

THE IMMORAL TRAFFIC (PREVENTION) AMENDMENT BILL, 2006
[Bill No. 47 of 2006]

AS INTRODUCED IN LOK SABHA
ON 22ND MAY, 2006

A

BILL

PREAMBLE

further to amend the Immoral Traffic (Prevention) Act, 1956 and the Prevention Money-Laundering Act, 2002.

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

CHAPTER I

PRELIMINARY

1. Short title and commencement.--

(1) This Act may be called the Immoral Traffic (Prevention) Amendment Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENT TO THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

2. Amendment of section 2.--

In section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956) (hereinafter referred to as 104 of 1956. the principal Act),--

(i) in clause (aa), for the words "sixteen years", the words "eighteen years" shall be substituted;

(ii) clauses (cd) and (cb) shall be omitted;

(iii) in clause (f), after the words "for commercial purposes", the words "or for consideration in money or in any other kind" shall be inserted.

3. Amendment of section 3.--

In section 3 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:--

"(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 two years and which may extend to three years and also with fine which may extend to ten thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which shall not be less than three years and which may extend to seven years and shall also be liable to fine which may extend to two lakh rupees."

4. Amendment of section 4.--

In section 4 of the principal Act, in sub-section (1), the words "or a minor to" shall be omitted.

5. Amendment of section 5.--

In section 5 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:--

"Provided that if the person in respect of whom an offence committed under this subsection, is a child, the punishment provided under this subsection shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life."

6. Insertion of new sections 5A, 5B and 5C.--

After section 5 of the principal Act, the following sections shall be inserted, namely:--

"5A. Trafficking in persons.--Whoever recruits, transports, transfers, harbours, or receives a person for the purpose of prostitution by means of,-

(a) threat or use of force or coercion, abduction, fraud, deception;
or

(b) abuse of power or a position of vulnerability; or

(c) giving or receiving of payments or benefits to achieve the consent of such person having control over another person,

commits the offence of trafficking in persons.

Explanation.--Where any person recruits, transports, transfers, harbours or receives a person for the purposes of prostitution, such person shall, until the contrary is proved, be presumed to have recruited, transported, transferred, harboured or received the person with the intent that the person shall be used for the purpose of prostitution.

5B. Punishment for trafficking in persons.--(1) Any person who commits trafficking in persons shall be punishable on first conviction with rigorous imprisonment for a term which shall not be less than seven years and in the event of a second or subsequent conviction with imprisonment for life.

(2) Any person who attempts to commit, or abets trafficking in persons shall also be deemed to have committed such trafficking in persons and shall be punishable with the punishment hereinbefore described.

5C. Punishment for visiting a brothel.--Any person who visits or is found in a brothel for the purpose of sexual exploitation of any victim of trafficking in persons shall on first conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to twenty thousand 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 shall also be liable to fine which may extend to fifty thousand rupees."

7. Amendment of section 6.--

In section 6 of the principal Act,--

(i) in sub-section (1), in clause (b), after the words "liable to fine", the words "which may extend to one lakh rupees" shall be inserted;

(ii) in sub-section (2A), the words "or minor" occurring at both the places shall be omitted.

8. Amendment of section 7.--

In section 7 of the principal Act, in sub-section (1A) and in the proviso to subsection (2), the words "or minor" shall be omitted.

9. Omission of section 8.--

Section 8 of the principal Act shall be omitted.

10. Amendment of section 10A.--

In section 10A of the principal Act, in sub-section (1),--

(i) in clause (a), the words and figure "or section 8" shall be omitted;

(ii) in clause (b), for the words "five years", the words "seven years" shall be substituted.

11. Amendment of section 13.--

In section 13 of the principal Act,--

(i) in sub-section (2), for the words "an Inspector", the words "a sub-inspector" shall be substituted;

(ii) in sub-section (3), in clause (b), for the word "may", the word "shall" shall be substituted.

12. Insertion of new sections 13A and 13B.--

After section 13 of the principal Act, the following sections shall be inserted, namely:--

"13A. Constitution of Central Authority.--(1) The Central Government may constitute an Authority for the purposes of effectively preventing and combating the offence of trafficking in persons.

(2) The members of the Authority shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.

(3) The Chairperson of the Authority shall be one of the members appointed under sub-section (2) to be nominated by the Central Government.

(4) The term of office of the members of the Authority, the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.

13B. Constitution of State Authority.--(1) The State Government may constitute an Authority for the purposes of effectively preventing and combating the offence of trafficking in persons.

(2) The members of the Authority shall be appointed by the State Government and shall be of such number and chosen in such manner as may be prescribed.

(3) The Chairperson of the Authority shall be one of the members appointed under sub-section (2) to be nominated by the State Government.

(4) The term of office of the members of the Authority, the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed."

13. Amendment of section 17.--

In section 17 of the principal Act, in sub-section (3), in the first proviso, the words "or minor" occurring at both the places shall be omitted.

14. Amendment of section 18.--

In section 18 of the principal Act, in sub-section (1), in clause (b), the words "or minor" shall be omitted.

