

**THE TRAFFICKING IN PERSONS (PREVENTION, CARE AND
REHABILITATION) BILL, 2021**

A

BILL

to prevent and counter trafficking in persons, especially women and children, to provide for care, protection, and rehabilitation to the victims, while respecting their rights, and creating a supportive legal, economic and social environment for them, and also to ensure prosecution of offenders, and for matters connected therewith or incidental thereto.

BE it enacted in the Seventy-second Year of the Republic of India as follows:-

	CHAPTER I PRELIMINARY
Short title, extent and commencement.	<p>1. (1) This Act may be called the Trafficking in Persons (Prevention, Care and Rehabilitation) Act, 2021.</p> <p>(2) It shall extend to whole of India, and it applies to-</p> <p>(a) all citizens of India within and outside India;</p> <p>(b) persons who commit offences under this Act beyond India against Indian citizens or affecting the interests of Indian citizens or of India;</p> <p>(c) persons on any ship or aircraft registered in India wherever it may be or carrying Indian citizens wherever they may be;</p> <p>(d) a foreign national or a stateless person who has his or her residence in India at the time of commission of offence under this Act.</p> <p>(3) This Act shall apply to every offence of trafficking in persons with cross-border implications.</p> <p>(4) It shall come into force on such date as the Central Government may, by notification appoint.</p>
Definitions.	<p>2. In this Act, unless the context otherwise requires,-</p>
34 of 2008.	<p>(1) "Agency" means the National Investigation Agency constituted under sub-section (1) of section 3 of the National Investigation Agency Act, 2008.</p>

	<p>(2) “appropriate Government” means, -</p> <ul style="list-style-type: none"> (i) in respect of matters relating to the Union territory without legislature, the Central Government; (ii) in respect of matters relating to the Union territory with legislature, namely, the Government of the National Capital Territory of Delhi, the Government of the Union territory of Jammu and Kashmir, the Government of the Union territory of Puducherry, as the case may be, such Government; and (iii) in all other cases, a State Government;
2 of 2016.	(3) “child” shall have the same meaning as assigned to it in clause (12) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015;
	(4) “commercial carrier” shall mean a legal or natural person who engages in transportation of goods or people for commercial gain;
	(5) “debt bondage” shall mean the status or condition arising from a pledge by a debtor of his or her personal services, or those of a person under his or her control, in lieu of payment of an advance amount obtained or presumed to be obtained for the purpose of bonded labour;
	(6) “District Anti-Human Trafficking Committee” means a committee established by the appropriate Government under sub-section (1) of section 8;
	(7) “exploitation” includes causing of harm to or taking of benefit or gain from a victim without due or appropriate consideration, compensation or return in any form or manner for the benefit or gain of another person who himself may or may not be the perpetrator of such exploitation;
	(8) “Magistrate” means a District Magistrate, the Additional District Magistrate, the Sub-Divisional Magistrate, or any other officer authorised by the appropriate Government under this Act;
10 of 2017.	(9) “mental illness” shall have the meaning assigned to it in clause (s) of sub-section (l) of section 2 of the Mental Healthcare Act, 2017;
	(10) “National Anti-Human Trafficking Committee” means a committee established by the Central Government under section 5;
	(11) “notification” means notification published in the Official Gazette by the appropriate Government;
	<p>(12) “offences with cross border implications” means-</p> <ul style="list-style-type: none"> (a) any conduct by a person outside India which constitutes an offence at that place and which would have constituted an offence under this Act had it been committed in India or under the provisions of this Act and if such person transfers in any manner, the proceeds of such conduct or part thereof to India; or (b) any offence under this Act which has been committed in India and the proceeds of crime therefrom, or part thereof, have been transferred to a place outside India or any attempt has been made to transfer the proceeds of crime, or part thereof from India to a place outside India; or

	(c) any offence under this Act involving the territory of India with one or more other country;
Maharashtra Act 30 of 1999.	(13) “organised crime” and “organised crime syndicate” shall have the meanings assigned to them in clauses (e) and (f) respectively of sub-section (1) of section 2 of the Maharashtra Control of Organised Crime Act, 1999;
45 of 1860.	(14) "person” shall have the same meaning as assigned to it in section 11 of the Indian Penal Code, 1860.
49 of 2016.	(15) “person with disability” shall have the meaning as assigned to it in clause (s) of section 2 of the Rights of Persons with Disabilities Act, 2016;
	(16) “premises” means any building, conveyance, land, location, place, structure or any part thereof, including those which may be source, transit or destination of trafficking or which may be used for commission of any offence under this Act;
	(17) “prescribed” means prescribed by rules made by the appropriate Government under this Act;
15 of 2003.	(18) “proceeds of crime” shall have the same meaning as assigned to it in clause (u) of sub-section (1) of section 2 of the Prevention of Money Laundering Act, 2002;
15 of 2003.	(19) “property” shall mean property or assets of every description such as jewellery, bank account, investment or the like, corporeal or incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in, such property or assets, whether located within or outside India, in the name of any person involved in any offence under this Act or held by any person in the name of any other persons or in any other manner whatsoever;
	(20) “protection home” means a protection home set up or designated and maintained under section 12;
	(21) “rehabilitation” shall include all processes of restoring the physical, psychological and social well-being of a victim, and includes protection, access to education, skill development, healthcare, psychological and physiological support, medical services, economic empowerment, legal aid and assistance, safe and secure accommodation;
	(22) “rehabilitation home” means a rehabilitation home set up or designated and maintained under section 13;
	(23) “rescue” shall mean coming out of condition or situation of being trafficked or being exploited as a victim with the help of any authority under this Act or by way of “emergence” out of such condition or situation by the victim himself.
	(24) “Schedule” means the Schedule annexed to this Act;
	(25) “sexual exploitation” means the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or production of any pornographic material;
	(26) “Special Court” means a Special Court defined in clause (h) of sub-section (1) of section 2 of the National Investigation Agency Act, 2008;
	(27) “State Anti-Human Trafficking Committee” means a committee established by the appropriate Government under section 6;

CHAPTER III
ANTI HUMAN TRAFFICKING COMMITTEES & NODAL OFFICERS

National Anti-Human
Trafficking Committee.

5. (1) The Central Government shall, by notification, establish a National Anti-Human Trafficking Committee, for ensuring overall effective implementation of the provisions of this Act, for coordination as needed for prevention and countering of the offences under this Act, and for matters relating to emergence, rescue, protection, medical care, psychological assistance, recovery, relief, rehabilitation, repatriation and reintegration of victims.

(2) The composition of the National Anti-Human Trafficking Committee shall be as follows:—

- (a) Secretary, Ministry of Home Affairs, Government of India – Chairperson;
- (b) Secretary, Ministry of Women and Child Development, Government of India —Co-Chairperson;
- (c) Representative, Ministry of External Affairs, Government of India —Member;
- (d) Representative, Ministry of Labour and Employment, Government of India —Member;
- (e) Representative, Ministry of Social Justice and Empowerment, Government of India —Member;
- (f) Representative, Ministry of Panchayat Raj, Government of India —Member;
- (g) Representative, Ministry of Health and Family Welfare, Government of India —Member;
- (h) Representative, Ministry of Law and Justice, Government of India —Member;
- (i) Director, National Legal Services Authority — Member;
- (j) Four representatives from registered civil society organisations active in the prevention, rescue and rehabilitation of victims out of whom at least two shall be women—Members;
- (k) Representative of the Agency not below the rank of Additional Director General of Police or Joint Secretary to the Government of India-Member Secretary and Convenor.
- (l) Such other representatives of the Ministries or Departments of Government of India or experts representing different States/ UTs, as may be prescribed—Members.

	<p>(3) The National Anti-Human Trafficking Committee shall perform the following functions, namely:—</p> <ul style="list-style-type: none"> (a) facilitate and ensure full and proper implementation of all provisions of this Act, including those pertaining to prevention and combating of offences, rehabilitation and relief services including compensation, repatriation, reintegration to the victims, safety, care, protection and dignity of victims including prevention of re-trafficking or re-traumatisation of victims, or recurrence of any offence under this Act against victims, in coordination with the concerned Ministries, Departments, prescribed authorities, statutory bodies; (b) provide for protection homes and rehabilitation homes to enable immediate and long-term sustainable rehabilitation of victims; (c) ensure effective co-ordination between the concerned authorities both within the country as well as with other countries for repatriation of victims; (d) to coordinate with the Agency, appropriate Governments and other concerned authorities to maintain an updated national database of traffickers and other offenders under this Act; (e) seek reports from appropriate Government, State Anti-Trafficking Committee, District Anti-Trafficking Committee, on the quality of services and the functioning of the protection homes and rehabilitation homes and other set ups under this Act; (f) enhance public awareness about the provisions of this Act and its rules; and (g) perform such other functions as may be prescribed as considered necessary by the National Anti-Human Trafficking Committee for effective discharge of the provisions of this Act.
<p>State Anti-Human Trafficking Committees.</p>	<p>6. (1) The appropriate Government shall establish a State Anti-Human Trafficking Committee for ensuring overall effective implementation of the provisions of this Act within the State, for coordination where necessary in prevention and countering of the offences under this Act, for matters relating to emergence, rescue, protection, medical care, psychological assistance, recovery, relief, rehabilitation, repatriation and reintegration of victims, and to advise the State Government and District Anti-Human Trafficking Committees on these and related matters.</p> <p>(2) The State Anti-Human Trafficking Committee shall consist of the following, namely:—</p>

- (a) Chief Secretary—Chairperson;
- (b) Principal Secretary, Home Department—Member;
- (a) Director General of Police—Member;
- (b) Secretary, Department of Women and Child—Member;
- (c) Secretary, Labour Department—Member;
- (d) Secretary, Health Department—Member;
- (e) Secretary, State Legal Services Authority—Member;
- (f) Secretary, Law Department—Member;
- (g) Protector of Emigrants, Ministry of External Affairs—Member;
- (h) Officer of the State Police Department specifically designated at State level for the purposes of this Act, not below the rank of Inspector General of Police—Member;
- (i) Two social workers or representatives of Civil Society Organisations or Non-Governmental Organisations working in the area of prevention or trafficking and related matters, out of which at least one shall be a woman—Member;
- (j) State Anti-Human Trafficking Nodal Officer—Member-Secretary and Convener;
- (k) Such other persons as may be prescribed—Members.

(3) The State Anti-Human Trafficking Committee shall perform the following functions, namely:—

- (a) identify the roles and responsibilities of each Department at State or district level for effective implementation of the provisions of this Act and the rules made thereunder;
- (b) arrange for appropriate training and sensitisation of functionaries and Governmental and non-Governmental personnel;
- (c) develop effective networking and linkages with governmental and non-governmental organisations for specialised services and technical assistance like vocational training, education, healthcare, nutrition, mental health intervention, drug de-addiction and legal aid services;
- (d) review and monitor the functioning of the District Anti-Human Trafficking Committees;
- (e) make necessary funds available to the District Anti-Human Trafficking Committees for providing or setting up of required facilities for the implementation of the Act; and
- (f) perform such other functions and duties as may be prescribed.

(4) The State Anti-Human Trafficking Committee shall co-ordinate with Agency and National Anti-Human Trafficking Committee to provide all necessary assistance and inputs as may be required to ensure all required support to victims

	<p>and to prevent and counter offences under this Act, especially those that have inter-State and international ramifications or have features of an organised crime.</p>
<p>State Anti-Human Trafficking Nodal Officers.</p>	<p>7. (1) The State Government shall appoint a State Anti-Human Trafficking Nodal Officer, not below the rank of Director in the State Government.</p> <p>(2) The State Anti-Human Trafficking Nodal Officer shall be responsible for follow up action under this Act, as per the direction of the State Anti-Human Trafficking Committee and co-ordinate with other government agencies and civil society organisations.</p> <p>(3) The State Anti-Human Trafficking Nodal Officer shall provide relief and rehabilitation services through District Anti-Human Trafficking Unit and other Government agencies as well as civil society organisations as appropriate.</p> <p>(4) The State Anti-Human Trafficking Nodal Officer shall liaison with the State Police and the National Anti-Human Trafficking Committee, for all matters relating to relief and rehabilitation.</p>
<p>District Anti-Human-Trafficking Committees.</p>	<p>8. (1) The appropriate Government shall constitute for every district a District Anti-Human Trafficking Committee for ensuring overall effective implementation of the provisions of this Act within the district, for ensuring timely action and coordination where necessary in prevention and countering of the offences under this Act, and for matters relating to emergence, rescue, protection, medical care, psychological assistance, recovery, relief, rehabilitation, repatriation and reintegration of victims.</p> <p>(2) The District Anti-Human Trafficking Committee shall consist of the following, namely:—</p> <ul style="list-style-type: none"> (a) District Magistrate—Chairperson; (b) District Superintendent of Police – Member; (c) District Officer for Women and Child Development—Member and Co-Convener; (d) Representative, District Legal Services Authority—Member; (e) Representative, Child Welfare Committee—Member; (f) Two social workers or representatives of Civil Society Organisations or Non-Governmental Organisations working in the area of prevention or trafficking and related matters, out of which at least one shall be a woman—Members; (g) Officer of the District Police specifically designated at the District level for the purposes of this Act, not below the rank of Additional Superintendent of Police—Member-Secretary and Convener. (h) Such other persons as may be prescribed—Members; and <p>(3) The District Anti-Human Trafficking Committee shall perform the following functions, namely:—</p>

- (a) direct and facilitate the person in-charge of the protection home or rehabilitation home, as the case may be, to submit an individual care plan for every victim and his dependent, to it;
- (b) ensure care, protection, appropriate rehabilitation and reintegration of victims and their dependents, based on each such person's individual care plan by passing necessary directions to protection homes and Rehabilitation homes;
- (c) ensure that the victims are kept safe, secure, protected, and, as required, separated and distanced from any perpetrators of any offence under this Act against such victims;
- (d) ensure that all measures are taken to ensure prevention of any re-traumatisation or re-trafficking of or recurrence of any offence under this Act against any victim;
- (e) co-ordinate with other State Departments and Panchayati Raj institutions, to keep a check on the children who drop out from schools and those children who are covered by various schemes and have stopped accessing the benefits of those schemes and inform such cases to the State Anti-Human Trafficking Committee and take appropriate actions;
- (f) facilitate in a time bound manner or in the manner as may be prescribed, the inter-district and inter-State repatriation of victims;
- (g) extend special assistance and support to victims with disability.
- (h) facilitate survey of the areas and vulnerable population to identify source, transit and destination areas of trafficking and based on the information received, draw up action plans for the prevention of trafficking, for rescue and safety and protection of victims, and for protection of people who are vulnerable to trafficking;
- (i) create programmes for awareness generation, community mobilisation and empowerment of vulnerable social groups for protection from trafficking and other offences under this Act;
- (j) provide support and assistance to the Anti-Human Trafficking Police Officer, the Anti-Human Trafficking Unit or the local police, as the case may be, in conducting rescue operations, transferring victims to protection or rehabilitation homes, in connection with prevention of trafficking, protection of victims and their rehabilitation, etc.; and
- (k) such other functions as may be prescribed.

(4) The appropriate Government shall provide adequate resources to the District Anti-Human Trafficking Committee for carrying out prevention, protection, rescue, relief and rehabilitation activities.

(5) The District Anti-Human Trafficking Committee shall furnish a report to the State Anti-Human Trafficking Committee on quarterly basis.

<p>2 of 2016.</p>	<p>(6) The District Anti-Human Trafficking Committee shall have the authority to dispose of cases for care, protection, treatment, relief and rehabilitation of the victims under this Act and in case of child victims, the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 shall apply.</p> <p>(7) The District Anti-Human Trafficking Committee shall maintain a list of support persons to provide the following services for prevention, protection, relief and rehabilitation of victims of offences under this Act-</p> <ul style="list-style-type: none"> (a) to raise awareness about risks, modalities etc. of trafficking in persons, as well as about the rescue, relief, rehabilitation and other facilities and mechanisms as available with regard to offences under this Act; (b) to assist in prevention and combating of offences under this Act; (c) to assist in identifying victims; (d) to inform police and other relevant competent authorities under this Act or under any other laws for the time being in force, with regard to occurrence of offences under this Act and existence and other details of victims, and to develop and maintain a network of informers as possible in this regard; (e) to extend support in rescue of victims as may be possible; (f) to link victims to relief, rehabilitation and other relevant support systems as provided for under this Act or under any other law for the time being in force; (g) to make available support persons for victims, especially child, women, mentally ill and disabled victims; (h) to extend support in repatriation of victims; (i) to extend support in reintegration of victims in their families and societies and to ensure monitoring of the same; (j) to link victims to available government schemes and programs as possible and appropriate; (k) any other functions as may be prescribed under the rules which may be framed under this Act. <p>(8) The support persons shall be identified, appointed by the District Anti Human Trafficking Committee at the Panchayat and Ward level and they may be appropriately reimbursed in a manner that may be prescribed.</p>
	<p>CHAPTER IV PREVENTIVE MEASURES</p>
<p>Preventive measures by State and District Anti-Human Trafficking Committees.</p>	<p>9. (1) The State and the District Anti-Human Trafficking Committees shall undertake all measures and recommend strategies and plans to protect and prevent vulnerable persons from being trafficked including-</p> <ul style="list-style-type: none"> (a) coordinating the implementation of all the programmes, schemes and plans relating to the prevention of trafficking in persons, exploitation of victims or any other offences under

