

The Immoral Traffic (Prevention) Act 1956



THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

[Act, No. 104 of 1956]¹

[30th December, 1956]

PREAMBLE

An Act to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for ² [the prevention of immoral traffic].

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:--

1. This Act has been extended to Dadra and Nagar Haveli by Reg. No. 6 of 1963, section 2 and Schedule I (w.e f. 1-7-1965), to Goa, Daman and Diu by Reg. 11 of 1963, section 3 and Schedule and to the Union Territory of Pondicherry by Act 26 of 1968, section 3 and Schedule.

2. Substituted by Act 44 of 1986, section 2, for "the Suppression of Immoral Traffic in Women and Girls" (w.e f. 26-1-1987).

Section 1 - Short title, extent and commencement

(1) This Act may be called ¹ [the Immoral Traffic (Prevention)] Act, 1956.

(2) It extends to the whole of India.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

1. Substituted by Act 44 of 1986, section 3, for " the Suppression of Immoral Traffic in Women and Girls" (w.e f. 26-1-1987).

2. Came into force on 1-5-1958, vide G.S.R. 269, dated 16th April, 1958, published in the Gazette of India, Pt. II, section 3(i), p. 203.

Section 2 - Definitions

In this Act, unless the context otherwise requires,--

(a) "**brothel**" includes any house, room, ¹ [conveyance] or place or any portion of any house, room, ¹ [conveyance] or place, which is used for purposes ² [of sexual exploitation or abuse] for the gain of another person or for the mutual gain of two or more prostitutes;

³ [(aa) "**child**" means a person who has not completed the age of sixteen years;]

¹ [[⁴ (b)] "**corrective institution**" means an institution, by whatever name called (being an institution established or licensed as such under section 21), in which ⁵ [persons], who are in need of correction, may be detained under this Act, and includes a shelter where ⁶ [undertrials] may be kept in pursuance of this Act;]

⁷ [(c) "**magistrate**" means a magistrate specified in (the second column of the Schedule ;its being competent to exercise the powers conferred by the section in which the expression occurs and which is specified in the first column of the Schedule;]

⁸ [(ca) "**major**" means a person who has completed the age of eighteen years;
(cb) "**minor**" means a person who has completed the age of sixteen years but has not completed the age of eighteen years;]

(d) "**prescribed**" means prescribed by rules made under this Act;

⁹ [***]

¹⁰ [¹¹ [(f) "**prostitution**" means sexual exploitation or abuse of persons for commercial purposes, and the expression "prostitute" shall be construed accordingly;]

(g) "**protective home**" means an institution by whatever name called (being an institution established or licensed as such under section 21), in which ¹² [persons], who are in need of care and protection, may be kept under this Act ¹³ [and where appropriate technically qualified persons, equipment and other facilities have been provided], but does not include –

(i) a shelter where ¹³ [under-trials] may be kept in pursuance of this Act.
or

(ii) a corrective institution;]

(h) "**public place**" means any place intended for use by or accessible to, the public and includes any public conveyance;

(i) "**special police officer**" means a police officer appointed by or on behalf of the State Government to be in charge of police duties within a specified area for the purpose of this Act;

¹⁴ [(i)) "**trafficking police officer**" means a police officer appointed by the Central Government under sub-section (4) of section 13.]

1. Inserted by Act 46 of 1978, Section 2 (w.e.f. 2-10-1979).
 2. Substituted by Act 44 of 1978, Section 2 (w.e.f. 2-10-1979).
 3. Inserted by Act 44 of 1986, Section 5 (w.e.f. 2-10-1979).
 4. Clause (aa) relettered as Clause (b) by Act 44 of 1986, Section 5 (w.e.f. 26-1-1987).
 5. Substituted by Act 44 of 1986, Section 4 for "women and girls" (w.e.f. 26-1-1987).
 6. Substituted by Act 44 of 1986, Section 5 for "female undertrials" (w.e.f. 26-1-1987).
 7. Substituted by Act 46 of 1978, Section 2, for clause (c) (w.e.f. 2-10-1979).
 8. Inserted by Act 44 of 1986, Section 5 (w.e.f. 26-1-1987)
 9. Clause (e) omitted by Act 46 of 1978, Section 2 (w.e.f. 2-10-1979).
 10. Substituted by Act 46 of 1978, Section 2, for Clauses (f) and (g) (w.e.f. 2-10-1979).
 11. Substituted by Act 44 of 1986, Section 5, for Clause (f) (w.e.f. 26-1-1987).
 12. Substituted by Act 44 of 1986, Section 4, for "women and girls" (w.e.f. 26-1-1987).
 13. Substituted by Act 44 of 1986, Section 5, for "female undertrials" (w.e.f. 26-1-1987).
 14. Substituted by Act 44 of 1986, Section 5, for clause (j) (w.e.f. 26-1-1987).
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Section 2A - Rule of construction regarding enactments not extending to Jammu and Kashmir

¹[2A. Rule of construction regarding enactments not extending to Jammu and Kashmir

Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.]

