

**Bill No. 47 of 2006**

THE IMMORAL TRAFFIC (PREVENTION) AMENDMENT BILL, 2006

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BILL

*further to amend the Immoral Traffic (Prevention) Act, 1956 and the Prevention Money-Laundering Act, 2002.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5      **1.** (1) This Act may be called the Immoral Traffic (Prevention) Amendment Act, 2006. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

## CHAPTER II

## AMENDMENT TO THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

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| Amendment of section 2.                                             | <p><b>2.</b> In section 2 of the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the principal Act),—</p> <p>(i) in clause (aa), for the words “sixteen years”, the words “eighteen years” shall be substituted;</p> <p>(ii) clauses (ca) and (cb) shall be omitted;</p> <p>(iii) in clause (f), after the words “for commercial purposes”, the words “or for consideration in money or in any other kind” shall be inserted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 104 of 1956.<br>5 |
| Amendment of section 3.                                             | <p><b>3.</b> In section 3 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:—</p> <p>“(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 rigorous imprisonment for a term of not less than two years and which may extend to three years and also with fine which may extend to ten thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which shall not be less than three years and which may extend to seven years and shall also be liable to fine which may extend to two lakh rupees.”</p>                                                                                                                                                                                                                                                 | 10<br>15          |
| Amendment of section 4.                                             | <p><b>4.</b> In section 4 of the principal Act, in sub-section (I), the words "or a minor to" shall be omitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 20                |
| Amendment of section 5.                                             | <p><b>5.</b> In section 5 of the principal Act, in sub-section (I), for the proviso, the following proviso shall be substituted, namely:—</p> <p>"Provided that if the person in respect of whom an offence committed under this sub-section, is a child, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25                |
| Insertion of new sections 5A, 5B and 5C.<br>Trafficking in persons. | <p><b>6.</b> After section 5 of the principal Act, the following sections shall be inserted, namely:—</p> <p>“5A. Whoever recruits, transports, transfers, harbours, or receives a person for the purpose of prostitution by means of,—</p> <p>(a) threat or use of force or coercion, abduction, fraud, deception; or</p> <p>(b) abuse of power or a position of vulnerability; or</p> <p>(c) giving or receiving of payments or benefits to achieve the consent of such person having control over another person,</p> <p>commits the offence of trafficking in persons.</p> <p><i>Explanation.</i>—Where any person recruits, transports, transfers, harbours or receives a person for the purposes of prostitution, such person shall, until the contrary is proved, be presumed to have recruited, transported, transferred, harboured or received the person with the intent that the person shall be used for the purpose of prostitution.</p> | 30<br>35          |
| Punishment for trafficking in persons.                              | <p><b>5B.</b> (1) Any person who commits trafficking in persons shall be punishable on first conviction with rigorous imprisonment for a term which shall not be less than seven years and in the event of a second or subsequent conviction with imprisonment for life.</p> <p>(2) Any person who attempts to commit, or abets trafficking in persons shall also be deemed to have committed such trafficking in persons and shall be punishable with the punishment hereinbefore described.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 40                |
| Punishment for visiting a brothel.                                  | <p><b>5C.</b> Any person who visits or is found in a brothel for the purpose of sexual exploitation of any victim of trafficking in persons shall on first conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to twenty thousand rupees or with both and in the event of a second or subsequent conviction with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to fifty thousand rupees.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                             | 45                |