	<p>this Act, with relevant statutory bodies, organisations and agencies including Panchayati Raj Institutions; ensuring that the victims are kept safe, secure, protected and, as required, separated and distanced from any perpetrators of any offence under this Act against such victims;</p> <ul style="list-style-type: none">(b) ensuring that all measures are taken to ensure prevention of any re-traumatisation or re-trafficking of or recurrence of any offence under this Act against any victim;(c) converging and facilitating the implementation of livelihood, educational and skilling programmes for vulnerable persons and victims;(d) converging and facilitating the implementation of programmes and schemes sponsored by various Ministries and Departments of the appropriate Government for the benefit of vulnerable persons and victims;(e) coordinating with corporate and non-governmental sectors to implement various beneficial activities for prevention of occurrence of any offences under this Act against vulnerable persons and victims;(f) ensuring accountability of the concerned agencies, by regular review and appropriate corrective action if required;(g) undertaking vulnerability mapping with regard to the offences under this Act of the State and districts and giving focus and attention to the challenging areas;(h) commissioning independent studies, surveys, research etc. on various aspects of trafficking, exploitation of victims and other offences under this Act and ensuring follow up action;(i) organising interface between law enforcement agencies, other Government Departments and agencies, voluntary organisations for effective implementation of the provisions of this Act;(j) preparing an annual report on offences under this Act in the State;(k) coordinating with the Agency and other State Anti-Human Trafficking Committees, especially in relation to those States where source-transit-destination linkages exist, and undertake all activities for joint action programmes by bringing in common plans of action;(l) linking with the Agency and the Central Government and other concerned agencies for prevention and combating of offences under this Act;(m) generating public awareness about the provisions of this Act and its rules;(n) any other measures as may be prescribed.
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<p>Identification of victims of trafficking in persons.</p> <p>2 of 1974.</p> <p>2 of 2016.</p>	<p>10. (1) The National Anti-Human Trafficking Committee and the Agency shall, in consultation with one another as well as with other stakeholders, establish and keep updated national guidelines procedural manuals for identification, referral of victims, and shall develop and disseminate the same to persons and institutions who are likely to come across victims, information and materials concerning offences under this Act.</p> <p>(2) Subject to the provisions of any other laws and mandatory court directives for the time being in force, Aadhar enrolment of persons victimized or deemed vulnerable to be victimized under any offences under this Act shall be endeavored for the purpose of effective identification, referral and tracking of victims and vulnerable persons.</p> <p>(3) All institutions housing children, including childcare institutions, hospitals, nursing homes and such other homes and institutions housing children set up or identified under this Act, shall work for implementation of the provisions of this sub-section.</p>
	<p style="text-align: center;">CHAPTER V SEARCH, RESCUE OR EMERGENCE, AND POST-EMERGENCE ACTIVITIES INCLUDING CARE, PROTECTION AND REHABILITATION OF VICTIMS</p>
<p>Search, seizure, rescue.</p> <p>2 of 1974.</p> <p>32 of 2012.</p>	<p>11. (1) Where a police officer not below the rank of a sub-inspector who has reason to believe that in the area of his jurisdiction it is necessary to rescue or support in emergence a person without undue delay due to the imminent danger of becoming a victim or of being exploited as a victim of an offence under this Act, he or it may remove such person from any place or premises and produce him before the Magistrate or a Child Welfare Committee, as the case may be, and shall take all necessary steps for the medical examination of such person for the purposes of assessment or determination of age, trauma, loss, injury or illnesses of such person:</p> <p style="padding-left: 40px;">Provided that a person who emerges on his own and produces himself before the Magistrate, the Child Welfare Committee or any other authority under this Act under the rules made thereunder shall be provided with the same medical facilities as if he were rescued.</p> <p>(2) The provisions of section 164A of the Code of Criminal Procedure, 1973, and section 27 of the Protection of Children from Sexual Offences Act, 2012 shall, <i>mutatis mutandis</i>, apply in relation to medical examination of any person under this section, and any other conditions with regard to medical examination of victims or to their consent therefor, shall be such as may be prescribed.</p> <p>(3) A police officer who acts under sub-section (1) of this section, shall inform the District Anti-Human Trafficking Committee, or the Child Welfare committee in case of child victims, about such rescue or emergence and the Committee shall take appropriate actions for providing interim relief and further rehabilitation services and support to the rescued or emerged person.</p>

2 of 1974.	(4) The provisions of the Code of Criminal Procedure, 1973, shall, <i>mutatis mutandis</i> , apply in relation to a search and seizure in respect of an offence under this Act.
Protection homes.	<p>12. (1) The appropriate Government shall set up or designate and maintain, either directly or through voluntary or non-Governmental organisations or in such other manner as appropriate, one or more protection homes, including at least one such home each for women and child victims in each district, for the immediate care and protection of the victims in such manner as may be prescribed.</p> <p>(2) The protection homes shall provide security, shelter, food, clothing, legal assistance, psychological counselling, medical care, police assistance, and such other services as may be necessary for victims, in an integrated manner under one roof, in the manner as may be prescribed.</p> <p>(3) The appropriate Government shall set up or designate and maintain at least one protection home for the immediate care and protection of victims other than women and children, including at least one such dedicated home for transgender persons in each State and Union territory.</p> <p>(4) The appropriate Government may utilise any existing homes, centres or facilities for the purposes of this section, after registration under this Act, for women, children, and such other categories of victims as required or as may be prescribed.</p>
Rehabilitation homes.	<p>13. (1) The appropriate Government shall set up or designate and maintain either directly or through voluntary or non-Governmental organisations or in such other manner as appropriate, one or more rehabilitation homes, including at least one such home each for women and child victims in every district, for the purposes of long-term relief and rehabilitation of victims, in such manner as may be prescribed.</p> <p>(2) The appropriate Government shall set up or designate and maintain, at least one dedicated rehabilitation home for the long term care, protection and rehabilitation of victims other than women and child victims, including at least one such home for transgender persons, in every State and Union territory.</p> <p>(3) The appropriate Government may utilise any existing homes, centres or facilities for the purposes of this section, after registration under this Act, for women, children, and such other categories of victims as required or as may be prescribed.</p>
Registration of Protection homes and Rehabilitation homes and similar facilities.	14. Notwithstanding anything contained in any other law for the time being in force, protection homes and rehabilitation homes shall be registered by the appropriate Government in such manner as may be prescribed.
Inspection of protection homes, etc.	15. The District Magistrate shall regularly ensure inspection by an Executive Magistrate of all protection homes and rehabilitation homes or any other homes or centres or facilities set up or identified under this Act for housing victims, at

	such frequency that every such home or centre or facility is so inspected at least once in every three months, in such manner as may be prescribed.
Safety, care and protection of victims.	<p>16. (1) The District Anti-Human Trafficking Committee shall extend the required assistance to a police officer in rescue or emergence of a victim, as well as in transferring any person to a protection home or any other suitable institution, as deemed fit.</p> <p>(2) Such police officer shall produce a rescued or emerged victim before the Magistrate or the Child Welfare Committee, as the case may be, without any delay and within maximum twenty-four hours of his rescue.</p> <p>(3) The Magistrate or the Child Welfare Committee as the case may be, may, pending any inquiry and having regard to the circumstances of the case, direct that the rescued victim be kept in such care and protection as he may consider proper and required.</p> <p>(4) Where after making an inquiry about the age of a rescued victim, it is found that such victim is a child, the Child Welfare Committee may pass such order as it deems necessary and proper for the care and protection of such child victim in accordance with the provisions of the relevant laws for the time being in force.</p> <p>(5) Where after making an inquiry about the age of a rescued victim, it has been found that the victim is not a child, the Magistrate may make an order that the victim be placed, for such reasonable period as he considers suitable, in a protection home or a rehabilitation home.</p> <p>(6) A victim or any person on his behalf as may be prescribed in the rules may make an application to the Magistrate or the Child Welfare Committee as the case may be, for an order that he may be kept in a Rehabilitation home.</p> <p>(7) If the victim is not a child and he voluntarily makes an application supported by an affidavit for not placed in a rehabilitation home any longer, then, after giving reasonable opportunity to the victim as well as to the District Anti Human Trafficking Committee, the Magistrate shall, within ten days of receiving such application by recording his reasons in writing-</p> <ul style="list-style-type: none"> (i) arrive at a decision on such application, or (ii) if he is of the opinion that such application has not been made voluntarily by or with the consent of the victim, reject such application. <p>(8) In discharging the functions under this section, a Magistrate or Child Welfare Committee, as the case may be, may seek opinion of professionals such as mental healthcare professional, psycho-social counsellor, clinical psychologist, psychotherapist, advocate, translator, or interpreter.</p> <p>(9) The Magistrate or the Child Welfare Committee, as the case may be, shall consult the District Anti-Human Trafficking Committee before taking a final decision with respect to the rehabilitation of the victim.</p> <p>(10) In matters pertaining to child victims under this section, the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, and any other law for the time being in force, shall apply.</p> <p>(11) Notwithstanding anything contained in the foregoing sub-sections of this section, the Magistrate making an inquiry under this section may, before passing an order for handing over any person emerged or rescued under this Act, to the</p>

2 of 2016.	parents, guardian or spouse, satisfy himself about the capacity or genuineness of the parents, guardian or spouse to keep such person by causing an investigation to be made by a recognised welfare institution or organisation, in case so desired by the person concerned.
Further matters relating to investigation and prosecution. 2 of 1974. 2 of 1974.	<p>17. (1) A police officer investigating an offence under this Act shall ensure that investigation, including <i>inter alia</i> search and seizure, are conducted in accordance with the provisions of the Code of Criminal Procedure, 1973,</p> <p>(2) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, a police officer investigating an offence under this Act, shall forward the report on completion of investigation to the court having jurisdiction within ninety days from the date of arrest of the accused.</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force, if a police officer investigating a cognizable offence under this Act, applies for the purposes of such investigation, for police custody of a person who is already in such judicial custody for fifteen days, he shall file an affidavit before the court having jurisdiction, stating the reasons for such request and shall also explain the reasons for delay, if any, for such application and the court may pass such orders as appropriate.</p> <p>(4) Where the investigating officer has reason to believe that any bank account or property has been obtained by the accused by way of commission of an offence under this Act, the investigating officer may submit an application before the designated court for freezing or forfeiture of such bank account, or attachment or forfeiture of such property, as the case may be.</p> <p>(5) The designated court, on satisfaction, after an inquiry made in this behalf, may freeze such amount in any such bank account and may, upon conviction, order that such amount lying in such bank account, shall be used for treatment, relief and rehabilitation of any victim to such extent and in such manner as may be prescribed and any excess amount shall be remitted to a government account as may be prescribed.</p>
Care, protection and rehabilitation not to be contingent on criminal proceedings.	18. The District Anti-Human Trafficking Committee shall ensure that the care, protection or rehabilitation of a victim or of any of his dependents, is not contingent upon criminal proceedings being initiated against any offender or any outcome thereof, or of the ability or willingness of any victim to participate in the investigation or prosecution thereof.
Facilities, etc., to victims.	<p>19. (1) The protection homes, rehabilitation homes and other homes, centres or facilities as provided for in this Act shall, at the minimum, provide the following facilities, benefits, services and assistance to victims, namely:-</p> <p style="padding-left: 40px;">(a) safe and appropriate accommodation;</p> <p style="padding-left: 40px;">(b) protection and police facilitation and support as may be necessary for or required by the victim;</p>