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1. Inserted by Act 46 of 1978, section 3 (w.e.f. 2-10-1979).
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Section 3 - Punishment for keeping a brothel or allowing premises to be used as a brothel

(1) Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel shall be punishable on first conviction with rigorous imprisonment for a term of not less than one year and not more than three years and also with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term of not less than two years and not more than five years and also with fine which may extend to two thousand rupees.

(2) Any person who-

(a) being the tenant, lessee, occupier or person in charge of any premises, uses, or knowingly allows any other person to use, such premises or any part thereof as a brothel, or

(b) being the owner, lessor or landlord of any premises or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof is intended to be used as a brothel, or is wilfully a party to the use of such premises or any part thereof as a brothel,

shall be punishable on first conviction with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which may extend to five years and also with fine.

¹[(2A) For the purposes of sub-section (2), it shall be presumed until the contrary is proved, that any person referred to in clause (a) or clause (b) of that sub-section, is knowingly allowing the premises or any part thereof to be used as a brothel or, as the case may be, has knowledge that the premises or any part thereof are being used as a brothel, if,-

(a) a report is published in a newspaper having circulation in the area in which such person resides to the effect that the premises or any part thereof have been found to be used for prostitution as a result of a search made under this Act; or

(b) a copy of the list of all things found during the search referred to in clause (a) is given to such person.]

(3) 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 (2) of any offence under that sub-section in respect of any premises or any part thereof, any lease or agreement under which such premises have been leased out or are held or occupied at the time of the commission of the offence, shall become void and inoperative with effect from the date of the said conviction.

1. Inserted by Act 44 of 1986, section 6 (w.e.f. 26-1-1987).

Section 4 - Punishment for living on the earnings of prostitution

(1) Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of¹(any other person) shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both²[and where such earnings relate to the prostitution of a child or a minor, shall be punishable with imprisonment for a term of not less than seven years and not more than ten years].

³(2) Where any person over the age of eighteen years is proved -

(a) to be living with, or to be habitually in the company of, a prostitute; or

(b) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution; or

(c) to be acting as a tout or pimp on behalf of a prostitute,

it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of prostitution of another person within the meaning of sub-section (1).]

1. Substituted by Act 44 of 1986, section 7, for "a woman or girl" (w.e.f. 26-1-1987).

2. Inserted by Act 44 of 1986, section 7 (w.e.f. 26-1-1987).

3. Substituted by Act 46 of 1978, section 4, for sub-section (2) (w.e.f. 2-10-1979).

Section 5 - Procuring, inducing or taking person for the sake of prostitution

(1) Any person who-

(a) procures or attempts to procure a¹[person], whether with or without²[his] consent, for the purpose of prostitution; or

(b) induces a¹[person] to go from any place, with the intent that³[he] may for the purpose of prostitution become the inmate of, or frequent, a brothel; or

(c) takes or attempts to take a¹[person], or causes a¹[person] to be taken, from one place to another with a view to²[his] carrying on, or being brought up to carry on prostitution; or

(d) causes or induces a¹[person] to carry on prostitution;

⁴[shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees, and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years:

Provided that if the person in respect of whom an offence committed under this sub-section,-

(i) is a child, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life; and

(ii) is a minor, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years and not more than fourteen years;]

⁵[***]

(3) An offence under this section shall be triable-

(a) in the place from which a ¹[person] is procured, induced to go, taken or caused to be taken or from which an attempt to procure or take such¹[person] is made; or

(b) in the place to which he may have gone as a result of the inducement or to which he is taken or caused to be taken or an attempt to take him is made.

1. Substituted by Act 44 of 1986, section 4, for "woman or girl" (w.e.f. 26-1-1987).
 2. Substituted by Act 44 of 1986, section 4, for "her" (w.e.f. 26-1-1987).
 3. Substituted by Act 44 of 1986, section 4, for "she" (w.e.f. 26-1-1987).
 4. Substituted by Act 44 of 1986, section 8, for certain words (w.e.f. 26-1-1987).
 5. Sub-section (2) omitted by Act 44 of 1986, section 8 (w.e.f. 26-1-1987).
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Section 6 - Detaining a person in premises where prostitution is carried on

6. Detaining a ¹ [person] in premises where prostitution is carried on

(1) Any person who detains ² [any other person, whether with or without his consent],-

(a) in any brothel, or

(b) in or upon any premises with intent ² [that such person may have sexual intercourse with a person who is not the spouse of such person],

shall be punishable ² [on conviction, with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years].

³ [(2) Where any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed an offence under sub-section (1).

(2A) Where a child or minor found in a brothel, is on medical examination, detected to have been sexually abused, it shall be presumed, unless the contrary is proved, that the child or minor has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes.]

(3)A person shall be presumed to detain a woman or girl in a brothel or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,-

(a) withholds from her any jewellery, wearing apparel, money or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery, wearing apparel, money or other property lent or supplied to her by or by the direction of such person.

(4) Notwithstanding any law to the contrary, no suit, prosecution or other legal proceeding shall lie against such woman or girl at the instance of the person by whom she has been detained, for the recovery of any jewellery, wearing apparel or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by such woman or girl or for the recovery of any money alleged to be payable by such woman or girl.

