

## **Punjab Suppression Of Prostitution Ordinance, 1961**

**2 of 1961**

**[07 January 1961]**

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## **Punjab Suppression Of Prostitution Ordinance, 1961**

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**[07 January 1961]**

An Ordinance to amend and consolidate the law relating to the suppression of prostitution in the province of [3][the Punjab]  
Preamble.- WHEREAS it is expedient to amend and consolidate the law relating to the suppression of prostitution in the province of [4][the Punjab]; Now, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of

West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance:-

**1. Short Title And Extent :-**

(1) This Ordinance may be called the [5][Punjab] Suppression of Prostitution Ordinance, 1961.

[6][(2) It extends to the whole of the province of [7][the Punjab], except the Tribal Areas.

**2. Definitions :-**

In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

[8][(a) "brothel" means any house, part of a house, room or place in which a prostitute resides or carries on prostitution or any place or institution where facilities are known to be available for prostitution;]

(b) "place of public amusement" shall mean any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted, and shall include a race-course, circus, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school;

(c) "place of public entertainment" shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place, and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, serai or tavern, or wine, beer, spirit, arrack, toddy, bhang or opium shop;

(d) "prostitution" means promiscuous sexual intercourse for hire, whether in money or kind;

(e) "prostitute" means any female available or known to be available for purposes of prostitution;

(f) "public place" includes site of any hut, bazar, mela, exhibition, any river bank, dock, jetty or warehouse to which the public have access, every public building, garden or monument and the precincts thereof, every place of public amusement or

entertainment, and every place accessible to the public for drawing water, washing or bathing or for purposes of recreation.

### **3. Punishment For Keeping A Brothel Or Allowing Any Place To Be Used As A Brothel :-**

(1) Whoever-

(a) keeps or manages or acts or knowingly finances or takes part in the financing of, or assists in, the management of a brothel, or

(b) being a tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(c) being a lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that it is intended to be used as a brothel,

shall be punished with imprisonment of either description for a term which may extend to two years [9][and] with fine, which may extend to one thousand rupees[10][\* \* \*].

(2) Where, in any prosecution of a tenant, lessee, occupier or person in charge of any premises under this section, it is found that such premises or any part thereof have been used as a brothel, it shall be presumed, unless the contrary is proved, that he knowingly permitted such use.

### **4. Punishment For Soliciting :-**

Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,-

(a) by words, gestures, wilful and indecent exposure of her person or otherwise attracts or endeavours to attract attention for the purpose of prostitution, or

(b) solicits or molests any person or loiters for the purpose of prostitution, shall for a first offence be punished with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees, or with both, and for a subsequent offence with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

### **5. Punishment For Permitting Prostitution In Places Of Public Amusement :-**

Whoever being the keeper of any place of public amusement or entertainment, knowingly permits prostitutes, for the purposes of their trade, to enter or remain in such place, shall be punished with fine which may extend to five hundred rupees.

## **6. Punishment For Living On Earnings Of Prostitution :-**

(1) Whoever being above the age of eighteen years,-

(a) knowingly lives, wholly or in part, on the earnings of another's prostitution, or

(b) exploits the prostitution of another person, whether with or without that person's consent,

shall be punished with imprisonment of either description for a term which may extend to two years [11][and] with fine which may extend to one thousand rupees,[12][\* \* \*] and if the person convicted is a male he may be punished with whipping in lieu of or in addition to any other punishment provided in this sub-section.

Presumption.- (2) Where any person is proved to be living with, or to be habitually in the company of, a prostitute or is proved to have directed or exercised control or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, compelling or exploiting her prostitution with any other person or generally, or to be keeping or managing or assisting in the management of a brothel, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

## **7. Punishment For Causing, Encouraging Or Abetting Prostitution Of A Girl Under Sixteen :-**

If any person having custody, charge or care of any girl under the age of sixteen years, causes or encourages or abets the seduction or prostitution of that girl, he shall be punished with rigorous imprisonment for a term which may extend to three years, [13][and] with fine which may extend to one thousand rupees, [14][\* \* \*] and if the person convicted is a male, shall also be liable to whipping.

## **8. Punishment For Procurement :-**

Whoever procures or entices or leads away or attempts to procure, entice or lead away any woman or girl for the purposes of prostitution, whether with or without her consent, or who with intent that she may for the purposes of prostitution become the

inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment of either description for a term which may extend to three years,[15] [and] with fine which may extend to one thousand rupees, [16][\* \* \*] and if the person convicted is a male, he may be punished with whipping in lieu of or in addition to any other punishment provided in this section.

