

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3655  
ANSWERED ON:05.08.2014  
RECOMMENDATIONS OF LAW COMMISSION ON HUMAN TRAFFICKING  
Nath Shri Chand

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) the details of the recommendations made by the Law Commission in its 146th report regarding human trafficking;
- (b) the follow up action taken by the Government in this regard;
- (c) whether recently cases of women being sold for marriage and children for adoption have come to light;
- (d) if so, the number of such cases reported during each of the last three years and the current year, State/UT-wise; and
- (e) the measures taken by the Government to curb such activities?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a)&(b): The Law Commission of India in its 146th Report on "Sale of Women and Children" inter alia, recommended for insertion of a new section i.e. section 373 A: Selling woman or minor, etc. to provide a specific and stringent provision for the offence relating to selling, buying or hiring of women and minors.

A reference has been made to the Law Commission of India through the Ministry of Law & Justice to examine and give a comprehensive report so that amendments can be made in the Code of Criminal Procedure and the Indian Penal Code to bring the law in sync with the sociological changes. The insertion of section 373 A of IPC is to be considered during the comprehensive amendment to these Acts.

(c)&(d): Incidents of women being sold for marriage and children for adoption have been reported. However, data in this regard is not maintained centrally by the National Crime Records Bureau.

(e): 'Police' and 'Public Order' being State subjects under the Seventh Schedule of the Constitution of India, the primary responsibility for preventing and combating the crime of human trafficking lies with the State Governments. However, the Government of India has also adopted a multi-pronged approach to combat human trafficking including commercial and sexual exploitation by

(i) setting up of Anti-Trafficking Nodal Cell in the Ministry of Home Affairs;

(ii) launching certificate course on Anti-Human Trafficking by Indira Gandhi National Open University (IGNOU) in partnership with the States;

(iii) a comprehensive scheme for strengthening law enforcement response by establishing integrated Anti-Human Trafficking Units (AHTUs) and massive sensitization, awareness and capacity building through Training of Trainers.

Ministry of Home Affairs has recently launched a web portal on Anti Human Trafficking ([stophumantrafficking-mha.nic.in](http://stophumantrafficking-mha.nic.in)) as one-stop IT information repository on issues relating to human Trafficking. Nodal Officers of AHTUs of all States and UTs are inter-connected with each other with intranet facility, which help in tracking cases having inter-state ramifications. It also provides an important link to National Portal on missing children, 'Track Child' which is operational in many States.

MHA has issued various advisories to all States/UTs. Specially, a Standard Operation Procedure(SOP) to handle trafficking of children for child labour issued on 12.8.2013, advisory on missing children-measures needed to prevent trafficking and trace the children issued on 31.1.2012 and advisory on preventing and combating Human Trafficking in India issued on 9.9.2009. These advisories/SOP are available on the Ministry of Home Affairs' Web Portal on Anti Human Trafficking ([www.stophumantrafficking-mha.nic.in](http://www.stophumantrafficking-mha.nic.in)) at <http://stophumantrafficking-mha.nic.in/forms/Sublink1.aspx?lid=92>.

Besides the above administrative measures specific legislations have been enacted relating to trafficking in women and children, e.g. Immoral Traffic (Prevention) Act, 1956, Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 dealing with selling and buying of girls for the purposes of prostitution.

Criminal Law (Amendment) Act 2013 has come into force wherein Section 370 of the Indian Penal Code has been substituted with new Section 370 and 370 A of the IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery,

servitude, or the forced removal of organs.

Protection of Children from Sexual Offences (POCSO) Act, 2012, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault and sexual harassment.

Ministry of Women and Child Development is implementing "Ujjawala" – a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. It provides for shelter, food, clothing, counseling, medical care, legal and other support, vocational training and income generation activities for victims. Trafficked victims are also given shelter in Short Stay Homes and Swadhar Homes for women in difficult circumstances.

The integrated Child Protection Scheme(ICPS) extend emergency outreach services through Childline toll free number 1098, open shelters for children in need in urban and semi urban areas, support for family based non-institutional care through sponsorship, foster care, adoption and after care and institutional care for children and juveniles.

Ministry of Women and Child Development has also formulated a protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation.