

IndiaCode

The Immoral Traffic (Prevention) Act, 1956

(ACT NO. 104 OF 1956)

[*As on the* 15*th June*, 2026]

LIST OF AMENDING ACTS

1. The Repealing and Amending Act,1957 (36 of 1957).
2. The Inter-State Water Disputes (Amendment) Act, 1968 (35 of 1968).
3. The Inter-State Water Disputes (Amendment) Act, 1980 (45 of 1980).
4. The Inter-State Water Disputes (Amendment) Act, 1986 (20 of 1986).
5. The Inter-State Water Disputes (Amendment) Act, 2002 (14 of 2002).

LIST OF ABBREVIATIONS USED

Cl.,cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

ARRANGEMENT OF SECTIONS

SECTIONS

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21. Protective homes.

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22. Trials.

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22AA. Power of Central Government to establish special courts.

22B.Power of Court to try cases summarily.

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THE SCHEDULE.

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THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

ACT NO. 104 OF 1956[1]

[30*th December*, 1956.]

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. Short title, extent and commencement.—(*1*) This Act may be called [3][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 date[4] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "brothel" includes any house, room [5][, conveyance] or place or any portion of any house, room [5][, conveyance] or place, which is used for purposes [6][of sexual exploitation or abuse] for the gain of another person or for the mutual gain of two or more prostitutes;

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

[5][[8][(*b*)]"corrective institution" means an institution, by whatever name called (being an institution established or licensed as such under section 21), in which [9][persons], who are in need of correction, may be detained under this Act, and includes a shelter where [10][undertrials] may be kept in pursuance of this Act;]

[11]* * * * *

[12][(*c*) "magistrate" means a magistrate specified in the second column of the Schedule as 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;]

[7][(*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;

[13]* * * * *

1. This Act has been extended to Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s. 2 and Sch. I, to Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch. and to the Union Territory of Pondicherry by Act 26 of 1968, s. 3 and Sch.
2. Subs. by Act 44 of 1986, s. 2 for "the suppression of immoral traffic in women and girls" (w.e.f. 26-1-1987).
3. Subs. s. 3, *ibid*., for "the Suppression of Immoral Traffic in Women and Girls" (w.e.f. 26-1-1987).
4. 1st May, 1958, *vide* notifn. No. G.S.R. 269, dated 16th April, 1958, *see* Gazette of India, Part II, sec. 3(*i*).
5. Ins. by Act 46 of 1978, s. 2 (w.e.f. 2-10-1979).
6. Subs. by Act 44 of 1986, s. 5, for "prostitution" (w.e.f. 26-1-1987).
7. Ins. by s. 5, *ibid.* (w.e.f. 26-1-1987).
8. Cl. (*aa*) relettered as Clause (*b*) by s. 5, *ibid*. (w.e.f. 26-1-1987).
9. Subs. by s. 4, *ibid.*, for "women and girls" (w.e.f. 26-1-1987).
10. Subs. by s. 5, *ibid*., for "female undertrials" (w.e.f. 26-1-1987).
11. Omitted by s. 5, *ibid*. (w.e.f. 26-1-1987).
12. Subs. by Act 46 of 1978, s. 2, for clause (*c*) (w.e.f. 26-1-1987).
13. Omitted s. 2, *ibid.* (w.e.f. 26-1-1987).

[1][[2][(*f*) "prostitution" means the sexual exploitation or abuse of persons for commercial purpose, 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 [3][persons], who are in need of care and protection, may be kept under this Act [4][and where appropriate technically qualified persons, equipment and other facilities have been provided,] but does not include—

(*i*) a shelter where [5][undertrials] 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;

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

[7]**[2A.** *Rule of construction regarding enactments not extending to Jammu and Kashmir***.]** *Omitted by the Jammu and Kashmir Reorganization* (*Adaptation of Central Laws*) *Order*, 2020, *vide notifn. No. S.O.* 1123(E), *dated* (18-3-2020).

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.

[8][(*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

1. Subs. by Act 46 of 1978, s. 2, for clauses (*f*) and (*g*) (w.e.f. 2-10-1979).
2. Subs. by Act 44 of 1986, s. 5, for clause (*f*) (w.e.f. 26-1-1987).
3. Subs. by s. 2, *ibid.*, for "women and girls" (w.e.f. 26-1-1987).
4. Ins. by s. 5, *ibid*. (w.e.f. 26-1-1987).
5. Subs. by s. 5, *ibid*., for "female undertrials" (w.e.f. 26-1-1987).
6. Subs. by s. 5, *ibid*., for clause (*j*) (w.e.f. 26-1-1987).
7. Ins. by Act 46 of 1978, s. 3 (w.e.f. 2-10-1979).
8. Ins. by Act 44 of 1986, s. 6 (w.e.f. 26-1-1987).

(*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.

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 of [1][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 both [2][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*).]