	<ul style="list-style-type: none"> (c) healthcare and necessary medical treatment, including, where appropriate, free optional confidential testing for human immunodeficiency virus and any sexually transmitted diseases; (d) psychological counselling and psycho-social assistance, including trauma counselling, on a confidential basis and with full respect for the privacy of the victim, in a language and manner that he or she understands; (e) legal counselling and support as required by victim; (f) all information about their rights as provided under this Act as well as under any other law for the time being in force, in a language and manner that he or she understands; and (g) any other facilities, benefits, services and assistance as may be reasonably required by the victim or as may be prescribed. <p>(2) In appropriate cases and to the extent possible, assistance shall be provided to any dependent of the victim.</p> <p>(3) The protection homes, rehabilitation homes and other homes, centres and facilities provided for in this Act, which are meant for women or girls, shall have only women or girls as inmates, and shall have only women staff or service personnel interacting or meeting such inmates on day to day basis:</p> <p>Provided that women victims may also keep their dependent children, other than girls and who are up to eight years of age with them in such homes, centres or facilities when required.</p> <p>(4) A victim under this Act shall not be held in any detention facility merely on the basis of their status as victims.</p> <p>(5) All assistance services shall be provided on a consensual and informed basis and while taking due account of the special or specific needs of victims, especially if they are women, children or disabled persons.</p>
<p>Care, dignity, rehabilitation and reintegration of victims.</p>	<p>20. The following measures shall be ensured for the care, dignity, rehabilitation and reintegration of the victims, namely:-</p> <ul style="list-style-type: none"> (a) that the victims shall be treated with such dignity and respect for their human and other rights as is expected and due in normal course to any other persons, and shall not be subjected to indignant, indecent or inhuman behaviour merely for the reason of their being victims; (b) that opportunity, facilities and time shall be made available to them for reasonable standards of recovery which may also be further detailed or prescribed subsequently; (c) that counselling, guidance, handholding, support, education, training, skilling, financial inclusion and other measures shall be taken in accordance with the requirements of victims with the objective of ensuring

	<p>that they stably and irretrievably emerge out of any nature of situations of being trafficked or victimised through any other offence under this Act, and so that no further possibilities of their re-trafficking, re-victimisation or secondary victimisation in normal course remain, and special care shall be taken in this regard;</p> <p>(d) that they shall be provided free legal aid and support if they want to initiate civil action for claiming damages against material and non-material sufferings caused by any offences under this Act;</p> <p>(e) that they shall be expeditiously and within set time limits provided monetary relief and compensation as provided for under this Act and under any other law for the time being in force;</p> <p>(f) that they shall be repatriated in accordance with the provisions of this Act and any other laws which may be for the time being in force;</p> <p>(g) that best efforts shall be made for reintegration of victims and their accompanying dependents, and all required measures for this purpose, which may also be detailed and prescribed subsequently, shall be taken;</p> <p>(h) that support persons or volunteers shall be individually assigned to victims as a part of their post-rescue care plans, both pre-and-post-repatriation as applicable, and for at least two years after their last moving out of a home or a centre or an institution as provided for their rehabilitation, relief or protection under this Act, so as to effectively track, facilitate and ensure proper progress and satisfactory completion of their reintegration;</p> <p>(i) that rehabilitation and related activities shall not be contingent on criminal proceedings directly or indirectly relating to any offence under this Act against the victim;</p> <p>(j) that all institutional set ups as laid out in this Act shall ensure that all rights and entitlements of victims are duly and in timely manner made available to them, and the District Anti-Human Trafficking Committee shall function as the main coordinating and implementing field institution to ensure this;</p> <p>(k) that any victim shall be kept safe, secure, protected and, as required, separated and distanced from any perpetrators of any offence under this Act against such victims;</p> <p>(l) that all measures shall be taken to ensure prevention of any re-traumatisation or re-trafficking of or recurrence of any offence under this Act against a victim.</p>
	<p>CHAPTER VI REPATRIATION AND REINTEGARTION OF VICTIMS</p>
<p>Repatriation and reintegration of victims.</p>	<p>21. (1) District Anti Human Trafficking Committees or the Child Welfare Committees, as the case may be, shall be responsible for repatriation and reintegration of victims into society and family.</p>
	<p>(2) The District Anti-Human Trafficking Committee or the Child Welfare Committee, as the case may be, shall be responsible for the repatriation of victims and their accompanying dependents by coordinating with their counterparts in any</p>

	<p>other district of the State, and shall also be responsible for successful rehabilitation and reintegration of any victims and their accompanying dependents coming to its district as a result of repatriation, and the State Anti-Human Trafficking Committee shall be responsible for coordinating and facilitating such repatriation, rehabilitation and reintegration as and wherever required.</p>
	<p>(3) The State Anti-Human Trafficking Committee in collaboration with the concerned District Anti-Human Trafficking Committee or Child Welfare Committee as the case may be, shall be responsible for the repatriation of victims and their accompanying dependents by coordinating with their counterparts in any other State or Union territory, and shall also be responsible for successful rehabilitation and reintegration of any victims and their accompanying dependents coming to its State or Union territory or district as a result of repatriation, and the Agency and National Anti-Human Trafficking Committee shall be responsible for coordinating and facilitating such repatriation, rehabilitation and reintegration as and wherever required.</p>
	<p>(4) The Agency, along with the concerned State Anti-Human Trafficking Committee and the concerned District Anti-Human Trafficking Committee or Child Welfare Committee as the case may be, shall be responsible for coordinating and for ensuring timely repatriation of a victim and his dependents, if any, from a foreign country to his or their country of origin, as well as for timely repatriation and successful rehabilitation and reintegration of any Indian victims and their dependents coming to his State or Union territory or district, as the case may be, subject to such provisions, if any, as may be prescribed.</p> <p style="padding-left: 40px;">Provided that the Agency shall also take all necessary steps to ensure legal aid and assistance, legal representation, and financial assistance, if required, to a victim of trafficking who is a citizen of India, and who has been accused of being present in a foreign country illegally, or has been accused of an offence in a foreign country, or who requires repatriation back to India:</p> <p style="padding-left: 40px;">Provided further that the Agency shall also take necessary steps to ensure legal aid and assistance, legal representation and all other support required to a foreign national who is trafficked into India, for their expeditious return to his country of origin in such manner as may be prescribed.</p>
	<p>(5) The repatriation of the victims under this Chapter shall be completed within six weeks for intra-State repatriation, within three months for inter-State repatriation, and within six months in case of inter-country repatriation, from the date of production of a victim or his dependents, if any, before the District Anti-Human Trafficking Committee or the Child Welfare Committee, as the case maybe:</p>

	<p>Provided that any delay in repatriation under this Chapter shall be recorded along with the reasons in writing and shall be reported to the National Anti-Human Trafficking Committee and the Agency forthwith:</p> <p>Provided further, that every repatriation under this Chapter from one place to another within India shall be subject to the informed consent of the victim taken after adequate psychological counselling, if and as required:</p> <p>Provided also that detailed protocols and standards with regard to all matters relating to repatriation and reintegration of victims and their dependents under this Chapter, if any, may be in the manner as may be prescribed.</p>
	<p>CHAPTER VII MONETARY RELIEF AND COMPENSATION</p>
<p>Relief and compensation.</p> <p>2 of 1974.</p>	<p>22. (1) Upon registration of a First Information Report of an offence under this Act, the investigating officer shall forward a copy of the same to the District Anti-Human Trafficking Committee and the District Legal Services Authority, which shall provide immediate relief to the victim and dependent, if any, including aid and assistance for medical and rehabilitation needs, as maybe required after due assessment, within seven days of the receipt of the same.</p> <p>(2) The District Legal Services Authority shall award interim relief to a victim or any dependant within a period of thirty days of an application submitted by or on behalf of him in this regard, after due assessment, in such manner as may be prescribed.</p> <p>(3) The District Anti-Human Trafficking Committee shall ensure that all measures have been taken for relief and rehabilitation of the victim and dependent, if any, including for his safety and relocation, at the earliest after registration of First Information Report under this Act, and within thirty days of an application having been made in this regard by or on behalf of the victim.</p> <p>(4) The provisions of sections 357A to 357C of the Code of Criminal Procedure Code, 1973, shall, <i>mutatis mutandis</i>, apply in relation to compensation and treatment of victims and dependants, if any, under this section.</p> <p>(5) The relief and compensation, including those provided under sub-section (1), shall be in addition to any other compensation including any amount or benefit payable by way of any damages or under any scheme of the appropriate Government or pursuant to any order of the court under any law for the time being in force.</p> <p>(6) The designated court may order, where applicable, any back wages due to the victim to be paid to him, in addition to any relief extended to the victim under this section.</p> <p>(7) The appropriate Government shall provide adequate funds for the purposes of aid, relief and compensation under this section within a period of one month from the date of commencement of this Act.</p>

CHAPTER VIII
OFFENCES AND PENALTIES

Trafficking in persons.

23. Trafficking in Persons.

Any person who:

(a) Recruits, transports, transfers, harbours or receives another person;
(b) By means of 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 authority or of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;

(c) For the purpose of exploitation of that person;

shall be guilty of an offence of trafficking in persons and upon conviction shall be subject to imprisonment for a term which shall not be less than 7 years but which may extend to 10 years and shall also be liable to a fine which shall not be less than one lakh rupees but which may extend upto five lakh rupees.

Explanation 1: Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation including pornography, any act of physical exploitation, forced labour or services, slavery or practices similar to slavery, servitude or forced removal of organs, illegal clinical drug trials or illegal bio-medical research or the like.

Explanation 2: The consent of the victim shall be irrelevant and immaterial in determination of the offence of trafficking in persons if any of the means mentioned at (b) above is used to commit the crime.

Explanation 3: In case the victim is a child, the means set forth at (b) in this section, shall also be immaterial in determination of the offence of trafficking in persons.

Explanation 4: A victim need not physically move or be transported from one location to another for determination of the offence of trafficking in persons.