#### **9. Punishment For Importing Any Woman Or Girl For Prostitution :-**

Whoever brings or attempts to bring into the province any woman or girl with a view to her becoming a prostitute, shall be punished with imprisonment of either description for a term which may extend to three years, [17][and] with fine which may extend to one thousand rupees, [18][\* \* \*] and if the person convicted is a male, he may be punished with whipping in lieu of or in addition to any other punishment provided in this section.

#### **10. Punishment For Keeping Any Woman Or Girl For Prostitution :-**

(1) Whoever-

(a) keeps any woman or girl in a brothel, or

(b) detains any woman or girl, against her will, in any place with intent that she may have sexual intercourse with any man other than her lawful husband,

shall be punished with rigorous imprisonment for a term which may extend to three years, [19][and] with fine which may extend to one thousand rupees, [20][\* \* \*] and if the person convicted is a male, shall also be liable to whipping.

(2) Presumption.- A person shall be presumed to detain a woman or girl in any place for the purpose referred to in clause (b) of sub-section (1), if such person, with intent to compel or induce her to remain there,-

(a) withholds from her any jewellery, clothing or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery or clothing lent or supplied to her by or under the direction of such person.

(3) Bar of certain legal proceedings.- No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such clothing as

was necessary to enable her to leave such premises or brothel.

### **11. Subsequent Offence Under Section 3 :-**

(1) Whoever having been convicted of an offence punishable under section 3, is convicted of a subsequent offence punishable under the same section, may, in addition to the punishment provided under that section, be required by the Court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to any punishment awarded in respect of his offence.

(2) The provisions of Chapters VIII and XLII of the Code of Criminal Procedure, 1898[21], shall apply to orders made for the execution of bonds under this section.

### **12. Determination Of Tenancy Of Premises On Conviction For Permitting Use As A Brothel Or For Purposes Of Habitual Prostitution :-**

(1) On conviction of any tenant, lessee or occupier of an offence under sub-section (1) of section 3, the Court shall give notice thereof in writing to the landlord or lessor of such person, who shall then be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor which approval shall not be unreasonably withheld, and in the event of the person so convicted failing within three months to assign the lease or contract, as aforesaid, the landlord or lessor shall, notwithstanding any law, contract, decree or order of a Court to the contrary, be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any party to such lease or contract accruing before the date of such determination.

(2) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (1), the Court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time not being less than seven days as the Court may direct; and the order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure, 1898[22], for the service of summons.

(3) Whoever fails to comply with an order under the last preceding

sub-section shall be punished with imprisonment of either description which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(4) If the landlord or lessor, after he has received notice in writing of such conviction, fails to exercise his rights under sub-section (1), and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

(5) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section, and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.

### **13. Power To Arrest Without Warrant :-**

If a complaint is made to any gazetted police officer about the commission of any offence punishable under section 3, 4, 5, 6, 7, 8, 9 or 10 or if any such offence is committed in the view of any police officer not below the rank of the Superintendent of Police, such officer may arrest, without warrant, any person accused of the commission of such offence.

### **14. Power To Enter Without Warrant And Removal Of Minor Girls :-**

The Superintendent of Police, or any gazetted police officer specially authorised in writing in this behalf by the District Magistrate, may enter any place and remove to the prescribed place any girl who appears to be under the age of eighteen years, if he has reason to believe-

(a) that an offence punishable under section 3 has been or is being committed in respect of the place; or

(b) that a woman or girl in respect of whom an offence under this Ordinance has been committed, is to be found therein.

## **15. Offences Triable By Certain Magistrates Only :-**

No offence under this Ordinance shall be tried summarily, or by a magistrate below the rank of a magistrate of the first class.

## **16. Power To Make Rules :-**

The Provincial Government may make rules for carrying into effect the provisions of this Ordinance.

## **17. Repeal And Savings :-**

(1) The following enactments are hereby repealed:-

- (i) the Punjab Suppression of Immoral Traffic Act, 1935[24];
- (ii) the Punjab Suppression of Immoral Traffic Act, 1935[25], as applicable to the former State of Bahawalpur;
- (iii) the North-West Frontier Province Anti-Prostitution and Suppression of Brothels Act, 1937[26]; [27][\*]
- (iv) the Sind Prevention of Prostitution Act, 1951[28], [29][;] [30] [and] [31][(v) The Bombay Prevention of Prostitution Act, 1923, as applicable to Karachi District.]

(2) Notwithstanding the repeal of the enactments mentioned in sub-section (1), everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, rule made and order issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this Ordinance, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made or issued under this Ordinance.