5. Procuring, inducing or taking [4][person] for the sake of prostitution.—(*1*) any person who—

(*a*) procures or attempts to procure a [4][person], whether with or without his consent, for the purpose of prostitution; or

(*b*) induces a [4][person] to go from any place, with the intent that he may for the purpose of prostitution become the inmate of, or frequent, a brothel; or

(*c*) takes or attempts to take a [4][person], or causes a [4][person] to be taken, from one place to another with a view to his carrying on, or being brought up to carry on prostitution; or

(*d*) causes or induces a [4][person] to carry on prostitution;

[5][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;]

[6]* * * * *

1. Subs. by Act 44 of 1986, s. 7, for "a woman or girl" (w.e.f. 26-1-1987).
2. Ins. by s. 7, *ibid.* (w.e.f. 26-1-1987).
3. Subs. by Act 46 of 1978, s. 4, for section 4 (w.e.f. 2-10-1979).
4. Subs. by Act 44 of 1986, s. 4, for "women or girl" (w.e.f. 26-1-1987).
5. Subs. by s. 8, *ibid*., for certain words (w.e.f. 26-1-1987).
6. Omitted by s. 8, *ibid*. (w.e.f. 26-1-1987).

(*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 such [1][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.

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 [3][that such person may have sexual intercourse with a person who is not the spouse of such person],

shall be punishable [4][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][(*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.

7. Prostitution in or in the vicinity of public places.—[6][(*1*) Any [1][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.]

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1. Subs. by Act 44 of 1986, s. 4, for "woman or girl" (w.e.f. 26-1-1987).
2. Subs. by s. 9, *ibid.,* for "any woman or girl, whether with or without his consent" (w.e.f. 26-1-1987).
3. Subs. by s. 9, *ibid*., for "that she may have sexual intercourse with any man other than her lawful husband" (w.e.f. 26-1-1987).
4. Subs. by s. 9, *ibid*., for certain words (w.e.f. 26-1-1987).
5. Subs. by s. 9, *ibid.,* for sub-section (*2*) (w.e.f. 26-1-1987).
6. Subs. by Act 46 of 1978, s. 5, for sub-section (*1*) (w.e.f. 2-10-1979).

[1][(*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 [2][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 an in clause (*6*) of section 2 of the Hotel-Receipts Tax Act, 1980 (54 of 1980).]

[3][(*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.]

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 her 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

1. Ins. by Act 44 of 1986, s. 10 (w.e.f. 26-1-1987).
2. Subs. by s. 10, *ibid*., for "which may extend to two hundred rupees" (w.e.f. 26-1-1987).
3. Ins. by Act 46 of 1978, s. 5 (w.e.f. 2-10-1979).

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.]

9. Seduction of a [2][person] in custody.—[3]*** Any person who [4][having the custody, charge or care of, or a position of authority over, any [2][person], causes or aids or abets the seduction for prostitution of that [2][person], [5][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].

[6]* * * * *

[7][**10.** *Release on probation of good conduct or after due admonition*.] *Omitted by the Suppression of Immoral Traffic in Women and Girls* (*Amendment*) *Act*, 1986 (44 *of* 1986), *s*. 13 (*w.e.f*. 26-1-1987).

10A. Detention in a corrective institution.—(*1*) Where—

(*a*) a female offender is found guilty of an offence under section 7 or section 8, [8]***; and

(*b*) the character, state of health and mental condition of the offender and the other circumstances of the case are such that it is expedient that she should be subject to detention for such term and such instruction and discipline as are conducive to her correction,

it shall be lawful for the court to pass, in lieu of a sentence of imprisonment, an order for detention in a corrective institution for such term, not being less than two years and not being more than five years, as the court thinks fit:

Provided that before passing such an order—

(*i*) the court shall give an opportunity to the offender to be heard and shall also consider any representation which the offender may make to the court as to the suitability of the case for treatment in such an institution, as also the report of the probation officer appointed under the Probation of Offenders Act, 1958 (20 of 1958); and

(*ii*) the court shall record that it is satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to benefit by such instruction and discipline as aforesaid.

(*2*) Subject to the provisions of sub-section (*3*), the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to appeal, reference and revision and of the Limitation Act, 1963 (36 of 1963), as to the period within which an appeal shall be filed, shall apply in relation to an order of detention under sub-section (*1*) as if the order had been a sentence of imprisonment for the same period as the period for which the detention was ordered.

(*3*) Subject to such rules as may be made in this behalf, the State Government or authority, authorised in this behalf may, at any time after the expiration of six months from the date of an order for detention in a corrective institution, if it is satisfied that there is a reasonable probability that the offender will lead a useful and industrious life, discharge her from such an institution, without condition or with such conditions as may be considered fit, and grant her a written licence in such form as may be prescribed.

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1. Proviso added by Act 44 of 1986, s. 11 (w.e.f. 26-1-1987).
2. Subs. by s. 4, *ibid*., for "woman or girl" (w.e.f. 26-1-1987).
3. Brackets and figure "(*1*)" omitted by s. 12, *ibid*. (w.e.f. 26-1-1987).
4. Subs. by Act 46 of 1978, s. 6, for certain words (w.e.f. 2-10-1979).
5. Subs. by Act 44 of 1986, s. 12, for certain words (w.e.f. 26-1-1987).
6. Omitted by s. 12, *ibid*. (w.e.f. 26-1-1987).
7. Subs. by Act 46 of 1978, s. 7, for section 10 (w.e.f. 2-10-1979).
8. The words, brackets and figures "and is not released under sub-section (*1*) or sub-section (*2*) of section 10" omitted by Act 44 of 1986, s. 14, (w.e.f. 26-1-1987).