Explanation 5: Any forms of trafficking or exploitation of victims as included in section 4 shall be construed as those pertaining to such aggravated forms of trafficking and shall be punishable accordingly.

Explanation 6: The inclusion of fraud, deception and the abuse of power or of a position of authority or of vulnerability recognizes that trafficking can occur without the use of any overt (physical) force.

Provided that any act by a parent or a guardian which does not result in exploitation, and which is done in the best interest of the child, and in a bona fide manner, especially that of taking away the child from a situation of abusive, exploitative or oppressive nature, shall not constitute trafficking.

<p>Punishment for trafficking in persons.</p>	<p>24. Any person committing an offence of trafficking in persons shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to ten years and shall also be liable to fine which shall not be less than one lakh rupees.</p>
<p>Aggravated form of trafficking in persons.</p>	<p>25. (1) Whoever commits an offence of trafficking in persons -</p> <ul style="list-style-type: none"> (a) where the offence resulting in the death of the victim or his dependent or any other person, including death as a result of suicide; (b) where the victim, or his dependent or any other person suffer an injury amounting to grievous hurt, or acid attack, or genital mutilation or removal of organs, or an injury or exploitation that causes him to be in a persistent vegetative state, substantial physical or mental incapacitation, deprived of ability to live and enjoy life as a normal human being would; (c) where the offence exposed the victim to, and inflicted upon him any life-threatening or other serious condition such as acquired immunodeficiency syndrome, silicosis, tuberculosis, or any other irreversible disease; (d) where the offence has been caused by administering any chemical substance or hormones on a person for the purpose of early sexual maturity; (e) where the offence was caused by administering any narcotic drug or psychotropic substance or other drugs, alcoholic or intoxicating or dependency causing substances on a victim or where such substances or means were used on a victim forcing him to remain in an exploitative condition, including by causing him to become dependent on or addicted to any such substances, which the victim would otherwise not have taken or suffered; (f) where the victim has a mental illness or is a person with disability, or as a consequence of trafficking, the person becomes mentally ill or disabled; (g) where the victim is a child, including through or in the guise of adoption of children; (h) where the offence is committed on a pregnant woman, or where the offence results in forced pregnancy or forced termination of pregnancy or miscarriage of the victim; (i) where a victim has been bought or sold; (j) where the victim has been put in a situation of forced or bonded labour or debt bondage, or in a situation of slavery or servitude, including through retention of any identity

	<p>or travel or other documents or threats of denunciation to authorities;</p> <ul style="list-style-type: none">(k) where a person misuses his authority, or abuses his position of authority as spouse or otherwise, or misuses his fiduciary relationship with a victim as a doctor, lawyer or otherwise, or abuses the position of vulnerability of victim in any manner for the commission or in the consequence of the offence;(l) where the offence has been committed by a public servant, or a person in charge of, or working in a childcare institution, a protection home, a rehabilitation home, or any other such centre or facility set up or identified under this Act, or any other law for the time being in force, for the safety, protection or care of victims, or of women, children, or other such vulnerable groups as maybe prescribed;(m) where the victim is a woman or child or a transgender person who was residing in a shelter or rehabilitation home or any other facility as established, registered or identified for the purposes of this Act and has been trafficked while having been in or by being taken out of such institution or home;(n) where the offence of trafficking in persons has been caused for the purpose of or under the pretext of or subsequent to a marriage or a relationship of same or similar nature;(o) where the purpose or consequence of the offence is prostitution, or any other manner of sexual exploitation of, or any other sexual offence against a victim;(p) where the victim has been forcefully confined to or retained in a brothel or any other premises being used for trafficking or for exploitation of victim;(q) where the offence of trafficking has been committed in the cover, garb or guise of, or for any unlawful activities or exploitative purposes arising out of or relating to, apparently innocuous and legally permitted activities or enterprises such as massage parlours, spas, employment agencies, placement agencies providing domestic workers, immigration agencies or agents, travel agencies or agents, <i>nautankis</i>, <i>nat</i>, circus, <i>melas</i> or similar activities;(r) where a victim who was initially got migrated under promise of or under inducement towards better life or livelihood, from one place to another, whether within or outside India, has subsequently been subjected to an offence under this Act, including where the offence involves or has been caused by or subsequent to or in continuation of smuggling of migrants in any manner, with reference to the Protocol against the Smuggling of
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	<p>Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;</p> <ul style="list-style-type: none"> (s) where the victim is a person affected by a natural calamity or disaster declared so by the Government, or any other kind of man made calamity or disaster, including communal or sectarian violence, warfare, insurgency, extremism or any other activity, event or purpose of similar nature pertaining to violence, law and order or internal disturbance of any kind; (t) where the victim of the offence of trafficking has been engaged in forced or coerced beggary; (u) where the victim of trafficking has been engaged in illicit or criminal activities, including interlaid trafficking or production of illicit drugs, firearms and ammunition; insurgency, extremism or the like; (v) where the victim of the offence of trafficking has been subjected to illicit or illegal bio-medical research, unauthorized clinical drug trial or the like; and (w) where a victim has been re-trafficked, <p>shall constitute aggravated form of trafficking in persons.</p>
<p>Punishment for aggravated form of trafficking in persons.</p>	<p>26. (1) Whoever commits the offence of aggravated form of trafficking of a person shall be punishable with rigorous imprisonment for a term for ten years but which may extend to imprisonment for life and shall also be liable to fine which may extend to ten lakh rupees.</p> <p>(2) Where the offence involves trafficking of a child of more than twelve years of age, it shall be punishable on conviction with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than ten lakh rupees and which may extend up to fifteen lakh rupees.</p> <p>(3) Where the offence involves trafficking of more than one child, it shall be punishable on conviction with rigorous imprisonment for fourteen years but which may extend to imprisonment for life and shall also be liable to fine up to thirty lakh rupees.</p> <p>(4) Where a person is convicted of an offence under this section against a child of less than twelve years of age, or against a woman for the purpose of repeated rape, the person shall be punished with rigorous imprisonment for twenty years, but which may extend to life, or in case of second or subsequent conviction with death, and with fine which may extend up to thirty lakh rupees.</p>

	<p>(5) When a public servant, or a police officer, or a person from the armed forces, or a person in charge of, or on the management of, or in the staff of a women's or children's home or institution, or of any protection or rehabilitation home set up or identified under this Act or under any other law for the time being in force, or a person who misuses his fiduciary relationship as a doctor, lawyer or otherwise with a victim, is involved, he shall be punishable on conviction with rigorous imprisonment for the remainder of natural life, and shall also be liable to fine up to thirty lakh rupees or such other fine as is set forth for that offence, whichever is higher.</p> <p>(6) The court may, for reasons to be recorded in writing, impose a fine higher than the upper limit prescribed under this section for an offence.</p>
<p>Trafficking in persons by organised crime syndicates, organised criminal groups.</p>	<p>27. (1) Every person, belonging to or associated with an organised crime syndicate or an organised criminal group which commits an offence under this Act, including an offence with cross border implications, shall be punished on conviction-</p> <p>(a) if such offence has resulted in the death of a victim, with death or with rigorous imprisonment for life, which shall mean the remainder of the natural life of that person, and shall also be liable to a fine up to fifty lakh rupees, and</p> <p>(b) in any other case, with rigorous imprisonment for ten years but may extend to rigorous imprisonment for life and shall also be liable to a fine up to twenty lakh rupees.</p> <p>(2) The court may, for reasons to be recorded in writing, impose a fine higher than the upper limit prescribed under this section for an offence.</p>
<p>Punishment for offence under section 23 or 25 on more than one person or on more than one occasion.</p>	<p>28. (1) Whoever commits an offence of trafficking under section 23 on more than one person or has been previously convicted of an offence punishable under this section and is subsequently convicted of an offence punishable under this section, shall be punishable with rigorous imprisonment for ten years and which may extend to life imprisonment and shall also be liable to fine up to ten lakh rupees.</p> <p>(2) Whoever commits an offence of aggravated form of trafficking under section 25 on more than one person or has been previously convicted of an offence punishable under section 25 and is subsequently convicted of an offence punishable under the sections 23 or 25, shall be punishable with rigorous imprisonment for ten years but which may extend to rigorous imprisonment for life which shall mean the remainder of the natural life of that person, and shall also be liable to fine up to twenty lakh rupees or such other fine as is provided for that offence under any other law for the time being in force, whichever is higher:</p> <p>Provided that if the victim is a child, the offence shall be punishable on conviction with rigorous imprisonment for the remainder of that person's natural life or with death and shall also be liable to fine up to thirty lakh rupees or such</p>