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|                                                                             | 7. In section 6 of the principal Act,—                                                                                                                                                                                       | Amendment of section 6.                |
|                                                                             | (i) in sub-section (1), in clause (b), after the words “liable to fine”, the words “which may extend to one lakh rupees” shall be inserted;                                                                                  |                                        |
|                                                                             | (ii) in sub-section (2A), the words “or minor” occurring at both the places shall                                                                                                                                            |                                        |
| 5                                                                           | be omitted.                                                                                                                                                                                                                  |                                        |
|                                                                             | 8. In section 7 of the principal Act, in sub-section (1A) and in the proviso to sub-                                                                                                                                         | Amendment of section 7.                |
| section (2),                                                                | the words “or minor” shall be omitted.                                                                                                                                                                                       |                                        |
|                                                                             | 9. Section 8 of the principal Act shall be omitted.                                                                                                                                                                          | Omission of section 8.                 |
|                                                                             | 10. In section 10A of the principal Act, in sub-section (1),—                                                                                                                                                                | Amendment of section 10A.              |
| 10                                                                          | (i) in clause (a), the words and figure “or section 8” shall be omitted;                                                                                                                                                     |                                        |
|                                                                             | (ii) in clause (b), for the words “five years”, the words “seven years” shall be                                                                                                                                             |                                        |
| substituted.                                                                |                                                                                                                                                                                                                              |                                        |
|                                                                             | 11. In section 13 of the principal Act,—                                                                                                                                                                                     | Amendment of section 13.               |
| 15                                                                          | (i) in sub-section (2), for the words “an Inspector”, the words “a sub-inspector” shall be substituted;                                                                                                                      |                                        |
|                                                                             | (ii) in sub-section (3), in clause (b), for the word “may”, the word “shall” shall be                                                                                                                                        |                                        |
| substituted.                                                                |                                                                                                                                                                                                                              |                                        |
|                                                                             | 12. After section 13 of the principal Act, the following sections shall be inserted,                                                                                                                                         | Insertion of new sections 13A and 13B. |
| namely:—                                                                    |                                                                                                                                                                                                                              |                                        |
| 20                                                                          | <b>“13A. (1) The Central Government may constitute an Authority for the purposes of effectively preventing and combating the offence of trafficking in persons.</b>                                                          | Constitution of Central Authority.     |
|                                                                             | <b>(2) The members of the Authority shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.</b>                                                             |                                        |
|                                                                             | <b>(3) The Chairperson of the Authority shall be one of the members appointed under sub-section (2) to be nominated by the Central Government.</b>                                                                           |                                        |
| 25                                                                          | <b>(4) The term of office of the members of the Authority, the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.</b> |                                        |
|                                                                             | 13B. (1) The State Government may constitute an Authority for the purposes of                                                                                                                                                | Constitution of State Authority.       |
| effectively preventing and combating the offence of trafficking in persons. |                                                                                                                                                                                                                              |                                        |
| 30                                                                          | (2) The members of the Authority shall be appointed by the State Government and shall be of such number and chosen in such manner as may be prescribed.                                                                      |                                        |
|                                                                             | (3) The Chairperson of the Authority shall be one of the members appointed under sub-section (2) to be nominated by the State Government.                                                                                    |                                        |
| 35                                                                          | (4) The term of office of the members of the Authority, the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.”.      |                                        |
|                                                                             | 13. In section 17 of the principal Act, in sub-section (3), in the first proviso, the words                                                                                                                                  | Amendment of section 17.               |
| “or minor”                                                                  | occurring at both the places shall be omitted.                                                                                                                                                                               |                                        |
| 40                                                                          | 14. In section 18 of the principal Act, in sub-section (1), in clause (b), the words "or minor" shall be omitted.                                                                                                            | Amendment of section 18.               |
|                                                                             | 15. Section 20 of the principal Act shall be omitted.                                                                                                                                                                        | Omission of section 20.                |

Amendment of section 22.

**16.** Section 22 of the principal Act shall be re-numbered as sub-section (1) thereof and,—

(i) in sub-section (1) as so re-numbered, for the words and figures “section 5, section 6, section 7 or section 8”, the words, figures and letters “section 5, section 5B, section 5C, section 6 or section 7” shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the trial of the proceedings under this Act shall be conducted *in camera*.”.

2 of 1974.

Amendment of section 23.

**17.** In section 23 of the principal Act, in sub-section (2),—

(a) in clause (g), in sub-clause (xii), the words and figure “or section 8” shall be omitted;

(b) after clause (g), the following clauses shall be inserted, namely:—

“(ga) number of the members of the Authority and the manner in which such members shall be chosen for appointment under sub-section (2) of section 13B;

(gb) the term of office of the members of the Authority and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members under sub-section (4) of section 13B;”.

Insertion of new section 23A.

Power to make rules.

**18.** After section 23 of the principal Act, the following section shall be inserted, namely:—

“23A. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for,—

(a) the number of the members of the Authority and the manner in which such members shall be chosen for appointment under sub-section (2) of section 13A;

(b) the term of office of the members of the Authority, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members under sub-section (4) of section 13A.

(3) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment of the Schedule.

**19.** In the Schedule to the principal Act, the figures and words “20 District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government.” shall be omitted.

## CHAPTER III

## AMENDMENT TO THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

20. In the Prevention of Money-Laundering Act, 2002, in the Schedule,—

Amendment of  
Schedule to Act  
15 of 2003.

5 (i) in PART A, after PARAGRAPH 2, the following PARAGRAPH shall be inserted, namely:—

## “PARAGRAPH 3

## OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

| Section | Description of offence    |
|---------|---------------------------|
| 5A      | Trafficking in persons.”; |

10 104 of 1956. (ii) in PART B, in PARAGRAPH 4 relating to OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956, section 8 and the entry relating thereto shall be omitted.