

Madras Suppression Of Immoral Traffic Act, 1930

05 of 1930

[22 April 1930]

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PREAMBLE

An Act for the Suppression of Brothels and Immoral Traffic.

Whereas it is expedient to make better provision for the suppression of brothels and of traffic in women and girls and for other purposes of a like nature in the Madras Presidency; And whereas the previous sanction of the Governor-General, required by sub-section (3) of section 80-A of the Government of India Act, has been obtained; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Part IV of the Fort

St. George Gazette, dated 2nd October 1928, pages 101-102; for Report of the Select Committee, see *ibid*, dated 24th September 1929, pages 167-180; for Proceedings in Council, see Madras Legislative Council Proceedings, Volume XLIV, pages 315-316, 328-339 and 535-539; Volume XLVII, pages 520-523; Volume XLIX, page 620 and Volume L 1, pages 957-986.

Under section 25 (1) of the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956) as from the date of the coming into force in any State of the provisions other than section 1 of that Act, all State Acts relating to the suppression of immoral traffic in women and girls or to the prevention of prostitution in force in that State immediately before such date shall stand repealed. The Central Act has not so far been brought into force in Madras State.

1. Short title :-

¹[This Act may be called The Madras Suppression of Immoral Traffic Act, 1930.]

1. Sections 1 and 2 were substituted for the original sections by section 2 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1931 (Madras Act 1 of 1932).

2. Extent and commencement :-

¹[The ²(State Government) may, from time to time by notification in the ³(Official Gazette), apply all or any of the provisions of this Act to the whole or any portion of the Presidency of Madras from such date as may be specified in the notification and may cancel or modify any such notification.]

1. Sections 1 and 2 were substituted for the original sections by section 2 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1931 (Madras Act 1 of 1932).

2. The words Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial" by the Adaptation Order of 1950.

3. These words were substituted for the. words " Fort St. George Gazette " by the Adaptation Order of 1937.

3. Repeal :-

Clause (xx) of section 71 of the Madras City Police Act, 1888

(Madras Act III of 1888), is hereby repealed.

4. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,--

(a) "Brothel " means any house, room, or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution.

(b) "Commissioner of Police " means the Commissioner of Police for the City of Madras ¹[].

(c) " Magistrate " means a salaried Presidency Magistrate or Magistrate of the first class inclusive of the Commissioner of Police.

(d) "Prescribed" means prescribed by rules made under section 16.

(e) "Prostitution" means promiscuous sexual intercourse for hire.

(f) " Superintendent of Police " means a District Superintendent of Police appointed under the Madras District Police Act, 1859 (Central Act XXIV of 1859), or any person appointed by the ²[State Government] to perform the duties of the Superintendent of Police for the purposes of this Act.

³[(g) Vigilance Home means a corrective institution established or recognized by the ⁴(State) Government, in which women are detained in pursuance of this Act, and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act.]

1. The words " as appointed under section 5 of the Madras City Police Act of 1888 " were omitted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

2. The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950

3. This clause was inserted by section 2 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1947 (Madras Act XXXV of 1947).

4. This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

5. 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 management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(a) being the 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

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place in respect of which the lessee, tenant, or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.]

6. Removal and disposal of minor girls from brothels, etc :-

(i) Where a Magistrate has reason to believe from a report made to him by a police officer or otherwise, that a girl apparently under the age of 18 years is living, or is carrying on, or is being made to carry on the business of prostitution in a brothel, disorderly house or place of assignation, he may issue an order to a police officer not below the rank of an Inspector specially authorized in writing in this behalf by the Commissioner of Police, or by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl; and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation, and ¹[shall be entitled to remove forthwith from such brothel, disorderly house or place of assignation, such girl and any other girl found therein, if in his opinion, she is under the age of 18 years and is living, or is carrying on or being made to carry on the business of prostitution,

in such brothel, disorderly house or place of assignation.]

²[(ii) (a) A girl who has been so removed shall be brought before a Court established under subsection (1) of section 36 of the Madras Children Act, 1920 (Madras Act IV of 1920) or, where no such Court has been established, before a Court sitting in the manner specified in sub-section (2) of that section.

(b) The Court shall then make an inquiry in the manner prescribed for summons cases and if satisfied that she is living or is carrying on, or is being made to carry on, prostitution in a brothel, disorderly house or place of assignation or living in a house used for immoral purposes or in any other circumstances calculated to cause, encourage or favour prostitution and that the girl is under 18 years of age, may make an order that such girl be placed until she attains the age of 21 years or for any shorter period in a rescue home or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

(iii) Where a Court has arrived at a finding regarding the age of a girl dealt with under sub-section (ii), such age shall, for the purpose of that sub-section, be deemed to be her true age; and no order of the Court shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that her age had not been correctly determined.]

1. These words were substituted for the words " shall be entitled to remove such girl forth with from such brothel, disorderly house or place of assignation" by section 2 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1940 (Madras Act VIII of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

2. These sub-sections were substituted for sub-sections (ii) and (iii) of section 6 by the Madras Suppression of Immoral Traffic (Amendment) Act, 1954 (Madras Act XIV of 1954).

