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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 9th September, 1986/Bhadra 18, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 8th September, 1986, and is hereby published for general information:—

THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS (AMENDMENT) ACT, 1986

No. 44 OF 1986

[*8th September*, 1986.]

An Act, further to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.

2. In the Suppression of Immoral Traffic in Women and Girls Act, 1956 (hereinafter referred to as the principal Act), in the long title, for the words "the suppression of immoral traffic in women and girls", the words "the prevention of immoral traffic" shall be substituted.

104 of 1956.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the words "the Suppression of Immoral Traffic in Women and Girls", the words and brackets "the Immoral Traffic (Prevention)" shall be substituted.

Substitution of references to certain expressions by certain other expressions.

4. Throughout the principal Act [except sub-sections (*3*) and (*4*) of section 6], unless otherwise expressly provided, for the words "women and girls" and "woman or girl", wherever they occur, the words "persons" and "person" shall respectively be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

Amendment of section 2.

5. In section 2 of the principal Act,—

(*a*) in clause (*a*), for the words "of prostitution", the words "of sexual exploitation or abuse" shall be substituted;

(*b*) after clause (*a*), the following clause shall be inserted, namely:—

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

(*c*) existing clause (*aa*) shall be re-lettered as clause (*b*) thereof, and in clause (b) as so re-lettered, for the words "female undertrials", the word "undertrials" shall be substituted;

(*d*) existing clause (*b*) shall be omitted;

(*e*) after clause (c), the following clauses shall be inserted, namely:—

'(*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;';

(*f*) for clause (*f*), the following clause shall be substituted, namely:—

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

(*g*) in clause (*g*),—

(*i*) in the opening portion, after the words "kept under this Act", the words "and where appropriate technically qualified persons, equipment and other facilities have been provided" shall be inserted;

(*ii*) in sub-clause (*i*), for the words "female undertrials", the word "undertrials" shall be substituted;

(*h*) for clause (*j*), the following clause shall be substituted, namely:—

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

Amendment of section 3.

6. In section 3 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(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.".

Amendment of section 4.

7. In section 4 of the principal Act, in sub-section (1),—

(a) for the words "a woman or girl", the words "any other person" shall be substituted;

(b) after the words "or with both", the words "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" shall be inserted.

Amendment of section 5.

8. In section 5 of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words "shall be punishable" and ending with the words "two thousand rupees", the following shall be substituted, namely:—

"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;";

(b) sub-section (2) shall be omitted.

Amendment of section 6.

9. In section 6 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, for the words "any woman or girl, whether with or without her consent", the words "any other person, whether with or without his consent" shall be substituted;

(*ii*) in clause (*b*), for the words "that she may have sexual intercourse with any man other than her lawful husband", the words "that such person may have sexual intercourse with a person who is not the spouse of such person" shall be substituted;

(*iii*) for the portion beginning with the words "on first conviction" and ending with the words "two thousand rupees", the following shall be substituted, namely:—

"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.";

(*b*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*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.".

Amendment of section 7.

10. In section 7 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*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.";

(*b*) in sub-section (*2*), for the words "which may extend to two hundred rupees", the following shall be substituted, namely:—

'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.

Amendment of section 8.

11. To section 8 of the principal Act, the following proviso shall be added, namely:—

"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.".

Amendment of section 9.

12. In section 9 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) the brackets and figure "(*1*)" shall be omitted;

(*ii*) for the portion beginning with the words "shall be punishable" and ending with the words "one thousand rupees", the following shall be substituted, namely:—

"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.";

(*b*) sub-section (*2*) shall be omitted.

Omission of sections 10 and 12.

13. Sections 10 and 12 of the principal Act shall be omitted.

Amendment of section 10A.

14. In sub-section (*1*) of section 10A of the principal Act, in clause (*a*), the words, brackets and figures "and is not released under sub-section (*1*) or sub-section (*2*) of section 10" shall be omitted.

Amendment of section 13.

15. In section 13 of the principal Act, after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*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, appoint 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.".

Amendment of section 15.

16. In section 15 of the principal Act,—

(*a*) after the words "special police officer", wherever they occur, the words "or the trafficking police officer, as the case may be," shall be inserted;

(*b*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*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.";

(c) after sub-section (*5*), the following sub-section shall be inserted, namely:—

'(*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.

(*d*) after sub-section (*6*), the following sub-section shall be inserted, namely:—

'(*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 purposes 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.'.

Amendment of section 16.

17. In sub-section (*1*) of section 16 of the principal Act, for clauses (*a*) and (*b*), the words "any person is living, or is carrying on, or is being made to carry on, prostitution in a brothel," shall be substituted.

Amendment of section 17.

18. In sub-section (*3*) of section 17 of the principal Act, for the words "Provided that", the following shall be substituted, namely:—

"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,".

Insertion of new section 17A.

19. After section 17 of the principal Act, the following section shall be inserted, namely:—

Conditions to be observed before placing persons rescued under section 16 to parents or guardians.

"17A. 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.".

Amendment of section 18.

20. In section 18 of the principal Act,—

(*a*) in sub-section (*1*), in clause (*b*), after the words "period of one year", the words and figures ", 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," shall be inserted;

(*b*) in sub-section (*3*), for the words "expiry of one year", the words "expiry of one year or three years, as the case may be" shall be substituted.

Insertion of new section 21A.

21. After section 21 of the principal Act, the following section shall be inserted, namely:—

Production of records.

"21A. 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.".

Insertion of new section 22AA.

22. After section 22A of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to establish special courts.

"22AA. (*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.".

Amendment of section 23.

23. In sub-section (2) of section 23 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

"(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;".

Amendment of the Schedule.

24. In the Schedule to the principal Act, the figures, brackets and words "12(4) Metropolitan Magistrate or Judicial Magistrate of the first class" shall be omitted.

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Additional Secy. to the Govt. of India.

IndiaCode

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