15. Omission of section 20.--

Section 20 of the principal Act shall be omitted.

16. Amendment of section 22.--

Section 22 of the principal Act shall be re-numbered as sub-section (1) thereof and,--

(i) in sub-section (1) as so re-numbered, for the words and figures "section 5, section 6, section 7 or section 8", the words, figures and letters "section 5, section 5B, section 5C, section 6 or section 7" shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:--

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), the trial of the proceedings under this Act shall be conducted in camera".

17. Amendment of section 23.--

In section 23 of the principal Act, in sub-section (2),--

(a) in clause (g), in sub-clause (xii), the words and figure "or section 8" shall be omitted;

(b) after clause (g), the following clauses shall be inserted, namely:--

"(ga) number of the members of the Authority and the manner in which such members shall be chosen for appointment under sub-section (2) of section 13B;

(gb) the term of office of the members of the Authority and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members under sub-section (4) of section 13B;"

18. Insertion of new section 23A.--

After section 23 of the principal Act, the following section shall be inserted, namely:--

"23A. Power to make rules.--(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

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

(a) the number of the members of the Authority and the manner in which such members shall be chosen for appointment under sub-section (2) of section 13A;

(b) the term of office of the members of the Authority, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members under sub-section (4) of section 13A.

(3) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be

comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

19. Amendment of the Schedule.--

In the Schedule to the principal Act, the figures and words "20 District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government." shall be omitted.

CHAPTER III

AMENDMENT TO THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

20. Amendment of Schedule to Act 15 of 2003.--

In the Prevention of Money-Laundering Act, 2002, in the Schedule,--

(i) in PART A, after PARAGRAPH 2, the following PARAGRAPH shall be inserted, namely:--

"PARAGRAPH 3

OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

| Section | Description of offence |
|---------|---------------------------|
| 5A | Trafficking in persons."; |

(ii) in PART B, in PARAGRAPH 4 relating to OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956(104 of 1956), section 8 and the entry relating thereto shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as Act) was initially enacted as "the Suppression of Immoral Traffic in Women and Girls Act, 1956" in pursuance of the International Convention for the Suppression of the Traffic in Persons and of the exploitation of the prostitution of others signed at New York on 9th May, 1950. It was amended firstly in 1978 to make good some inadequacies in the implementation of the Act, and secondly in the year 1986 comprehensively, with a view to widen the scope of the Act to cover all persons, whether male or female, who are exploited sexually for commercial purposes. Despite the above amendments, the said Act could not achieve its purpose.

Representations have been received from State Governments and voluntary organisations working with the victims of the trafficking, at several national and international fora, that the implementation of the Act is hampered by the existence of certain provisions of the Act, such as sections 8 and 20, which are the most commonly invoked provisions for any enforcement being done under the Act. These provisions are directed towards prosecution of the trafficked persons and result in further victimising the victim. It is represented that instead of prosecuting the trafficker under sections 3, 4, 5 and 6 of the Act, most prosecutions take place under section 8 of the Act. Thus, with a view to focus on traffickers and to provide for stringent punishment it is proposed to amend the Act.

The salient features of the proposed Bill are as follows:

- (i) amendment of the definition of "child" provided in section 2(aa) so as to raise the age of child from sixteen years to eighteen years;
- (ii) omission of the word, "minor" and "major" wherever they occur in the Act;
- (iii) amendment of section 3 so as to enhance the punishment for a person who keeps or manages or acts or assists in keeping or management of a brothel;
- (iv) insertion of new section 5 A to define the offence of "Trafficking in Persons" on the lines of International Protocol to Prevent, Suppress and Punish Trafficking in Persons. Section 5B is being proposed to be inserted to provide punishment for the offence under section 5A and section 5C is also being inserted to provide for punishment for visiting a brothel by any person;
- (v) amendment of section 6 with a view to enhance the punishment provided for the offence of detaining a person in the premises where prostitution is carried on;
- (vi) omission of section 8 which at present provide for punishment for seducing or soliciting for the purpose of prostitution;
- (vii) amendment of section 10A so as to enhance the term of detention in a corrective institution from 5 years to 7 years;
- (viii) amendment of section 13(2) so as to give the powers of Special Police Officer under the Act to the Sub-Inspector of Police in the place of Inspector of Police;
- (ix) insertion of a new section 13 A so as to empower the Central Government to constitute an Authority for the purpose of effectively preventing and combating the offence of trafficking in persons. The appointment of the Chairperson and members of the said Central Authority shall be made by the Central Government in accordance with such rules as may be prescribed;
- (x) insertion of a new section 13B so as to empower the State Government to constitute a State Authority for the purpose of effectively preventing

and combating the offence of trafficking in persons. The appointment of the Chairperson and members of the said Authority shall be made by the respective State Governments in accordance with such rules as may be prescribed;

(xi) omission of section 20 which relates to the removal of a prostitute from any place;

(xii) amendment of section 22 so as to make provision for in camera proceedings to protect the privacy and dignity of the victims;

(xiii) amendment of the Schedule to the Prevention of Money-Laundering Act, 2002 with a view to make applicable the provisions of the Prevention of Money-Laundering Act, 2002 regarding confiscation of property to the persons involved in the offence of trafficking in persons. From the Schedule of the Prevention of Money Laundering Act, 2002 the entry relating to section 8 of the Immoral Traffic (Prevention) Act is being omitted which is of consequential nature.

