. | Seducing or soliciting for purpose or prostitution | May be deleted. |

| | | |
|--|---|---|
| | <p>whoever, in any public place or within sight of, and in such manner as to be seen or heard from, any public place, whether from within any building or house or not-</p> | |
| | <p>(a) by words, gestures, willful exposure of her person (whether by sitting by a window or on the balcony of a building or a house or in any other way) or otherwise tempts or endeavours to tempt, or attracts or endeavours to attract the attention of any persons for the purpose of prostitution; or</p> | |
| | <p>(b) solicits or molests any person, or loiters or acts in such manner as to cause obstruction or annoyance to persons residing nearby or passing by such public places or to offend against public decency, for the purpose of prostitution,</p> | <p>May be deleted</p> |
| | <p>Shall be punishable on first conviction with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both, and in the event of a second or subsequent conviction, with imprisonment for a term which may extend to one year and also with fine which may extend to five hundred rupees. Detention in a corrective institution</p> | <p>May be deleted</p> <p>Detention in a corrective institution.</p> |

| | | |
|----------|--|--|
| 10(a) | Where----- (a) a female offender is found guilty of an offence under Sec.7 <i>or</i> Sec.8 and | (a) a female offender is found guilty of an offence under Sec. 7; and |
| | (b) the character, state of health and mental condition of the offender and | (b) the character, state of health and mental condition of the offender and <i>the other circumstances of the case are such that it is expedient that she should be subject to detention for such term and such instructions and discipline as are conducive to her correction,</i> |
| | It shall be lawful for the Court to pass, in lieu of a sentence of imprisonment, an order for detention in corrective institution for such term, not being less than two years and not being more <i>than five years as the Court thinks fit.</i> | It shall be lawful for the Court to pass, in lieu of a sentence of imprisonment, an order for detention in corrective institution for such term not being less than two years and not being more <i>than seven years.</i> |
| 13(2) | The Special Police Officer shall not be below the rank of an inspector of police | The special police officer shall not be below the rank of a <i>sub-inspector/ inspector of police.</i> |
| 13(3)(b) | The State Government may associate with the special police officer a non-official advisory body consisting of not more than five leading social welfare workers of that area (including women social welfare workers, wherever practicable) to advise him on questions of general importance regarding the working of this Act | The State Government <i>shall</i> associate with the special police officer or officers a non-official advisory body consisting of not more than five leading social welfare workers of that area (including women social welfare workers, wherever practicable) to advise him/them on questions of general importance regarding the working of this Act. |
| | New provision proposed. | (i) <i>Provisions for confiscation of property and assets of traffickers and agents of organized prostitution/flesh trade as under: (1) As from the commencement of the amended act, it shall be lawful for any person to hold any illegally</i> |

| | | |
|--|---|--|
| | | <p><i>acquired property either by himself or through any other person on his behalf;</i></p> <p><i>(2) Where any person holds any illegally acquired property in contravention of the provision of Sub-section (1), such property shall be liable to be forfeited to the Central/State Governments in accordance with the provisions of this Act.</i></p> <p><i>(ii) A provision providing protective mechanisms, immunities and safeguards for the members of voluntary agencies who take initiatives for preventing, trafficking, facilitating rescue or carrying out victims protection activities to be included in consultation with the Ministry of Law and Justice.</i></p> |
| | <p>Consequential changes in various sections where the term 'his' or 'her' has been used.</p> | <p><i>The words 'his' and 'her' wherever occur in the Act should be substituted by a gender neutral word for example 'person' so as to cover both sexes.</i></p> |