1. Substituted by Act 44 of 1986, section 4, for "woman or girl" (w.e.f. 26-1-1987).

2. Substituted by Act 44 of 1986, section 9, for certain words (w.e.f. 26-1-1987).

3. Substituted by Act 44 of 1986, sub-section (2) (w.e.f. 26-1-1987).

Section 7 - Prostitution in or in the vicinity of public places

¹ [(1) Any ² [person], who carries on prostitution and the person with whom such prostitution is carried on, in any premises,-

(a) which are within the area or areas, notified under sub-section (3), or

(b) which are within a distance of two hundred metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or magistrate in the manner prescribed,

shall be punishable with imprisonment for a term which may extend to three months.]

³ [(1A) Where an offence committed under sub-section (1) is in respect of a child or minor, the person committing the offence shall be punishable with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.]

(2) Any person who-

(a) being the keeper of any public place knowingly permits prostitutes for purposes of their trade to resort to or remain in such place; or

(b) being the tenant, lessee, occupier or person in charge of any premises referred to in sub-section (1) knowingly permits the same or any part thereof to be used for prostitution; or

(c) being the owner, lessor or landlord, of any premises referred to in sub-section (1), or the agent of such owner, lessor or landlord, lets the same or

any part thereof with the knowledge that the same or any part thereof may be used for prostitution, or is wilfully a party to such use,

shall be punishable on first conviction with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to six months and also with fine ⁴ [which may extend to two hundred rupees, and 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 one year:

Provided that if an offence committed under this sub-section is in respect of a child or minor in a hotel, such licence shall also be liable to be cancelled.

Explanation.-For the purposes of this sub-section, "hotel" shall have the meaning as in clause (6) of section 2 of the Hotel Receipts Tax Act, 1980 (54 of 1980).]

⁵ [(3) The State Government may, having regard to the kinds of persons frequenting any area or areas in the State, the nature and the density of population therein and other relevant considerations, by notification in the Official Gazette, direct that prostitution shall not be carried on in such area or areas as may be specified in the notification.

(4) Where a notification is issued under sub-section (3) in respect of any area or areas, the State Government shall define the limits of such area or areas in the notification with reasonable certainty.

(5) No such notification shall be issued so as to have effect from a date earlier than the expiry of a period of ninety days after the date on which it is issued.]

1. Substituted by Act 46 of 1978, section 5, for sub-section (1) (w.e.f. 2-10- 1979).

2. Substituted by Act 44 of 1986, section 4, for "woman or girl" (w.e.f. 26-1-1987).

3. Inserted by Act 44 of 1986, section 10 (w.e f. 26-1-1987).

4. Substituted by Act 44 of 1986, section 10, for "which may extend to two hundred rupees" (w.e f. 26-1-1987).

5. Inserted by Act 46 of 1978, section 5 (w.e f. 2-10-1979).

Section 8 - Seducing or soliciting for purpose of prostitution

Whoever, in any public place or within sight of, and in such manner as to be seen or heard from, any public place, whether from within any building or house or not-

(a) by words, gestures, wilful exposure of his person (whether by sitting by a window or on the balcony of a building or house or in any other way), or

otherwise tempts or endeavours to tempt, or attracts or endeavours to attract the attention of, any person for the purpose of prostitution; or

(b) solicits or molests any person, or loiters or acts in such manner as to cause obstruction or annoyance to persons residing nearby or passing by such public place or to offend against public decency, for the purpose of prostitution,

shall be punishable on first conviction with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and in the event of a second or subsequent conviction, with imprisonment for a term which may extend to one year, and also with fine which may extend to five hundred rupees:

¹[Provided that where an offence under this section is committed by a man, he shall be punishable with imprisonment for a period of not less than seven days but which may extend to three months.]

But, a man who commits any of offences under this section, shall be punishable with imprisonment for not less than 7 days but upto 3 months

1. Added by Act 44 of 1986, section 11 (w.e.f. 26-1-1987).

Section 9 - Seduction of a person in custody

9. Seduction of a¹[person] in custody

²[***] Any person who³ [having the custody, charge or care of, or a position of authority over, any¹ [person], causes or aids or abets the seduction for prostitution of that¹ [person] ⁴[shall be punishable on conviction with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years].

⁵[***]

1. Substituted by Act 44 of 1986, section 4, for "woman or girl" (w.e.f. 26-1-1987).

2. Brackets and figure "(1)" omitted by Act 44 1986, section 12 (w.e f. 26-1-1987).

3. Substituted by Act 46 of 1978, section 6, for certain words (w.e f. 2-10-1979).

4. Substituted by Act 44 of 1986, section 12, for certain words (w.e f. 26-1-1987).

5. Sub-section (2) omitted by Act 44 of 1986, section 12 (w.e f. 26-1-1987).

Section 10 - Release on probation of good conduct or after due admonition [Repealed]

¹ [10. Release on probation of good conduct or after due admonition

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