	<p>other fine as is provided for that offence under any other law for the time being in force, whichever is higher.</p>
<p>Punishment for abetment, conspiracy and attempt to commit offence.</p> <p>45 of 1860.</p>	<p>29. (1) Whoever abets commission of an offence under this Act, including the promotion, procurement or facilitation of such offence, and as a consequence of such abetment or conspiracy the offence is committed, the person committing such abetment or conspiracy shall be punished with the punishment provided for that offence, in addition to punishment for abetment of offences and conspiracy punishable under the Indian Penal Code, 1860.</p> <p>(2) Whoever attempts to commit any offence under this Act or does or cause such an offence to be committed, and in such attempt, does any act towards the commission of such offence, shall be punished with imprisonment of any description provided for that offence for a term which may extend to one-half of the maximum term of imprisonment provided for that offence or with fine up to half of the maximum fine provided for that offence or with both.</p> <p><i>Explanation I.</i>- A person entices the other through electronic or other means, resulting in the commission of an offence under this Act shall be deemed to have abetted such an offence.</p> <p><i>Explanation II.</i>- A person shall be said to promote, procure or facilitate the commission of trafficking in persons, if that person, <i>inter alia</i>,-</p> <ul style="list-style-type: none"> (a) produces, prints, issues or distributes, tampers certificates, registration or stickers as proof of compliance with Government requirements; or (b) advertises, publishes, prints, broadcasts or distributes or causes the advertisement, publication, printing or broadcast or distribution by any means, including by electronic form of any brochure, flyer or any propaganda material that promotes trafficking of person or exploitation of a trafficked person or commission of any offence under this Act in any manner; or (c) assists in the conduct of misrepresentation or fraud for the purposes of procuring or facilitating the acquisition of clearances and necessary documents from any Government agency for the purpose of commission of any offence under this Act.
<p>Punishment for exploitation, or taking benefit out of exploitation of victim</p>	<p>30. (1) Whoever, knowingly or having reason to believe that a person is a victim, exploits such person, or takes benefit out of the exploitation of such person, shall be punished with rigorous imprisonment for five years, and shall also be liable to a fine up to twenty five lakh rupees.</p> <p>(2) Whoever, knowingly or having reason to believe that a child is a victim, exploits such child or takes benefit out of the exploitation of such child, shall be punished with rigorous imprisonment of not less than seven years, but which may</p>

	<p>extend to imprisonment for life, and shall also be liable to a fine up to fifty lakh rupees.</p> <p>(3) The court may, for reasons to be recorded in writing, impose a fine higher than the upper limit prescribed under this section for an offence.</p> <p><i>Explanation I.</i>- For the purposes of determination of an offence under this section, whether any consideration in terms of money or any other form of benefit or remuneration has been given to a victim who has been exploited, or to any other person on his behalf, shall be immaterial.</p> <p><i>Explanation II.</i>- Every customer, employer, pimp, broker by whatever name called, who causes engaging of services of a victim as a result of which he is exploited, shall, be liable to be punished on conviction under this section.</p> <p><i>Explanation III.</i>- Every person, knowingly or having reason to believe that in any of the supply chains there is bonded or forced labour of, or any other form of exploitation of victims, engage with such supply chains thereby taking benefit out of such bonded or forced labour or exploitation of such victims, directly or indirectly, shall be deemed to have committed an offence under this section.</p> <p><i>Explanation IV.</i>- A person who has knowledge, or reason to believe that an offence under this section is being committed, and, without exploiting or taking benefit out of exploitation of a victim immediately upon such knowledge and belief, reports the same to an authority designated for the purpose under this Act or under the rules made thereunder, shall not be deemed to have committed an offence under this section:</p>
<p>Punishment for unlawful handling of identity, travel or other document, or through different types of agencies leading to trafficking in persons and exploitation.</p>	<p>31. (1) Whoever without lawful authority makes, produces or alters any identity, travel, employment or other document, whether actual or purported, in furtherance of commission of an offence under this Act, shall be punishable with imprisonment which may extend to ten years, and shall also be liable to a fine up to twenty lakh rupees.</p> <p>(2) Whoever obtains, possesses, destroys, conceals, removes, confiscates, withholds, alters, replicates, possesses or facilitates the fraudulent use of another person's identity, travel or other document, or does any act in the course of business of or in the guise of a travel, employment, placement, immigration/ emigration agent or agency or the like, with the intention to commit or to facilitate the commission of an offence under this Act, shall be punishable with an imprisonment which may extend to ten years, and shall also be liable to a fine up to twenty lakh rupees.</p> <p>(3) Whoever assists, facilitates or makes arrangements for another person, whether a citizen of India or not, to illegally immigrate/ emigrate, or to move without valid identity, travel, employment or other document into or out of India, in furtherance of the commission of an offence under this Act, shall be punishable</p>

	<p>with an imprisonment which may extend to ten years, and shall also be liable to a fine up to twenty lakh rupees.</p>
<p>Punishment for intentionally omitting to verify identity and travel document of persons to enter destination country by commercial carriers.</p>	<p>32. (1) Every person in charge of commercial carrier intentionally omits to verify every passenger as to his identity and travel documents required to enter the destination country shall be punishable with a fine which may extend to two lakh rupees which may be higher if appropriate for reason to be recorded.</p> <p>(2) Every person in charge of commercial carrier who fails to report to the competent authorities that a person has attempted to or has travelled on that carrier without the identity and travel documents required to enter the destination country or any transit countries, with knowledge or in reckless disregard that such a person is a victim or an offender under this Act, commits an offence under this section, and shall be punishable with fine up to twenty lakh rupees, in addition to any other penalty provided under any other law for the time being in force.</p> <p>(3) The person in charge of a commercial carrier shall not be guilty of an offence under this section, if-</p> <ul style="list-style-type: none"> (a) there were reasonable grounds to believe that the documents that the transported person had, were the travel documents required for lawful entry into India or travel within India; (b) the transported person possessed the lawful travel documents when he or she boarded, or last boarded, the means of transport to travel to India; or (c) the entry into India occurred only because of circumstances beyond the control of the commercial carrier or of the person who engages in the transportation of goods or people for commercial gain; (d) the commercial carrier reported about the incident and the victim to the designated authority under this Act or under the rules framed thereunder in such manner as may be prescribed.
<p>Punishment for taking aid of media for committing offence.</p>	<p>33. (1) Whoever, for the purpose of committing trafficking in persons or of exploitation under this Act, solicits or takes the aid of media, including but not limited to print, digital or electronic media, or internet or cyberspace or the like, shall be punished with rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine up to fifty lakh rupees.</p> <p>(2) Whoever distributes or sells or stores, over any media, any material including in any printed or electronic or digital form or over internet or cyberspace or the like, any incident of sexual exploitation, sexual assault, or rape of a victim, or any other pornographic material depicting a victim for the purpose of extortion or for coercion of the victim or his family members, or for unlawful gain, shall be punished with rigorous imprisonment which may extend to seven years and shall also be liable to fine up to fifty lakh rupees.</p> <p>(3) The Central Government shall in the manner as may be prescribed provide for the manner of storage of any material to be used as evidence, by such authority as may be prescribed.</p> <p>(4) Subject to the provisions of any other law for the time being in force, whoever publishes through intermediaries any electronic record which may lead to</p>

	<p>trafficking in persons in any form or exploitation of victims of such trafficking, shall be punished with rigorous imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine up to fifty lakh rupees.</p> <p>(5) Subject to the provisions of any other law for the time being in force, whoever, being an intermediary providing any service related to electronic communication and records, having been seeing the content uploaded on his platform or service, fails or deliberately neglects to report an offence under this Section which has been caused on his platform or through the service which he provides, in such manner as may be prescribed, shall be punished with a fine upto ten lakh rupees.</p>
<p>Punishment for disclosure of identity of victim.</p> <p>2 of 2016.</p>	<p>34. (1) Whoever discloses in any print, visual, audio-visual or in any electronic form, regarding any inquiry or investigation or judicial proceedings at any stage or the name, address or any other particulars, which may lead to the identification of a victim or witness of trafficking of person under this Act, shall be punished with imprisonment for a term which may extend to two years or with fine up to one lakh rupees, or with both:</p> <p style="padding-left: 40px;">Provided that for reasons to be recorded in writing, the designated court may permit such disclosure, if in its opinion, such disclosure is in the best interest of the victim:</p> <p style="padding-left: 40px;">Provided further that in the case of a victim who is a child, the provisions of section 74 the Juvenile Justice (Care and Protection of Children) Act, 2015, shall, <i>mutatis mutandis</i>, apply in relation to such prohibition on disclosure.</p>
<p>Punishment for non-reporting of commission of offence of trafficking in persons.</p>	<p>35. (1) Every person who knows or has reason to believe that a person has been trafficked or that an offence under this Act has been committed shall report forthwith to the nearest police station.</p> <p>(2) Except as provided in sub-section (4) every person, not a family member of the person trafficked, who intentionally fails to inform the police as provided in sub-section (1), shall be punished with simple imprisonment for a term which may extend to three months or with fine up to twenty five thousand rupees or with both.</p> <p>(3) A family member referred to in sub-section (2) shall include husband, wife, children and all persons related by blood of the trafficked person.</p> <p>(4) If the offence referred to in sub-section (2) has been committed by a person who is in charge of a dwelling, or premises or vehicle or vessel including a hotel or lodge or hospital or club or studio or photographic facility or cybercafe by whatever name called or any person of the media or any other service provider, irrespective of the number of persons employed therein, he shall be punished with imprisonment of either description which may extend to six months or with fine up to fifty thousand rupees or with both.</p>

	<p>(5) Any person who makes false information under this section solely with the intention to humiliate, extort or threaten or defame any person shall be punished with imprisonment for a term which may extend to six months or with fine up to five lakh rupees or with both:</p> <p style="text-align: center;">Provided that where false information has been provided by a child, no punishment shall be imposed on such child.</p> <p>(6) No person shall incur any liability, whether civil or criminal for giving the information in good faith, for the purpose of sub-section (1).</p>
Punishment for neglect of duty by public servants.	36. Notwithstanding anything contained in any other law for the time being in force, whoever being a public servant having been entrusted a responsibility under this Act, omits or neglects or knowingly fails to perform a duty with which he is entrusted under this Act or disobeys a direction under this Act, including, for rescue, protection, care and rehabilitation of a victim, or performs duty but knowingly causes physical or mental injury or hardship or trauma or any secondary victimisation to the victim, shall be punished on the first occasion with a fine up to fifty thousand rupees, and on the second or subsequent occasions with a fine up to five lakh rupees or with imprisonment up to one year or with both.
Non-liability of acts committed by victim under coercion, compulsion, intimidation, etc.	37. A victim under the provisions of this Act shall not be held criminally or otherwise liable for any act that constitutes an offence under any law for the time being in force, unless such act is committed or attempted to have committed by him as a direct consequence of his situation as such a victim, or if the offence is committed or attempted to have been committed by him under coercion or compulsion or intimidation or threat or undue influence by any person and where, at the time of committing the offence, the victim is subjected to reasonable apprehension of his death, grievous hurt or any other injury to him or to his spouse, children or any blood relation.
Punishment for non-registration of protection homes and rehabilitation homes.	38. Whoever, being in-charge of a protection home or a rehabilitation home or any other institution housing and providing shelter and rehabilitation to victims or their dependents, contravenes any of the provisions of section 14, shall be punished with imprisonment which may extend to one year or with fine which shall not be less than one lakh rupees, or with both.
	CHAPTER IX OFFENCES AND PENALTIES RELATING TO PROPERTY
Punishment for owning property etc., out of proceeds of crime.	39. (1) Whoever owns, possesses or otherwise acquires any property, whether in India or outside India, out of proceeds of commission of an offence under this Act, shall be punishable with a term which shall not be less than three years but which may extend to imprisonment for life and with a fine of not lesser than two lakh rupees but which may extend to one crore rupees and such property shall also be liable for attachment and forfeiture.

