

[AS PASSED BY NATIONAL ASSEMBLY]

A

Bill

to amend the Prevention of Trafficking in Persons Act, 2018

WHEREAS it is expedient to amend the Prevention of Trafficking in Persons Act, 2018 XXXIV of 2018), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called the Prevention of Trafficking in Persons (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXXIV of 2018.- In the Prevention of Trafficking in Persons Act, 2018 (XXXIV of 2018), hereinafter referred to as the said Act, in section 2, after clause (f), the following new clause shall be inserted, namely:-

"(fa) "sexual exploitation" means any actual or attempted abuse of position of vulnerability or trust for sexual purpose, including but not limited to profiting monetarily or any other gain for the sexual exploitation of another; "

3. Amendment of section 3, Act XXXIV of 2018.- In the said Act, in section,-

(a) in sub-sections (1), for the words " or commercial sex acts", the words "organized beggary or sexual exploitation" and for the words "seven years or with fine which may extend to one million rupees or with both", the words "ten years and fine which may extend to one million rupees" shall be substituted respectively;

(b) in sub-section (2), for the words "ten years and which shall not be less than two years or with fine which may extend to one million rupees or with both", the words " fourteen years and with fine which may extend two million rupees" shall be substituted respectively;

(c) in sub-section (3),-

"(i) in clause (a), in sub-clause (iv), the word "and", at the end, shall be omitted; and

(ii) in clause (b), for the full stop, at the end, a semi colon and the word "and" shall be substituted and thereafter the following new clause shall be inserted, namely:-

(c) 'organized beggary' includes an act of a person to allure, entice or coerce a person intentionally, knowingly, by use of force, fraud or without fraudulent intention to indulge or to be indulged in soliciting or receiving alms directly, indirectly or on any pretext and includes,-

- (i) solicits or receives alms at a public place under any pretence visibly in a form of beggary;
- (ii) having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner which raise a presumption that the person doing so subsists by soliciting or receiving alms;
- (iii) enters on any private premises for the purposes of soliciting or receiving alms;
- (iv) exposes or exhibits with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of human being or of an animal; or
- (v) allows oneself to be used as an exhibit for the purpose of soliciting or receiving alms."

(d) in clause the following new sub-section (4) shall be added, namely:-

"(4) A victim's consent or consent of guardian on behalf of minor victim to, or acquiescence in, any of the acts constituting the offence of trafficking in persons as provided in sub-section (1), shall be irrelevant and shall not be considered a defence in any proceeding as to the conduct that would otherwise constitute an offence under this Act."

4. Amendment of section 4, Act XXXIV of 2018.- In the said Act, in section 4, for the words "which may extend to fourteen years and which shall not be less than three years", the words "not less than fourteen year and fine which may extend to two million rupees" shall be substituted.

5. Substitution of section 6, Act XXXIV of 2018.— In the said Act, for section 6, the following shall be substituted, namely:—

“6. Victims of trafficking in persons.— Without prejudice to any other defence available under any law, a victim of trafficking in persons shall not be criminally or otherwise liable for acts and omissions that were the direct result of having been trafficked or were in obedience to the order made by the trafficker in relation thereto, but may become witness in the case:

Provided that the acts done by the victim of trafficking in persons were direct result of force, fraud or coercion by the Trafficker.

6. Amendment of section 9, Act XXXIV of 2018.— In the said Act, in section 9, after the word “cognizable”, the expression “, non-compoundable” shall be inserted.

7. Substitution of section 10, Act XXXIV of 2018.— In the said Act, for section 10, the following shall be substituted, namely:-

“10. Cognizance of offences.— (1) Notwithstanding anything contained in the Code, a Magistrate of the First Class shall try an offence punishable under this Act and may impose any punishment provided under the Act:

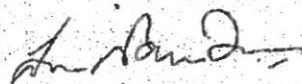
Provided that if an offence involves transportation of the victim into or out of Pakistan and it constitutes part of the transaction constituting the offence, the Special Court (Central) constituted under the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958) shall try such offence punishable under this Act and may impose any punishment provided under the Act.

(2) Where in any trial before a Special Court of an offence punishable under sections 3, 4 and 5 of the Act, it is proved that an accused person has accepted or obtained, or has agreed to accept for himself or any other person, any financial or material benefit from a victim or any person on his behalf, it shall be presumed unless the contrary is proved, that he accepted or obtained, that financial or material benefit, or as the case may be, as such as is mentioned in sections 3, 4 and 5 of the Act.”.

Statement of Objects and Reasons

Prevention of Trafficking in Persons Act 2018 has been enacted to provide for effective measures to prevent and combat the trafficking in persons especially women and children; to promote and facilitate national and international co-operation in this regard. To effectively enforce the provisions of the Act, 2018, and to create further deterrence amongst culprits by enhancing the punishments, and to monitor the activities of the members of the Criminal Organized Group and other connected individuals as a preventive measure and to remove anomalies and overlapping of the laws between the provisions of the Prevention of Trafficking in Persons Act 2018, Pakistan Penal Code 1860, and Bonded Labour Directive System (Abolition) Act 1992.

2. Moreover, the Diplomatic Missions of Pakistan at GCC countries, Iraq and Malaysia have highlighted that some Pakistanis who come to these countries for Hajj, Umrah, Ziarat and personal visits are involved in beggary. They have urged Pakistani authorities to take stern action against those involved in begging and the gangs behind them. The agents and gangs who are involved in this practice easily dodge prosecution as beggary is not a crime in any law entrusted to FIA. The sensitivity of issue demands urgent need of making beggary a crime. Therefore, it has been divulged that amendments in sections 2, 3, 4, 6, 9 and 10 in the Prevention of Trafficking in Persons Act, 2018 are required.


(Minister In-charge)