(*4*) The conditions on which an offender is discharged under sub-section (*3*), may include requirements relating to residence of the offender and supervision over the offender's activities and movements.]

11. Notification of address of previously convicted offenders.—(*1*) When any person having been convicted—

(*a*) by a court in India of an offence punishable under this Act or punishable under section 363, section 365, section 366, section 366A, section 366B, section 367, section 368, section 370, section 371, section 372 or section 373 of the Indian Penal Code (45 of 1860), with imprisonment for a term of two years or upwards; or

(*b*) by a court or tribunal in any other country of an offence which would, if committed in India, have been punishable under this Act or under any of the aforesaid sections with imprisonment for a like term,

is within a period of five years after release from prison, again convicted of any offence punishable under this Act or under any of those sections with imprisonment for a term of two years or upwards by a court, such court may, if it thinks fit, at the time of passing the sentence of imprisonment on such person, also order that his residence, and any change of, or absence from such residence after release be notified according to rules made under section 23 for a period not exceeding five years from the date of expiration of that sentence.

(*2*) If such conviction is set aside on appeal or otherwise, such order shall become void.

(*3*) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

(*4*) Any person charged with a breach of any rule referred to in sub-section (*1*) may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified, as his residence is situated.

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12. [*Security for good behaviour from habitual offenders***.]** *Omitted by the Suppression of Immoral Traffic in Women and Girls* (*Amendment*) *Act,* 1986 (44 *of* 1986) *s*. 13 (*w.e.f*. 26-1-1987).

13. Special police officer and advisory body.—(*1*) There shall be for each area to be specified by the State Government in this behalf a special police officer appointed by or on behalf of that Government, for dealing with offences under this Act in that area.

[1][(*2*) The special police officer shall not be below the rank of an Inspector of Police.

(*2A*) The District Magistrate may, if he considers it necessary or expedient so to do, confer upon any retired police or military officer all or any of the powers conferred by or under this Act on a special police officer, with respect to particular cases or classes of cases or to cases generally:

Provided that no such power shall be conferred on,—

(*a*) a retired police officer unless such officer, at the time of his retirement, was holding a post not below the rank of an inspector;

(*b*) a retired military officer unless such officer, at the time of his retirement, was holding a post not below the rank of a commissioned officer.]

(*3*) For the efficient discharge of his functions in relation to offences under this Act,—

(*a*) the special police officer of an area shall be assisted by such number of subordinate police officers (including women police officers wherever practicable) as the State Government may think fit; and

(*b*) the State Government may associate with the special police officer a non-official advisory body consisting of not more than five leading social welfare workers of that area (including women social welfare workers wherever practicable) to advise him on questions of general importance regarding the working of this Act.

1. Subs. by Act 46 of 1978, s. 9, for sub-section (*2*) (w.e.f. 2-10-1979).

[1][(*4*) The Central Government may, for the purpose of investigating any offence under this Act or under any other law for the time being in force dealing with sexual exploitation of persons and committed in more than one State, a point such number of police officers as trafficking police officers and they shall exercise all the powers and discharge all the functions as are exercisable by special police officers under this Act with the modification that they shall exercise such powers and discharge such functions in relation to the whole of India.]

14. Offences to be cognizable.—Notwithstanding anything contained in [2][the Code of Criminal Procedure, 1973 (2 of 1974)], any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code:

Provided that, notwithstanding anything contained in that Code,—

(*i*) arrest without warrant may be made only by the special police officer or under his direction or guidance, or subject to his prior approval;

(*ii*) when the special police officer requires any officer subordinate to him to arrest without warrant otherwise than in his presence any person for an offence under this Act, he shall give that subordinate officer an order in writing, specifying the person to be arrested and the offence for which the arrest is being made; and the latter officer, before arresting the person, shall inform him of the substance of the order and, on being required by such person, show him the order;

(*iii*) any police officer not below the rank of [3][sub-inspector] specially authorised by the special police officer may, if he has reason to believe that on account of delay involved in obtaining the order of the special police officer, any valuable evidence relating to any offence under this Act is likely to be destroyed or concealed, or the person who has committed or is suspected to have committed the offence is likely to escape, or if the name and address of such a person is unknown or there is reason to suspect that a false name or address has been given, arrest the person concerned without such order, but in such a case he shall report, as soon as may be, to the special police officer the arrest and the circumstances in which the arrest was made.

15. Search without warrant.—(*1*) Notwithstanding anything contained in any other law for the time being in force, whenever the special police officer [4][or the trafficking police officer, as the case may be,] has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a [5][person] living in any premises, and that search of the premises with warrant cannot be made without undue delay, such officer may, after recording the grounds of his belief, enter and search such premises without a warrant.

(*2*) Before making a search under sub-section (*1*), the special police officer [4][or the trafficking police officer, as the case may be,] shall call upon two or more respectable inhabitants (at least one of whom shall be a woman) of the locality in which the place to be searched is situate, to attend and witness the search, and may issue an order in writing to them or any of them so to do:

[6][Provided that the requirement as to the respectable inhabitants being from the locality in which the place to be searched is situate shall not apply to a woman required to attend and witness the search.]