	<p>(2) If any person on behalf of a person who is convicted under any provision of this Act, is, or, at any time has been, in possession of any property which he cannot satisfactorily account for, he shall be punishable with imprisonment for a term which may extend to three years and with a fine up to one lakh rupees and such property shall also be liable for attachment and forfeiture, even if it has been transferred in any manner by such person:</p> <p>(3) The designated court may, for reasons to be recorded in writing, impose a higher fine.</p>
<p>Attachment and forfeiture of property used or likely to be used for commission of offence.</p> <p>15 of 2003. 17 of 2018. 2 of 1974.</p>	<p>40. (1) Where any property, whether in India or outside India, is used for the commission of an offence under this Act and the property is concealed, transferred or dealt with in any manner which may result in frustrating any proceedings under this Act, the designated court may attach such property:</p> <p style="padding-left: 40px;">Provided that the designated court shall give an opportunity of being heard to the person who claims to be the owner or occupier of the property.</p> <p>(2) Where a person has been convicted of any offence under this Act, the designated court shall, in addition to awarding any punishment, declare that any property, belonging to such person or held by any person on his behalf, which has been used for the commission of that offence or accrued thereby, or which has been attached under sub-section (1), shall stand forfeited to the appropriate Government and the same may be authorised for the purpose of realisation of any fine imposed by the designated court and the proceeds shall be used the other provisions of this Act, and any excess amount shall be remitted to a government account as may be prescribed.</p> <p>(3) The provisions of The Prevention of Money-Laundering Act, 2002, the Fugitive Economic Offenders Act, 2018, and Chapter VIIA of the Code of Criminal Procedure, 1973, shall, <i>mutatis mutandis</i>, apply to the proceeds of crime and property in relation to any offence under this Act.</p>
<p>Punishment for keeping or allowing property or premises or any part thereof to be used as place for commission of an offence.</p>	<p>41. (1) Whoever keeps or manages, or acts or assists in the keeping or management of a property or premises or any part thereof for commission of an offence under this Act shall be punished with rigorous imprisonment for a term up to five years or with fine up to ten lakh rupees or with both on the first occasion, and in the event of a second or subsequent conviction with rigorous imprisonment for a term up to seven years or with fine up to twenty five lakh rupees or with both. (2) Whoever—</p> <p style="padding-left: 40px;">(a) being the owner, lessor or landlord of any property or premises or any part thereof, or the agent of such owner, lessor, or landlord, lets out the same with the knowledge that the same is intended to be used as a place of for commission of an offence under this Act, or is wilfully a party to the use of such property or premises or any part thereof as a place for commission of an offence under this Act, or</p>

	<p>(b) being a tenant, lessee, occupier or person in-charge of any property or premises or any part thereof, uses, or knowingly allows any other person to use the same for commission of an offence under this Act,</p> <p>shall be punished with rigorous imprisonment for a term up to five years or with fine up to ten lakh rupees or with both on the first occasion, and in the event of a second or subsequent conviction with rigorous imprisonment for a term up to seven years or with fine up to twenty five lakh rupees or with both.</p> <p>(2) Notwithstanding anything contained in any other law for the time being in force, on conviction of any person referred to in clause (a) or clause (b) of sub-section (1) of any offence under this Act in respect of any property or premises or any part thereof, any lease or agreement under which such premises have been leased out or held or occupied at the time of the commission of the offence, shall become void with effect from the date of the said conviction.</p> <p><i>Explanation</i> – Whoever, owning, or otherwise being in charge or in possession or management of a property or a premises or any part thereof, allows such property or premises or any part thereof to be used for commission of an offence under this Act, shall be presumed to have knowledge of such offence and shall be liable to punishment under this section.</p>
<p>Closure of premises and eviction of offenders from property or premises.</p>	<p>42. (1) Notwithstanding anything contained in any other law for the time being in force, the Magistrate shall, on receipt of information from the police or otherwise, that any premises or any part thereof is being used for commission of an offence under this Act, issue notice to the owner, lessor or landlord of the premises or part thereof, or the agent of the owner, lessor or landlord, or on the tenant, lessee, occupier of, or any other person in charge of such property or premises or part thereof, to show cause within seven days of the receipt of the notice why the same should not be sealed or attached for improper use thereof; and, after hearing the person concerned, if the Magistrate is satisfied that such property or premises or part thereof is being used for such purposes, then, the Magistrate may pass an order—</p> <ul style="list-style-type: none"> (a) directing eviction of the occupier or any person from the same, within seven days of the passing of the order; (b) directing that the owner, lessor, or landlord, or his agent, before letting out the same, which, during the rescue or search or investigation has been found to be used for the purpose of commission of an offence under this Act, shall obtain the previous permission of the Magistrate, and the Magistrate shall pass appropriate orders within two months from the date of receiving such request. <p>(2) If the Magistrate, after the show cause notice issued under sub-section (1), finds for the property or the premises or any part thereof that was used for commission of an offence under this Act, that the owner, lessor or the landlord or</p>

	<p>any agent of the owner, lessor or landlord exercised due diligence in letting out premises or any part thereof, then, the same shall be restored within two months of the issuing of the show cause notice by the Magistrate, to such owner, lessor or landlord, with an undertaking that such premises or any part thereof shall not be leased out to, or otherwise given possession of, for the benefit of the person or persons who caused or allowed its improper use as found.</p> <p>(3) If the Magistrate is satisfied that the property or premises or part thereof was not used for trafficking of any person, he shall cause the same to be restored to the owner, lessor or landlord, or the agent of the owner lessor, landlord, tenant, lessee, occupier or any other person in-charge of the premises or part thereof within two months of the issuance of the show cause notice.</p> <p>(4) When an owner, lessor or landlord, or the agent of the owner, lessor or landlord fails to comply with a direction given under clause (ii) of sub-section (1), he shall be punished with fine up to one crore rupees:</p> <p style="padding-left: 40px;">Provided that if the public place or premises happen to be a hotel, the licence for carrying on the business of such hotel under any law for the time being in force shall also be liable to be suspended for a period of not less than three months but which may extend to three years.</p> <p style="padding-left: 40px;">Provided further that if an offence committed under this sub-section is in respect of a child in a hotel/guest house/commercial establishment, such licence shall also be liable to be cancelled.</p>
	<p>CHAPTER X MISCELLANEOUS</p>
<p>Designated courts.</p> <p>2 of 1974.</p>	<p>43. (1) For the purpose of providing speedy trial, the Central Government may, in consultation with the Chief Justice of the High Court, by notification, constitute or designate for each district, a Court of Session to be the designated court to try the offences under this Act:</p> <p style="padding-left: 40px;">Provided that the Court of Session notified as Special Court under the National Investigation Agency Act, 2008 shall be deemed to be the designated court under this section till a notification under this section is issued by the Central Government.</p> <p>(2) While trying an offence under this Act, the designated court shall also try an offence, other than the offence under this Act, with which the accused may, under the Code of Criminal Procedure, 1973 may be charged at the same trial.</p> <p>(3) Notwithstanding anything in the Information Technology Act, 2000, the designated court shall have jurisdiction to try offences under section 67B of that Act, in so far as it relates to publication or transmission of sexually explicit material depicting children in any actor conduct or manner or facilitates abuse of children online.</p>

21 of 2000.	
Special Public Prosecutors. 2 of 1974. 2 of 1974. 39 of 1987.	44. (1) The appropriate Government may, by notification, appoint Special Public Prosecutors for every designated court for conducting cases under this Act. (2) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and provisions of that Code shall have effect accordingly. (3) Subject to the provision contained in section 301 of the Code of Criminal Procedure, 1973, the victim shall be entitled to the assistance of a legal counsel of his choice for any offence under this Act: Provided that if the victim is unable to afford an advocate, the State Authority or the District Authority, as the case may be, under the Legal Services Authorities Act, 1987, shall provide legal services to him free of cost, in accordance with the scheme framed for this purpose under clause (g) of section 2 of that Act.
Recording of evidence of trafficked person.	45. (1) The designated court shall complete the trial, as far as possible, within a period of one year from the date of taking into cognizance of any offence under this Act. (2) The designated court shall ensure victim friendly court procedures as may be prescribed, and where the victim is a woman or a child, the court procedures and arrangements shall be necessarily suited to their specific needs as women and child victims of offences under this Act. (3) The designated court may record the statement of any victim in any case through video conferencing, where the victim is unable to physically appear before the court for the reasons of safety or confidentiality, distance or boundaries. (4) In all matters of trans-border and inter-State crimes where the victim has been repatriated to any other State or country and is unable to attend the court proceedings because of that, the court may record his statement through video conferencing. (5) Notwithstanding anything contained in this Act, the inquiry into and trial of offences under this Act, may be conducted <i>in camera</i> , if an application is made in this regard by or on behalf of the victim.
Presumption as to offences.	46. Where a person is prosecuted for committing or abetting or attempting to commit any offence under this Act in respect of a victim who is a child or a woman or a person suffering from physical or mental disability, the designated court may presume that such person has committed or abetted or attempted to commit the offence, as the case may be, unless the contrary is proved.
Alternative punishment.	47. (1) Where an act or omission constitutes an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any such law, the person found guilty of such offence, shall