2. The Bill seeks to achieve the above said objects.

RENUKA CHOWDHURY.

NEW DELHI;

The 11th May, 2006.

FINANCIAL MEMORANDUM

Clause 12 of the Bill seeks to insert new sections 13A and 13B in the Act. Sub-section (1) of the proposed section 13A provides for the constitution of a Central Authority for the purpose of effectively preventing and combating the offence of trafficking in persons. The Authority shall consist of Chairperson and members to be appointed by the Central Government. The term of office of the members of the Authority and the manner of filling of vacancies and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.

It is estimated that the Bill, when enacted, will involve expenditure on salary per year of Rs. 2.69 crore and on other infrastructure expenditure of Rs. 0.80 crore per year.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill seeks to insert two new sections 13A and 13B in the Act. Sub-section (1) of the proposed section 13A empowers the Central Government to constitute an Authority for the purposes of effectively preventing trafficking in persons. Sub-sections (2) and (4) of the said section empower the Central Government to make rules to provide for the number of members of the Authority, the manner in which such member shall be chosen, term of office of members, the manner of filling vacancies among and the procedure to be followed in discharge of their functions by the members.

2. Sub-section (1) of section 13B of the Bill provides for constitution of a State Authority for the purpose of effectively preventing and combating the offence of trafficking in persons. Sub-sections (2) and (4) of the said section empower the State Government to make rules to provide for the number of members of the Authority, the manner in which such member shall be chosen, term of office of members, the manner of filling vacancies among and the procedure to be followed in discharge of their functions by the members.

3. Clause 18 of the Bill provides that the rules made under the proposed legislation are required to be laid before each House of Parliament. The rules made by the State Government shall be laid before the State Legislature.

4. The matters in respect of which rules may be made are matters of procedure or administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

(104 OF 1956)

* * * * *

2. Definitions.--

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

* * * * *

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

* * * * *

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

* * * * *

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.

* * * * *

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 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 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.

* * * * *

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

(1) Any person who--

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

(b) induces a 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 person or causes a person to be taken, from one place to another with a view to his carrying or being brought up to carry on prostitution; or

(d) causes or induces a person to carry on prostitution;

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 subsection,--

(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. Detaining a person in premises where prostitution is carried on.--

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

(a) in any brothel, or

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

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.

* * * * *

(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.

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

(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 prostitution 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 of 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) of 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 which may extend to two hundred rupees, and if the public place or premises

happens 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).

* * * * *

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 subsequent conviction, with imprisonment for a term which may extend to one year, and also with fine which may extend to five hundred rupees:

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.

* * * * *

10A. Detention in a corrective institution.--

(1) Where--

(a) a female offender is found guilty of an offence under section 7 or section 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 Hew 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.

* * * * *

13. Special police officer and advisory body.--

(1) * * *

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

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

* * * * *

(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 question of general importance regarding the working of this Act,

* * * * *

17. Intermediate custody of persons removed under section 15 or rescued under section 16.--

(1) * * *

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

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 recognized under any Children Act for the time being in force in any State for the safe custody of children:

Provided further that, no person shall be kept in custody for this purpose for a period exceeding three weeks from the date of such

an order, and no person shall be kept in the custody of a person likely to have a harmful influence over him.

18. Closure of brothel and eviction of offences 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 two hundred meters 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 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 in charge 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, 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.

* * * * *

20. Removal of prostitute from any place.--

(1) Magistrate on receiving information that any 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 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 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 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 person is a prostitute and that it is necessary in the interests of the general public that such person should be required to remove himself therefrom and be prohibited from re-entering the same, the magistrate shall, by order in writing communicated to the 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 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 person in the place,

shall be punishable with fine which may extend to two hundred rupees and 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.

* * * * *

22. Trials.--

No court inferior to that of 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.

* * * * *

23. Power to make rules.--

(1) * * *

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

* * * * *

(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;

* * * * *

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

THE SCHEDULE

| | |
|---------|--|
| Section | <p>[See section 2(c)]</p> <p>Magistrate competent to exercise the powers</p> <p>* * * * *</p> <p>20</p> <p>District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government.</p> <p>* * * * *</p> <p>EXTRACT FROM THE PREVENTION OF MONEY-LAUNDERING Act, 2002 (15 OF 2003)</p> <p>* * * * *</p> |
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THE SCHEDULE

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[See section 2(y)]

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PART B

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PARAGRAPH 4

**OFFENCES
UNDER THE
IMMORAL
TRAFFIC
(PREVENTION)
ACT, 1956**

| Section | Description of offence |
|---------|--|
| 5 | Procuring, inducing or taking person for the sake of prostitution. |
| 6 | Detaining a person in premises where prostitution is carried on. |
| 8 | Seducing or soliciting for purpose of prostitution. |
| 9 | Seduction of person in custody. |