(*3*) Any person who, without reasonable cause, refuses or neglects, to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code (45 of 1860).

[7][(*4*) The special police officer or the trafficking police officer, as the case may be, entering any premises under sub-section (*1*) shall be entitled to remove therefrom all the persons found therein.]

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1. Ins. by Act 44 of 1986, s. 15 (w.e.f. 26-1-1987).
2. Subs. by Act 46 of 1978, s. 10, for certain words (w.e.f. 2-10-1979).
3. Subs. by s. 10, *ibid.,* for "inspector" (w.e.f. 2-10-1979).
4. Ins. by Act 44 of 1986, s. 16 (w.e.f. 26-1-1987).
5. Subs. by s. 4, *ibid*., for "women or girl" (w.e.f. 26-1-1987).
6. Ins. by Act 46 of 1978, s. 11 (w.e.f. 2-10-1979).
7. Subs. by Act 44 of 1986, s. 16, for sub-section (*4*) (w.e.f. 26-1-1987).

(*5*) The special police officer [1][or the trafficking police officer, as the case may be,] after removing [2][the [3][person]] under sub-section (*4*) shall forthwith produce him before the appropriate magistrate.

[1][(*5A*) Any person who is produced before a magistrate under sub-section (*5*), shall be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases.

Explanation.—In this sub-section, "registered medical practitioner" has the same meaning as in the Indian Medical Council Act, 1956 (102 of 1956).]

(*6*) The special police officer [1][or the trafficking police officer, as the case may be,] and other persons taking part in, or attending, and witnessing a search shall not be liable to any civil or criminal proceedings against them in respect of anything lawfully done in connection with, or for the purpose of, the search.

[1][(*6A*) The special police officer or the trafficking police officer, as the case may be, making a search under this section shall be accompanied by at least two women police officers, and where any woman or girl removed under sub-section (*4*) is required to be interrogated, it shall be done by a woman police officer and if no woman police officer is available, the interrogation shall be done only in the presence of a lady member of a recognised welfare institution or organisation.

Explanation.—For the purpose of this sub-section and section 17A,"recognised welfare institution or organisation" means such institution or organisation as may be recognised in this behalf by the State Government.]

[4][(*7*) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search under this section as they apply to any search made under the authority of a warrant issued under section 94 of the said Code.]

[5][16. Rescue of [3][person].—(*1*) Where a magistrate has reason to believe from information received from the police or from any other person authorised by the State Government in this behalf or otherwise, that [6][any person is living, or is carrying on, or is being made to carry on, prostitution in a brothel,] he may direct a police officer not below the rank of a sub-inspector, to enter such brothel, and to remove therefrom such [3][person] and produce him before him.

(*2*) The police officer, after removing the [3][person], shall forthwith produce him before the magistrate issuing the order.]

17. Intermediate custody of [7][persons] removed under section 15 or rescued under section 16.—(*1*) When the special police officer removing a [3][person] under sub-section (*4*) of section 15 or a police officer rescuing a [3][person] under sub-section (*1*) of section 16, is for any reason unable to produce him before the appropriate magistrate as required by sub-section (*5*) of section 15, or before the magistrate issuing the order under sub-section (*2*) of section 16, he shall forthwith produce him before the nearest magistrate of any class, who shall pass such orders as he deems proper for his safe custody until he is produced before the appropriate magistrate, or, as the case may be, the magistrate issuing the order:

Provided that no [3][person] shall be—

(*i*) detained in custody under this sub-section for a period exceeding ten days from the date of the order under this sub-section; or

(*ii*) restored to or placed in the custody of a person who may exercise a harmful influence over him.

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1. Ins. by Act 44 of 1986, s. 16 (w.e.f. 26-1-1987).
2. Subs. by Act 46 of 1978, s. 11, for "the girl" (w.e.f. 2-10-1979).
3. Subs. by Act 44 of 1986, s. 4, for "woman or girl" (w.e.f. 26-1-1987).
4. Ins. by Act 46 of 1978, s. 11 (w.e.f. 2-10-1979).
5. Subs. by Act 46 of 1978, s. 12, for sections 16 and 17 (w.e.f. 2-10-1979).
6. Subs. by Act 44 of 1986, s. 17, for clause (*a*) and (*b*) (w.e.f. 26-1-1987).
7. Subs. s. 4, *ibid.,* for "women and girls" (w.e.f. 26-1-1987).

(*2*) When the [1][person] is produced before the appropriate magistrate under sub-section (*5*) of section 15 or the magistrate under sub-section (*2*) of section 16, he shall, after giving him an opportunity of being heard, cause an inquiry to be made as to the correctness of the information received under sub-section (*1*) of section 16, the age, character and antecedents of the [1][person] and the suitability of his parents, guardian or husband for taking charge of him and the nature of the influence which the conditions in his home are likely to have on him if he is sent home, and, for this purpose, he may direct a probation officer appointed under the Probation of Offenders Act, 1958 (20 of 1958), to inquire into the above circumstances and into the personality of the [1][person] and the prospects of his rehabilitation.