	<p>be liable to punishment under such law which provides for punishment which is greater in degree.</p> <p>(2) A designated court convicting a person of any offence under this Act may also pass an order for the auction of the premises or any part thereof and the proceeds of such auction may be ordered to be remitted to a government account as may be prescribed.</p> <p>(3) The fine imposed under this Act shall be paid to the victim to meet the expenses of his medical treatment and rehabilitation to the extent reasonable and required for such purposes, and any excess amount of such fine shall be remitted to a government account as may be prescribed and further details in this regard may be prescribed under the rules framed under this Act.</p>
<p>Protection of victims, etc.</p>	<p>48. (1) The designated court, in any proceeding before it, on an application made by or on behalf of a victim or any of his dependents or family members, or a witness, complainant or an informer, or by the Special Public Prosecutor in relation to such a victim or any of his dependents or family members, or a witness, complainant or an informer, or on its own motion, may, if satisfied that the life or safety of such a victim or any of his dependents or family members, or a witness, complainant or an informer is in danger, for reasons to be recorded in writing, take measures to protect such a victim or any of his dependents or family members, or a witness, complainant or an informer.</p> <p>(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), the measures which a designated court may take with regard to victims, their dependents and family members, witnesses, complainants and informers under that sub-section may include—</p> <ul style="list-style-type: none"> (a) the holding of the proceedings at a place to be decided by the designated court; (b) to hold the court proceedings in camera, that is, away from the presence of media and public; (c) the avoiding of the mention of their names and addresses in its orders or judgments or in any records of the case accessible to public, or usage of pseudonyms therefor; (d) the issuing of any directions for securing that their identities or addresses shall not be disclosed; (e) a decision that it is in the public interest to order that all or any of the proceedings pending before such a court shall not be published in any manner. (f) keeping the records of the court proceedings sealed; (g) hearing their evidence through a video link or through use of other communications technology, behind a screen or through other appropriate and adequate means out of view of the accused; <p>(3) The protection, confidentiality and non-disclosure of identity as included in the measures referred to sub-sections (1) and (2) of this section, shall be such as</p>

	<p>may be necessary for the safety and wellbeing of a victim or any of his dependents or family members, or a witness, complainant or an informer, and as may be decided by the designated courts or the competent authorities under this Act for this purpose. Such protection shall include protection from intimidation or retaliation from traffickers or their associates.</p> <p>(4) Witnesses, including victim-witnesses, shall have access to any existing witness protection measures or programmes.</p> <p>(5) A victim shall have the right to request the designated court for restriction of questions asked to him in a court in relation to previous sexual behaviour and the court shall decide the same in light of the foregoing provisions of this Act.</p> <p>(6) If the testimony of a victim, who is also a sole witness of an offence under this Act, is cogent then the designated court has the power to decide solely on the basis of such testimony with such corroboration if any as the court may deem required.</p>
<p>Cognizance of offences and bail.</p> <p>2 of 1974.</p> <p>2 of 1974.</p> <p>2 of 1974.</p>	<p>49. (1) The classification of offences under this Act as to their cognizable and bailable nature shall be as per the Schedule.</p> <p>(2) The provisions contained in section 438 of the Code of Criminal Procedure, 1973, shall not apply in relation to the arrest of any person on an accusation of having committed an offence under this Act, with imprisonment of more than two years.</p> <p>(3) No person accused of committing an offence under this Act shall be released on bail or on his own bond unless-</p> <ul style="list-style-type: none"> (a) the Special Public Prosecutor has been given an opportunity to oppose the application for such release; (b) where the Special Public Prosecutor opposes the application, the designated court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail; (c) the victim shall have a right to be heard in all bail matters. <p>(4) The conditions for granting of bail specified in clause (b) of sub-section (3) are in addition to the conditions provided under the Code of Criminal Procedure, 1973.</p>
<p>Appeal.</p> <p>2 of 1974.</p>	<p>50. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of the designated court to the High Court.</p> <p>(2) Every appeal under this section shall be preferred within a period of sixty days from the date of judgment, sentence or order appealed against:</p> <p style="text-align: center;">Provided that the High Court may entertain an appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.</p>
<p>Protection of action taken in good faith.</p>	<p>51. No suit, prosecution, or other legal proceeding shall lie against the Central Government or the State Government or any person acting under the directions of the Central Government or the State Government as the case may be, acting in</p>

	good faith, or intended to be done in pursuance of this Act, or of any rules, or regulations made thereunder.
Power to make rules.	<p>52. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or House of State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House, 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.</p>
Power to remove difficulty.	<p>53. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:</p> <p>Provided, that no such order shall be made under this section after the expiry of the period of two years from the commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>
Non-application of provisions of certain Acts. 2 of 1974. 20 of 1958. 104 of 1956.	<p>54. (1) The provisions of section 360 of the Code of Criminal Procedure, 1973, and the provisions of the Probation of Offenders Act, 1958, shall not apply to any person who is found guilty of having committed an offence under this Act.</p> <p>(2) In case of any inconsistency of the provisions of this Act with the provisions of the Immoral Traffic (Prevention) Act, 1956, the provisions of this Act will have over-riding effect to the extent of such inconsistency.</p>
Act not in derogation of any other law.	55. The provisions of this Act, shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.
	<p>CHAPTER XI</p> <p>AMENDMENT OF CERTAIN ENACTMENTS</p>

Amendment of Act 39 of 1987.	56. In the Legal Services Authorities Act, 1987, in section 2, in clause (g), after the words, “any of the provisions of this Act”, the words “and the Trafficking in persons (Care, Protection and Rehabilitation) Act, 2021” shall be inserted.												
Amendment of Act 34 of 2008.	57. In the National Investigation Agency Act, 2008, in the Schedule, after serial number 8, the following shall be inserted, at the end, namely:- “9. The National Investigation Agency Act, 2008 (34 of 2008).”.												
Amendment of Act 15 of 2003.	58. In the Prevention of Money-laundering Act, 2002, in the SCHEDULE, under PART A, under PARAGRAPH 1,- (c) after the entry “364A” and the description relating thereto, the following shall be inserted, namely:- <table border="1" data-bbox="386 632 1198 747"> <thead> <tr> <th>Section</th> <th>Description of offence</th> </tr> </thead> <tbody> <tr> <td>“370</td> <td>Trafficking of person</td> </tr> <tr> <td>370A</td> <td>Exploitation of a trafficked person”;</td> </tr> </tbody> </table> (d) after PARAGRAPH 29, the following PARAGRAPH shall be inserted, namely:- <p style="text-align: center;">“PARAGRAPH 30 OFFENCE UNDER THE TRAFFICKING IN PERSONS (CARE, PROTECTION AND REHABILITATION) ACT, 2021 (... OF 2021)</p> <table border="1" data-bbox="386 1115 1198 1304"> <thead> <tr> <th>Section</th> <th>Description of offence</th> </tr> </thead> <tbody> <tr> <td>39</td> <td>Punishment for property owned, etc., out of crime.</td> </tr> <tr> <td>41</td> <td>Punishment for keeping or allowing property or premises or any part thereof to be used as place for commission of an offence.”</td> </tr> </tbody> </table>	Section	Description of offence	“370	Trafficking of person	370A	Exploitation of a trafficked person”;	Section	Description of offence	39	Punishment for property owned, etc., out of crime.	41	Punishment for keeping or allowing property or premises or any part thereof to be used as place for commission of an offence.”
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41	Punishment for keeping or allowing property or premises or any part thereof to be used as place for commission of an offence.”												
Amendment of Act 45 of 1860.	59. In the Indian Penal Code, 1860, sections 370 and 370A shall be deleted.												

SCHEDULE

[See section 55(1)]

Section	Offence	Cognizable or non-cognizable	Bailable or Non-bailable
27	Trafficking in persons	Cognizable	Non-bailable
30	Aggravated form of trafficking in persons	Cognizable	Non-bailable
31	Trafficking in persons by organised crime syndicates, organised criminal groups.	Cognizable	Non-bailable

32	Repeated offences of trafficking	Cognizable	Non-bailable
33	Abetment, conspiracy and attempt to commit offence	Cognizable	Bailable
35	Exploitation, etc., of victim	Cognizable	Non-bailable
36	Unlawful handling of identity, travel or other document, leading to trafficking in persons and exploitation	Cognizable	Non-bailable
37	Intentionally omitting to verify identity and travel document of persons to enter destination country by commercial carriers	Cognizable	Bailable
38	Soliciting or taking aid of media for committing offence.	Cognizable	Bailable
39	Disclosure of identity of victim	Non-cognizable	Bailable
40	Non-reporting of commission of offence of trafficking in persons	Non-cognizable	Bailable
41	Neglect of duty by public servants	Non-cognizable	Bailable
43	Non-registration of protection homes and rehabilitation homes	Non-cognizable	Bailable
44	Owning property etc., out of proceeds of crime	Cognizable	Non-bailable
46	Keeping or allowing property or premises or any part thereof to be used as place for commission of an offence	Cognizable	Non-bailable
47	Owners, tenants, etc., keeping or allowing property or premises or any part thereof to be used as place for commission of an offence	Non-cognizable	Bailable
49.	Contravention where no specific penalty or punishment is provided.	Non-cognizable	Bailable