

Amendment Proposed in Immoral Traffic Prevention Act 1956

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Subject:- Medical Law

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Information

- ▶ *Name:* Immoral Traffic (Prevention) Act, 1956 (No. 104 of 1956).
- ▶ *Country:* **India**
- ▶ *Subject(s):* **Elimination of forced labour and combat trafficking and sexual exploitation for commercial purposes**
- ▶ *Type of legislation:* Law, Act
- ▶ *Adopted on:* 1956-12-30

Goals as Suggested Amendments by NCW

1. The word 'person' used in the Act for the purpose of punishment, should be substituted with the words 'man and woman' because the women in prostitution only are punished and the man who play an important role in he process goes without punishment.
2. In place of the words 'commercial sex worker' the word 'prostitute' should continue to be sued.
3. The names of the women in red-light areas should be included in the voters' list.
4. A group insurance scheme should be introduced for the women in red light areas.

Goals as Suggested Amendments by NCW

5. There should be a provision in the Act to distinguish the girls who are thrown forcibly into the prostitution through an act of rape and intimidation and the punishment should be made more stringent for the person responsible. Very often such girls are rescued only after their prolonged stay in the brothels and it is not possible to point out who was the first client although the first client is invariably committing rape on her. In case of such girls, the Brother owner, pimps and touts should be charged as abettors and onus of the proof should be on them that ;they have not abetted/forced the girl/woman to enter into prostitution through the act of rape.
6. The law enforcement machinery should also be made more effective to save those girls in time who are likely to be forced into prostitution.
7. As per the recent figures of crimes recorded by Delhi Police, of all the persons arrested under different provision of the Act nearly 85 to 95 % accused were women. This clearly brings out the fact that the present law is not very effective in stopping prostitution because the men involved in promoting prostitution are mostly not considered guilty. It is especially surprising to note that there are many more women arrested for being pimps and touts.

Goals as Suggested Amendments by NCW

8. It is also necessary to bring out suitable amendment in the Act to punish the customer who visits the red light areas for having sex at a commercial price.
9. Provision should be made to provide Free Education to the women in prostitution under various non-formal/adult education scheme.
10. Schemes for vocational training should be available to the women in prostitution so that they can earn their livelihood by other means if they decide to come out of the flesh trade.
11. There should be a specific provision that police personnel/related department should render help and support to the NGOs and communities who are working for the welfare of the women in prostitution.

Structure and main articles

1. Extent and commencement

2. A child is defined as a person under the age of 16 years old.

A Minor is a child between the ages of 16 and 18 years old.

A Major is a person who is 18 years old or older.

3. Punishment for keeping a brothel or allowing premises to be used as a brothel

4. Punishment for living on the earnings of prostitution

5. Procuring, including or taking person for the sake of prostitution

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

Other articles

7. Prostitution in or in the vicinity of public places
8. Seducing or soliciting for purpose of prostitution
9. Seduction of a person in custody
10. Release on probation of good conduct or after due admonition.
11. Notification of address of previously convicted offenders
12. Security for good behaviour from habitual offenders.
13. Special police officer and advisory body
14. Offences to be cognizable
15. Search without warrant

Other articles

16. Rescue of person

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

18. Closure of brothel and eviction of offenders from the premises

19. Application for being kept in a protective home or provided home or provided care and protection by court.

20. Removal of prostitute from any place

21. Protective Homes

21A. Production of records

22. Trials

Practical realization

- ▶ The Immoral Traffic (Prevention) Amendment Bill, 2006
- ▶ The Bill was introduced in the Lok Sabha on May 22, 2006.
- ▶ The Bill has been referred to the Parliamentary Standing Committee on Human Resource Development

Highlights of the Bill

- ▶ The Immoral Traffic (Prevention) Amendment Bill, 2006 amends the Immoral Traffic (Prevention) Act, 1956 to combat trafficking and sexual exploitation for commercial purposes.
- ▶ The Bill deletes provisions that penalised prostitutes for soliciting clients. It penalises any person visiting a brothel for the purpose of sexual exploitation of trafficked victims.
- ▶ All offences listed in the Bill would be tried in camera, i.e., the public would be excluded from attending the trial.
- ▶ The term “trafficking in persons” has been defined with a provision for punishing any person who is guilty of the offence of trafficking in persons for the purpose of prostitution.
- ▶ The Bill constitutes authorities at the centre and state level to combat trafficking

Significance

- While prostitution is not an offence, practicing it in a brothel Or within 200 m of any public place is illegal. There seems to Be a lack of clarity on whether prostitution ought to be a Legitimate way of earning a living if entered into by choice.
- Penalising clients who visit prostitutes could drive this sector Underground, preventing legal channels of support to victims Of trafficking.
- This Bill punishes trafficking for the purpose of prostitution.

Significance

Trafficking for other purposes (such as bonded labour and Domestic work) are not covered by the Bill.

- The rank of special police officer, who would enforce the Act, Is lowered from Inspector to Sub-Inspector. Such powers Delegated to junior officers could lead to greater harassment.
- The Bill constitutes authorities at the centre and state level to Combat trafficking. However, it does not elaborate on the Role, function and composition of these authorities