(*3*) The magistrate may, while an inquiry is made into a case under sub-section (*2*), pass such orders as he deems proper for the safe custody of the [1][person]:

[2][Provided that where a person rescued under section 16 is a child or minor, it shall be open to the magistrate to place such child or minor in any institution established or recognised under any Children Act, for the time being in force in any State for the safe custody of children:

Provided further that,] no [1][person] shall be kept in custody for this purpose for a period exceeding three weeks from the date of such an order, and no [1][person] shall be kept in the custody of a person likely to have a hurmful influence over him.

(*4*) Where the magistrate is satisfied, after making an inquiry as required under sub-section (*2*),—

(*a*) that the information received is correct; and

(*b*) that he is in need of care and protection,

he may, subject to the provisions of sub-section (*5*), make an order that such [1][person] be detained for such period, being not less than one year and not more than three years, as may be specified in the order, in a protective home, or in such other custody as he shall, for reasons to be recorded in writing, consider suitable:

Provided that such custody shall not be that of a person or body of persons of a religious persuasion different from that of the [1][person] and that those entrusted with the custody of the [1][person] including the persons in charge of a protective home, may be required to enter into a bond which may, were necessary and feasible, contain undertakings based on directions relating to the proper care, guardianship, education, training and medical and psychiatric treatment of the [1][person] as well as supervision by a person appointed by the court, which will be in force for a period, not exceeding three years.

(*5*) In discharging his functions under sub-section (*2*), a magistrate may summon a penal of five respectable persons, three of whom shall, wherever practicable, be women, to assist him; and may, for this purpose, keep a list of experienced social welfare workers, particularly women social welfare workers, in the field of suppression of immoral traffic in [3][persons].

(*6*) An appeal against an order made under sub-section (*4*) shall lie to the Court of Session whose decision on such appeal shall be final.]

[4][**17A. Conditions to be observed before placing persons rescued under section 16 to parents or guardians.**—Notwithstanding anything contained in sub-section (*2*) of section 17, the magistrate making an inquiry under section 17 may, before passing an order for handing over any person rescued under section 16 to the parents, guardian or husband, satisfy himself about the capacity or genuineness of the parents, guardian or husband to keep such person by causing an investigation to be made by a recognised welfare institution or organisation.]

18. Closure of brothel and eviction of offenders from the premises.—(*1*) A magistrate may, on receipt of information from the police or otherwise, that any house, room, place or any portion thereof within a distance of [5][two hundred metres] of any public place referred to in sub-section (*1*) of section 7, is being run or used as a brothel by any person or is being used by prostitutes for carrying on

1. Subs. by Act 44 of 1986, s. 4, for "woman or girl" (w.e.f. 26-1-1987).
2. Subs. by s. 18, *ibid*., "Provide that" (w.e.f. 26-1-1987).
3. Subs. by s. 4, *ibid*., for "women and girls" (w.e.f. 26-1-1987).
4. Ins. by s. 19, *ibid*. (w.e.f. 26-1-1987).
5. Subs. by Act 46 of 1978, s. 13, for "two hundred yards" (w.e.f. 2-10-1979).

their trade, issue notice on the owner, lessor or landlord of such house, room, place or portion or the agent of the owner, lessor or landlord or on the tenant, lessee, occupier of, or any other person incharge of such house, room, place, or portion, to show cause within seven days of the receipt of the notice why the same should not be attached for improper user thereof; and if, after hearing the person concerned, the magistrate is satisfied that the house, room, place or portion is being used as a brothel or for carrying on prostitution, then the magistrate may pass orders—

(*a*) directing eviction of the occupier within seven days of the passing of the order from the house, room, place or portion;

(*b*) directing that before letting it out during the period of one year [1][or in a case where a child or minor has been found in such house, room, place or portion during a search under section 15, during the period of three years], immediately after the passing of the order, the owner, lessor or landlord or the agent of the owner, lessor or landlord shall obtain the previous approval of the magistrate:

Provided that, if the magistrate finds that the owner, lessor or landlord as well as the agent of the owner, lessor or landlord, was innocent of the improper user of the house, room, place or portion, he may cause the same to be restored to the owner, lessor or landlord, or the agent of the owner, lessor or landlord, with a direction that the house, room, place or portion shall not be leased out, or otherwise given possession of, to or for the benefit of the person who was allowing the improper user therein.

(*2*) A court convicting a person of any offence under section 3 or section 7 may pass order under sub-section (*1*) without further notice to such person to show cause as required in that sub-section.

(*3*) Orders passed by the magistrate or court under sub-section (*1*) or sub-section (*2*) shall not be subject to appeal and shall not be stayed or set aside by the order of any court, civil or criminal and the said orders shall cease to have validity after the [2][expiry of one year or three years, as the case may be]:

Provided that where a conviction under section 3 or section 7 is set aside on appeal on the ground that such house, room, place or any portion thereof is not being run or used as a brothel or is not being used by prostitutes for carrying on their trade, any order passed by the trial court under sub-section (*1*) shall also be set aside.

(*4*) Notwithstanding anything contained in any other law for the time being in force, when a magistrate passes an order under sub-section (*1*), or a court passes an order under sub-section (*2*), any lease or agreement under which the house, room, place or portion is occupied at the time, shall become void and inoperative.

