

Women Trafficking (Control) Act, 2043 V.S.

The Act Enacted to Control Women Trafficking

Preamble : Given that it is desirable to control women trafficking in order to safeguard the interest of the general public and maintain good conduct,

His Majesty King Birendra Bir Bikram Shaha has with the advice and consent of the National Panchayat enacted this act.

Concise Name and Prolegomena

(1) The name of this law is "Women Trafficking (Control) Act, 2043 V.S."

(2) This act will be effective soon.

(3) External Application of this Act

An individual performing a crime deserving punishment according to this act while residing outside the Kingdom of Nepal will be treated as if she or he had performed such crime while residing inside Nepal and action will be taken in accord with this law.

No Permission to do act of Women Trafficking : Nobody is allowed to perform an act of women trafficking.

(4) Acts Considered to be Women Trafficking

If an individual commits any of the following acts, she or he shall be considered to have committed a hum an trafficking act :

- (a) To sell a person for any purpose,
- (b) To take a person abroad with an intention of selling her/him,
- (c) To have a women engage in prostitution by persuasion or enticement or deception pressure or to encourage anyone to be engaged in such act,
- (d) To make arrangements for performing any act mentioned in the above sections or assist to perform such act or to make an attempt to encourage anyone to be engaged in such act.

(5) Lodging Complaints

1. Any individual having the knowledge that a women trafficking act is performed or is going to be performed can lodge a complaint with any police office and while lodging a complaint the one who does so shall submit evidences as many as she or he has obtained.
2. The police shall submit any complaint lodged under sub-article (1) to the nearest district court and if the court finds a reasonable ground to take action in relation to it and issues an order to that effect the police shall make necessary investigation.

(6) To have Confession Proved

1. If the individual who lodges a complaint under article 5 is a person taken away to be sold or be engaged in prostitution or sold out or have engaged in prostitution and if such person is present, her statement shall immediately be heard in the presence of a government advocate and the person shall be taken to the nearest district court to have the statement attested within twenty-four hours.
2. If in accord with sub-article (1) the statement made by the individual who has lodged the complaint is brought to have attested, no matter what is written in the act currently in practice the concerned justice shall read the statement and have it read out to the person who has made it, and if it is found to have written what the person had exactly said, he or she should attest it accordingly and if it is not found to be exactly what the person had said, he or she should attest it mentioning what different things it contains.

(7) The Responsibility to Submit Evidences :

1. If a woman is being taken to a foreign land by any person other than her guardian or her close relative and if anybody lodges a complaint under article 5 that she is being taken away to be sold out or to have her engage in prostitution, the accused shall prove that she is not being taken away for those purposes.
2. In accord with sub-article (2) of article 6, the accused shall prove that the statement attested by the court is false.

(8) Punishment

1. An individual who sells a person shall be imprisoned from ten to twenty years.
2. An individual who takes a person abroad with the purpose of selling her/him shall be imprisoned from five to ten years.
3. An individual who makes arrangements for performing any act or assist to perform such act or makes an attempt to encourage anyone to be engaged in such act shall be imprisoned from ten to fifteen years.
4. An individual who makes arrangements for performing any act or assists to perform such act or makes an attempt to encourage anyone to be engaged in such act shall be imprisoned for five years.
5. In the case of selling a person, the money of the person who buys shall be not be returned and as for the one who sells she/he shall in addition to the punishment mentioned in sub-article 91) also fined an amount in accord with the amount of that money.

(9) Government will be the Litigant:

His Majesty's Government will be the litigant in cases under this act and those cases will fall under Annex I of the government case related Law 2017 V.S.

(10) Action can be taken keeping the person behind bars :

1. No matter what is written in the current Nepal Law, in a case related to the crime under this act, if there are enough and reasonable causes to put the accused behind bars and put him to trial, and if the government advocate has any claim in relation to that, the accused can be put behind the bars and put him/her to trail having prepared documents making a mention of that's all.
2. If the accused is not satisfied in having been put to trial under imprisonment, he/she can file a complaint with the petition hearing court through the authority who is empowered to hear cases. The authority to hear cases shall have to send such complaint and the document of imprisonment to the petition hearing court within three days and act in accord with the order of that court.

(11) Protection

No matter what is provided for by Section on Human Trafficking of New Muluki Ain all that is provided in this law shall be treated in accordance with this Act.

(12) Right to Make Rules

In order to implement the objectives of this law His Majesty's Government will be able to make necessary rules.