

# THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956



**SATYARTHI**

KALASHI SATYARTHI CHILDREN'S FOUNDATION



# The Immoral Traffic (Prevention) Act, 1956

If any other person gets the benefit from the sexual exploitation of a child or any person, then it is sexual exploitation for commercial purpose, which is a punishable offence. For this illegal activity of sexual exploitation a person is appointed, contracted, purchased or hired.

According to the ITPA Act, it is not necessary that commercial sexual activity should be held in a brothel only, instead, it can also be held at residential places, vehicles, etc. This Act gives right to the police officers to take action or initiate an enquiry in such situations where illegal commercial sexual exploitation or activity is happening or is likely to happen such as massage parlour, bars, tourist circuits, escort services, friends club, etc.

The Immoral Traffic (Prevention) Act, 1956		
Section	Provision	Punishment
Section 3	Any person who is an owner, tenant, agent or person in charge of a premise, uses it as a brothel or has the knowledge that any place or any part of that place is going to be used as brothel or if he on his own wish is a partner in using a place or a part of that place as a brothel	On first conviction- minimum one year to maximum three years of rigorous imprisonment, and fine of upto Rs. 2000 or both  On second or subsequent conviction- rigorous imprisonment of not less than two years which can extend upto five years, or a fine of Rs. 2000 or both

Section 4	Living on the earnings of prostitution	<p>Any person who is 18 years or above and is knowingly living on the earnings of prostitution, then such person shall be punishable with imprisonment for upto two years and fine of Rs. 1000 or both</p> <p>If any person lives on the earning of prostitution of a child or a minor, then such person shall be punished with imprisonment for a term of not less than seven years which may extend upto ten years</p>
Section 5	<ol style="list-style-type: none"> <li>1. To procure, induce or take any person for the sake of prostitution.</li> <li>2. To procure or attempt to procure a person, whether with or without consent for the purpose of prostitution</li> <li>3. To induce a person to go from any place, with the intent that he/she may become an inmate of or frequent a brothel</li> <li>4. takes or attempts to take a person or causes a person to be taken, from one place to another with a view</li> <li>5. to his/her carrying on, or being brought up to carry on prostitution Causes or induces a person to carry on prostitution</li> </ol>	<ol style="list-style-type: none"> <li>1. Rigorous imprisonment of minimum three years which may extend upto seven years and a fine of upto Rs. 2000</li> <li>2. If the offence is being committed against the will of any person then the offender shall be punished with an imprisonment of a minimum of seven years which may extend upto 14 years</li> <li>3. If the offence is being committed against a child then the person is punishable with rigorous imprisonment of seven years which may extend to life imprisonment</li> <li>4. If the offence is committed against a minor then the person shall be punished with rigorous imprisonment for a term of minimum seven years which may extend to not more than 14 years</li> </ol>

<p>Section 6</p>	<p>To detain a person in a place where prostitution is carried on-</p> <p>If a person detains any person with or without his consent-</p> <ol style="list-style-type: none"> <li>1. In any brothel</li> <li>2. In or upon any premises with a person who is not the spouse of that person for the purpose of sexual intercourse.</li> </ol>	<ul style="list-style-type: none"> <li>- The person detaining shall be punished with a life imprisonment for a term of seven years which may extend to a term of 10 years or life and shall also be liable for fine</li> </ul> <p>If 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)-Section 2 Sub section 1</p> <ul style="list-style-type: none"> <li>- If a child or a minor is found in a brothel, and on medical examination, detected to have been sexually abused, then it shall be presumed, that the child or minor has been detained in brothel for the purpose of prostitution, or has been sexually exploited for commercial purposes</li> </ul>
----------------------	---	---