(*5*) When an owner, lessor or landlord, or the agent of such owner, lessor or landlord fails to comply with a direction given under clause (*b*) of sub-section (*1*), he shall be punishable with fine which may extend to five hundred rupees or when he fails to comply with a direction under the proviso to that sub-section, he shall be deemed to have committed an offence under clause (*b*) of sub-section (*2*) of section 3 or clause (*c*) of sub-section (*2*) of section 7, as the case may be, and punished accordingly.

[3]**[19. Application for being kept in a protective home or provided care and protection by court.**—(*1*) A [4][person] who is carrying on, or is being made to carry on, prostitution, may make an application, to the magistrate within the local limits of whose jurisdiction he is carrying on, or is being made to carry on prostitution, for an order that he may be—

(*a*) kept in a protective home, or

(*b*) provided care and protection by the court in the manner specified in sub-section (*3*).

(*2*) The magistrate may, pending inquiry under sub-section (*3*), direct that the [4][person] be kept in such custody as he may consider proper, having regard to the circumstances of the case.

1. Ins. by Act 44 of 1986, s. 20 (w.e.f. 26-1-1987).
2. Subs. by s. 20, *ibid.,* for "expiry of one year" (w.e.f. 26-1-1987).
3. Subs. by Act 46 of 1978, s. 14, for section 19 (w.e.f. 2-10-1979).
4. Subs. by Act 44 of 1986, s. 4, for "woman or girl" (w.e.f. 26-1-1987).

(*3*) If the magistrate, after hearing the applicant and making such inquiry as he may consider necessary, including an inquiry by a probation officer appointed under the Probation of Offenders Act, 1958 (20 of 1958), into the personality, conditions of home and prospects of rehabilitation of the applicant, is satisfied that an order should be made under this section, he shall, for reasons to be recorded, make an order that the applicant be kept,—

(*i*) in a protective home, or

(*ii*) in a corrective institution, or

(*iii*) under the supervision of a person appointed by the magistrate,

for such period as may be specified in the order.]

20. Removal of prostitute from any place.—(*1*) A magistrate on receiving information that any [1][person] residing in or frequenting any place within the local limits of his jurisdiction, is a prostitute, may record the substance of the information received and issue a notice to such [1][person] requiring him to appear before the magistrate and show cause why he should not be required to remove himself from the place and be prohibited from re-entering it.

(*2*) Every notice issued under sub-section (*1*) shall be accompanied by a copy of the record aforesaid, and the copy shall be served along with the notice on the [1][person] against whom the notice is issued.]

(*3*) The magistrate shall, after the service of the notice referred to in sub-section (*2*), proceed to inquire into the truth of the information received, and after giving the [1][person] an opportunity of adducing evidence, take such further evidence as he thinks fit, and if upon such inquiry it appears to him that such [1][person] is a prostitute and that it is necessary in the interests of the general public that such [1][person] should be required to remove himself therefrom and be prohibited form re-entering the same, the magistrate shall, by order in writing communicated to the [1][person] in the manner specified therein, require him after a date (to be specified in the order) which shall not be less than seven days from the date of the order, to remove himself from the place to such place whether within or without the local limits of his jurisdiction, by such route or routes and within such time as may be specified in the order and also prohibit him from re-entering the place without the permission in writing of the magistrate having jurisdiction over such place.

(*4*) Whoever,—

(*a*) fails to comply with an order issued under this section, within the period specified therein, or whilst an order prohibiting him from re-entering a place without permission is in force, re-enters the place without such permission, or

(*b*) knowing that any [1][person] has, under this section, been required to remove himself from the place and has not obtained the requisite permission to re-enter it, harbours or conceals such [1][person] in the place,

shall be punishable with fine which may extend to two hundred rupees not in the case of a continuing offence with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the offence.

21. Protective homes.—(*1*) The State Government may, in its discretion establish [2][as many protective homes and corrective institutions under this Act as it thinks fit and such homes and institutions], when established, shall be maintained in such manner as may be prescribed.

(*2*) No person or no authority other than the State Government shall, after the commencement of this Act, establish or maintain any [3][protective home or corrective institution] except under and in accordance with the conditions of a licence issued under this section by the State Government.

(*3*) The State Government may, on application made to it in this behalf by a person or authority issue to such person or authority, a licence in the prescribed form for establishing and maintaining or as the

1. Subs. by Act 44 of 1986, s. 4, for "woman or girl" (w.e.f. 26-1-1987).
2. Subs. by 46 of 1978, s. 15, for "as many protective homes under this Act as it thinks it and such homes" (w.e.f. 2-10-1979).
3. Subs. by s. 15, *ibid*., for "protective home" (w.e.f. 2-10-1979).

case may be, for maintaining a [1][protective home or corrective institution] and a licence so issued may contain such conditions as the State Government may think fit to impose in accordance with the rules made under this Act:

Provided that any such condition may require that the management of the [1][protective home or corrective institution] shall, wherever practicable, be entrusted to women:

Provided further that a person or authority maintaining any protective home at the commencement of this Act shall be allowed a period of six months from such commencement to make an application for such licence:

[2][Provided also that a person or authority maintaining any corrective institution at the commencement of the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978 (46 of 1978), shall be allowed a period of six months from such commencement to make an application for such licence.]

(*4*) Before issuing a licence the State Government may require such officer or authority as it may appoint for this purpose, to make a full and complete investigation in respect of the application received in this behalf and report to it the result of such investigation and in making any such investigation the officer or authority shall follow such procedure as may be prescribed.

