

Ire at trafficking bill

[Our Special Correspondent](#) Jul 18, 2018 00:00 IST

New Delhi: Several activists are opposing the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, on the ground that it violates the rights of sex workers and threatens free speech and labour rights.

Speaking to reporters at the Indian Women's Press Corps, Nisha Golur of the National Network of Sex Workers said the bill criminalised sex work by equating their profession with trafficking.

"The bill has been prepared without consulting sex workers.... It doesn't mention those who enter the profession of their own volition and forces rescue and rehabilitation on us. Magistrates have been given the power to send sex workers back to their home town, despite studies showing that 77 per cent of sex workers who are rehabilitated return to sex work," she said.

Gautam Mody of the New Trade Union Initiative said the provision to rehabilitate trafficking victims and send them back home would be misused to "bust unions and deport workers who protest".

Senior Supreme Court advocate Anand Grover said several provisions of the bill were already covered by the IPC, Immoral Trafficking Prevention Act, Bonded Labour Act and the Juvenile Justice Act.

"This bill offers no new definition, nor covers lacunae in these Acts.... It has not considered the recommendations of the Supreme Court panel (on the status of sex workers, which submitted its report in 2016.)"

He added, "(If) you are a criminal and sent to any home, your liberty is taken away, then you can go to court and get things rectified. But a so-called victim has no recourse, no remedy at all...."

"If you are rescued, you will be sent to an agency and then will allocate work for you. Very surprisingly, I've not seen this in any other law, if you don't comply with terms and conditions - they have to be specified by the state governments, and we don't know them yet - you can be punished with a fine or imprisonment and it could be an administrative lapse."

Smarajit Jana, a physician and principal of the Sonagachi Research and Training Institute, is chief adviser to the Durbar collective of sex workers in Calcutta and was a member of the Supreme Court panel.

He said: "This single step (passage of the bill) will kill the HIV intervention programme. Major deterrent to the programme are stigma and discrimination.... The very process laid down in the bill will expose sex workers."

He added that the current system of self-regulatory boards in Bengal helped reduce women forced into sex work to 2 per cent of the workforce and more than 600 new entrants were identified and given counselling every year.

"The government doesn't recognise sex workers as part of families and the SC panel found rehabilitation programmes, so far, to be useless," he added.

Article 36 criminalises "material that promotes trafficking or exploitation" and 39(2) criminalises soliciting or publishing electronically that may lead to trafficking.

Lawyer Aarti Pai of the Veshya Anyay Mukti Parishad, Mumbai, called these sections a "backdoor to curtailing freedom of expression".

"When we went to the women and child development ministry, a joint secretary told us that this was drafted intentionally to catch as many people. The word he used was 'draconian.'"

The activists have called for the bill, to be tabled in the monsoon session that starts on Wednesday, to be sent to a standing committee, if not withdrawn altogether.

Congress MP Shashi Tharoor and CPI-backed National Federation of Indian Women have also opposed the bill.