<p style="text-align: center;">Section 7</p>	<p>Prostitution in or in the vicinity of public places-</p> <p>If any person who carries on prostitution and the person with whom prostitution is carried on, in any premise-</p> <ol style="list-style-type: none"> <li>1. Which are marked by state government or which are within a distance of 200 meters of any places like public religious worship, educational institution, hostel, hospital, nursing home or any such public place, which may be notified by the commissioner of Police or Magistrate</li> </ol>	<ul style="list-style-type: none"> <li>- Such person shall be punishable with imprisonment of upto three months or with fine of upto Rs. 200 or both</li> <li>- If any person makes a child or a minor commit the crime, then he or she shall be punished of minimum imprisonment of seven years which may extend to a term of 10 years or life and shall also be liable for fine</li> </ul> <p>If any person who-</p> <ol style="list-style-type: none"> <li>1. Is a keeper of public places knowingly permits prostitutes to carry on the business or to remain at that place.</li> <li>2. Is a tenant, lessee, or an occupier of that place and knowingly permits the usage of that place for the purpose of prostitution.</li> <li>3. Is the owner or agent of that place and knowingly allows it to be used for the purpose of prostitution</li> </ol> <p>On first conviction- shall be punished with an imprisonment of three months or a fine of Rs. 200 or both On second or subsequent conviction- shall be punished with an imprisonment of six months or fine of Rs. 200 or both</p> <p>If this offence has been committed in a hotel premises then the license of that hotel shall also be liable to be suspended for a period of not less than three months but which may extend to one year and licence shall also be liable to be cancelled if the offence is committed against a child or minor</p>
--	---	---

Section 9	Any person who having the custody, charge or care of a person, aids or abets or seduces that person for prostitution.	The person shall be punished with imprisonment of not less than seven years which may be extended to life term or a term which may extend to 10 years and shall also be liable for fine
Section 366-A (IPC)	If any person induces a girl below 18 years old, to go at a certain place or ask to do an act, knowing that such girl may be or likely, forced or seduced to illicit intercourse with another person, is a punishable offence.	The person shall be punishable with imprisonment of upto 10 years and shall also be liable for fine
Section 366-B (IPC)	<p>Importation of a girl from foreign countries-</p> <p>If any person imports a girl below the age of 21 years from a foreign country or Jammu Kashmir, with intent that she may be likely to be forced or seduced for illicit intercourse, is a punishable offence.</p>	The person shall be punishable with imprisonment for a term of 10 years and shall also be liable for fine

## **Special Police Officers and Advisory Body**

This Act provides the State Governments with the provision to appoint special police officers for dealing with offences under this Act.

If required, then the State Government can also appoint women police officers and advisory bodies.

## **Cognizable offence**

As these offences are cognizable offences, therefore, the person who is liable for the commission of act can be arrested by the special police officer or on his or her directions without any warrant.

## **To close brothels or premises of prostitution**

If Magistrate gets the information from police or any other person that a house, place, etc within a distance of 200 metres from a public place has been used for the purpose of prostitution, then a notice shall be send to the owner, tenant, agent or caretaker of that place, to reply within seven days that why that place shall not be declared as place of illicit working. If after hearing the side of that person, magistrate believes that place has been used for the purpose of prostitution, then he can order to vacate that place within seven days and also not to give it on rent without permission.

## **Court's decision regarding prostitution:**

1. Child prostitution- Supreme Court in the case of Gaur Jain v. Union of India said that prostitution is an offence, but those women who are involved in prostitution, shall be seen as victim rather than as an offender. The Court has also said that women and their children who are living in these conditions shall be provided with education and financial support so that they can join back to the main stream of the society they also should assisted in getting married, so that child prostitution can reduce.
2. Supreme Court in the case of P.N. Krishnalal v State of Kerela said that the State has the power to grant injunctions regarding business or trade that is illegal, unlawful or which is against the society.











Head Office: 23, Friends Colony West, New Delhi 110065

📞 T. +91 11 47511111 🌐 [www.satyarthi.org.in](http://www.satyarthi.org.in) 📘 /KSCFIndia

**TO COMPLAINT ABOUT CHILD ABUSE, PLEASE CALL 1098  
OR BACHPAN BACHAO ANDOLAN HELPLINE NUMBER 18001027222**