(*5*) A licence, unless sooner revoked, shall remain in force for such period as may be specified in the licence and may, on application made in this behalf at least thirty days before the date of its expiration, be renewed for a like period.

(*6*) No licence issued or renewed under this Act shall be transferable.

(*7*) Where any person or authority to whom a licence has been granted under this Act or any agent or servant of such person or authority commits a breach of any of the conditions thereof or any of the provisions of this Act or of any of the rules made under this Act, or where the State Government is not satisfied with the condition, management or superintendence of any [1][protective home or corrective institution], the State Government may, without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded, revoke the licence by order in writing:

Provided that no such order shall be made until an opportunity is given to the holder of the licence to show cause why the licence shall not be revoked.

(*8*) Were a licence in respect of a [1][protective home or corrective institution] has been revoked under the foregoing sub-section such [1][protective homeor corrective institution] shall cease to function from the date of such revocation.

(*9*) Subject to any rules that may be made in this behalf, the State Government may also vary or amend any licence issued or renewed under this Act.

[2][(*9A*) The State Government or an authority authorised by it in this behalf may, subject to any rules that may be made in this behalf, transfer an inmate of a protective home to another protective home or to a corrective institution or an inmate of a corrective institution to another corrective institution or to a protective home, where such transfer is considered desirable having regard to the conduct of the person to be transferred, the kind of training to be imparted and other circumstances of the case:

Provided that,—

(*a*) no [3][person] who is transferred under this sub-section shall be required to stay in the home or institution to which he is transferred for a period longer than he was required to stay in the home or institution from which he was transferred;

(*b*) reasons shall be recorded for every order of transfer under this sub-section.]

1. Subs. by Act 46 of 1978, s. 15, for "protective home" (w.e.f. 2-10-1979).
2. Ins. by s. 15, *ibid*. (w.e.f. 2-10-1978).
3. Subs. by Act 44 of 1986, s. 4, for "woman or girl" (w.e.f. 26-1-1987).

(*10*) Whoever establishes or maintains a [1][protective home or corrective institution] except in accordance with the provisions of this section, shall be punishable in the case of a first offence with fine which may extend to one thousand rupees and in the case of second or subsequent offence with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

[1][**21A. Production of records.**—Every person or authority who is licensed under sub-section (*3*) of section 21 to establish or maintain, or as the case may be, for maintaining, a protective home or corrective institution shall, whenever required by a court, produce the records and other documents maintained by such home or institution before such court.]

22. Trials.—No court, inferior to that of [2][a Metropolitan Magistrate or a Judicial Magistrate of the first class] shall try any offence under section 3, section 4, section 5, section 6, section 7 or section 8.

[3][**22A. Power to establish Special Courts.**—(*1*) If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the Official Gazette and after consultation with the High Court, establish one or more courts of Judicial Magistrates of the first class, or, as the case may be, Metropolitan Magistrates, in such district or metropolitan area.

(*2*) Unless otherwise directed by the High Court, a court established under sub-section (*1*) shall exercise jurisdiction only in respect of cases under this Act.

(*3*) Subject to the provisions of sub-section (*2*), the jurisdiction and powers of the presiding officer of a court established under sub-section (*1*) in any district or metropolitan area shall extend throughout the district or the metropolitan area, as the case may be.

(*4*) Subject to the foregoing provisions of this section a court established under sub-section (*1*) in any district or metropolitan area shall be deemed to be a court established under sub-section (*1*) of section 11, or as the case may be, sub-section (*1*) of section 16, of the Code of Criminal Procedure, 1973 (2 of 1974), and the provisions of that Code shall apply accordingly in relation to such courts.

Explanation.—In this section, "High Court" has the same meaning as in clause (*e*) of section 2 of the Code of Criminal Procedure, 1973 (2 of 1974).

[4][**22AA. Power of Central Government to establish special courts.**—(*1*) If the Central Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act and committed in more than one State, it may, by notification in the Official Gazette and after consultation with the High Court concerned, establish one or more courts of Judicial Magistrates of the first class or Metropolitan Magistrates for the trial of such offences.

(*2*) The provisions of section 22A, shall, so far as may be, apply to the courts established under sub-section (*1*) as they apply to courts established under that section.]

22B. Power of Court to try cases summarily.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, if it considers it necessary so to do, direct that offences under this Act shall be tried in a summary way by a magistrate [including the presiding officer of a court established under sub-section (*1*) of section 22A] and the provisions of Section 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in the case of any conviction in a summary trial under this section it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witness, who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.]

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1. Ins. by Act 44 of 1986, s. 21 (w.e.f. 26-1-1987).
2. Subs. by Act 46 of 1978, s. 16, for "a magistrate as defined in clause (*c*) of section 2" (w.e.f. 2-10-1979).
3. Ins. by s. 17, *ibid*. (w.e.f. 2-10-1979).
4. Ins. by Act 44 of 1986, s. 22 (w.e.f. 26-1-1987).

23. Power to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—

(*a*) the notification of any place as a public place;

[1][(*b*) the placing in custody of persons for whose safe custody orders have been passed under sub-section (*1*) of section 17 and their maintenance;]

[2][(*bb*) the discharge of an offender under sub-section (*3*) of section 10A from a corrective institution and the form of licence to be granted to such offender;]

[3][(*c*) the detention and keeping in protective homes or, as the case may be, in corrective institutions of [4][persons] under this Act and their maintenance;]

(*d*) the carrying out of the provisions of section 11 regarding notification of residence or change of or absence from residence by released convicts;

(*e*) the delegation of authority to appoint the special police officer under sub-section (*1*) of section 13;

(*f*) the carrying into effect of the provisions of section 18;

[5][(*g*) (*i*) the establishment, maintenance, management and superintendence of protective homes and corrective institutions under section 21 and the appointment, powers and duties of persons employed in such homes or institutions;

(*ii*) the form in which an application for a licence may be made and the particulars to be contained in such application;

(*iii*) the procedure for the issue or renewal of a licence, the time within which such licence shall be issued or renewed and the procedure to be followed in making a full and complete investigation in respect of an application for a licence;

(*iv*) the form of a licence and the conditions to be specified therein;

(*v*) the manner in which the accounts of a protective home and a corrective institution shall be maintained and audited;

(*vi*) the maintenance of registers and statements by a licensee and the form of such registers and statements;

(*vii*) the care, treatment, maintenance, training, instruction, control and discipline of the inmates of protective homes and corrective institutions;

(*viii*) the visits to and communication with such inmates;

(*ix*) the temporary detention of [4][persons] sentenced to detention in protective homes or in corrective institutions until arrangements are made for sending them to such homes or institutions;

(*x*) the transfer of an inmate from,—

(*a*) one protective home to another, or to a corrective institution,

(*b*) one corrective institution to another or to a protective home,

under sub-section (*9A*) of section 21;

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1. Subs. by Act 44 of 1986, s. 23, for clause (*b*) (w.e.f. 26-1-1987).
2. Ins. by Act 46 of 1978, s. 18 (w.e.f. 2-10-1979).
3. Subs. by s. 18, *ibid.,* for clause (*c*) (w.e.f. 2-10-1979).
4. Subs. by Act 44 of 1986, s. 4, for "women and girl" (w.e.f. 26-1-1987).
5. Subs. by 46 of 1978, s. 18, for clause (*g*) (w.e.f. 2-10-1979).

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(*xi*) the transfer in pursuance of an order of the court from a protective home or a corrective institution to a prison of a [1][person] found to be incorrigible or exercising bad influence upon other inmates of that protective home or the corrective institution and the period of his detention in such prison;

(*xii*) the transfer to a protective home or corrective institution of [2][persons] sentenced under section 7 or section 8 and the period of their detention in such home or institution;

(*xiii*) the discharge of inmates from a protective home or corrective institution either absolutely or subject to conditions, and their arrest in the event of breach of such conditions;

(*xiv*) the grant of permission to inmates to absent themselves for short periods;

(*xv*) the inspection of protective homes and corrective institutions and other institutions in which [2][persons] may be kept, detained and maintained;]

(*h*) any other matter which has to be, or may be, prescribed.

(*3*) In making any rule under clause (*d*) or clause (*g*) of sub-section (*2*) the State Government may provide that a breach thereof shall be punishable with fine which may extend to two hundred and fifty rupees.

(*4*) All rules made under this Act shall, as soon as may be, after they are made, be laid before the State Legislature.

24. Act not to be in derogation of certain other Acts.—Nothing in this Act shall be construed to be in derogation of the provisions of the Refermatory Schools Act, 1897 (8 of 1897), or any State Act enacted in modification of the said Act or otherwise, relating to juvenile offenders.

25. Repeal and savings.—(*1*) As from the date of the coming into force in any State of the provisions other than section 1 of this Act, all State Acts relating to suppression of immoral traffic in [2][persons] or to the prevention of prostitution, in force in that State immediately before such date shall stand repealed.

(*2*) Notwithstanding the repeal by this Act of any State Act referred to in sub-section (*1*), anything done or any action taken (including any direction given, any register, rule or order made, any restriction imposed) under the provisions of such State Act shall in so far as such thing or action is not inconsistent with the provisions of this Act be deemed to have been done or taken under the provisions of this Act, as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

Explanation.—In this section the expression "State Act" includes a "Provincial Act".

1. Subs. by Act 44 of 1986, s. 4, for "woman or girl" (w.e.f. 26-1-1987).
2. Subs. by s. 4, *ibid*., for "women and girl" (w.e.f. 26-1-1987).

[1][THE SCHEDULE

[*See* section 2(*c*)]

Section	Magistrate competent to exercise the powers
7(*1*)	District Magistrate.
11(*4*)	Metropolitan Magistrate or Judicial Magistrate of the first class.
[2]***	
15(*5*)	Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
16	Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
18	District Magistrate or Sub-Divisional Magistrate.
19	Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
20	District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government.
22B	Metropolitan Magistrate or Judicial Magistrate of the first class.]

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1. Ins. by Act 46 of 1978, s. 19 (w.e.f. 2-10-1979).
2. The Figures, brackets and words "12 (*4*) Metropolitan Magistrate or Judicial Magistrate of the first Class" omitted by Act 44 of 1986, s. 24 (w.e.f. 26-1-1987).