7. Intermediate custody of girls removed from brothel, etc :-

When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of sub-section (i) of section 6, the police officer carrying out the removal ¹[shall inform her, as soon as may be, of the grounds for such removal and

produce her or cause her to be produced before the nearest Magistrate within a period of twenty-four hours of such removal, excluding the time necessary for the journey from the place of removal to the Court of the Magistrate. In no case shall the girl be detained in custody beyond the said period without the authority of a Magistrate. On such production, the Magistrate shall direct her to be detained in a rescue home or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the State Government until she can be brought before the Court under section 6 (ii),] provided however that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

1. These words were substituted for the words " shall, until such girl can be brought before the Court, cause her to be detained in a rescue home or in such other suitable custody other than a police station or jail) as may be prescribed in this behalf by the Provincial Government " by the Adaptation (Amendment) Order of 1950.

8. Subsequent treatment of girl committed to suitable custody under section 6 (ii) :-

When an order that a girl be placed in suitable custody has been passed under sub-section (ii) of section 6, the provisions of the Madras Children Act, 1920 (Madras Act IV of 1920), shall, subject to such modifications as the Government may prescribe by rules made under section 16 and not with standing her age, thereafter apply to the case of such girl during the period of the said order as if she were a child or young person dealt with under section 29 of the Madras Children Act, 1920 (Madras Act IV of 1920).

8A. Punishment for living on the earnings of prostitution :-

¹[(1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Where any person is proved--

(a) to be living with or to be habitually in the company of, a person living in prostitution, or

(b) to have exercised control, direction or influence over the movements of a person living in prostitution in such a manner as to

show that such person is aiding, abetting or compelling her prostitution with any other person or generally, it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1):

Provided that the mother, or a son or daughter, of a person living in prostitution shall not be punished under sub-section (1) for living on the earnings of such person unless it is proved to the satisfaction of the Court that such mother, son or daughter is aiding, abetting or compelling her prostitution.

(3) Notwithstanding anything contained in section 2, this section shall not be applied except to the City of Madras or a Municipality constituted under the Madras District Municipalities Act, 1920, or an area situated within three miles of the limits of such City or municipality.]

1. This section was inserted by section 2 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1938 (Madras Act VII of 1938).

9. Importing, inducing or aiding woman or girl for prostitution :-

¹[(1) Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution, or aids any woman or girl in the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) An offence under this section may be inquired into or tried in any place to which the woman or girl is taken or caused to be taken or in which an attempt to take her is made, or in any place from which she is taken, or caused to be taken or in any place in which she is carrying on the business of prostitution.]

1. This section was substituted for the original section 9 by section 3 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1954 (Madras Act XIV of 1954).

10. Detention for prostitution in brothel or with intent :-

(i) Any person who detains any woman or girl against her will--
(a) in any house, room or place in which the business of prostitution is carried on, or
(b) in or upon any promises with intent that she may have sexual intercourse with any man other than her lawful husband,
shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(ii) A person shall be presumed to detain a woman or girl who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,
(a) withholds from her any jewellery, wearing apparel or other property belonging to her, or
(b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by or by the direction of such person.

(iii) Notwithstanding any law to the contrary, such a woman or girl shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to or to have been pledged by such woman or girl by or to the person by whom she has been detained.

11. Procuration :-

¹[(1)] Any person who induces a woman or girl to go from any place with intent that she may for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

¹[(2) An offence under this section shall be inquired into or tried in the place from which the woman or girl was induced to go or in any place to which she may have gone as a result of such inducement.]

1. Section 11 was renumbered as sub-section (1) of that section and subsection (2) was added by section 4 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1954 (Madras Act XIV of 1954).

12. Soliciting for purposes of prostitution :-

Whoever,

²[(1) in any street or public place 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, by words, gestures, indecent exposure of her person, or otherwise, attracts or endeavours to attract attention for the purposes of prostitution or solicits or molests any person for such purposes, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation, so as to constitute a nuisance or to offend against public decency,

shall be punished, with imprisonment for a term which may extend to ¹[one year], or with fine which may extend to one thousand rupees, or with both.

1. These words were substituted for the words " two months " by section 3 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1947 (Madras Act XXXV of 1947).

2. Clause (1) was substituted for the original clause by section 5, *ibid*.

12A. Detention in Vigilance Home :-

¹[(1) Where a Magistrate convicting any woman of an offence punishable under section 12 finds that she has not attained the age of thirty years, he may, in lieu of passing a sentence of imprisonment under that section, pass a sentence of detention in a Vigilance Home for a term which shall not be less than two years or more than five years.

(2) Where a Magistrate has arrived at a finding regarding the age of a woman dealt with by him under sub-section (1), such age shall, for the purpose of that sub-section, be deemed to be her true age, and no order or judgment of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that her age had not been correctly determined by the Magistrate.

(3) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 (Central Act V of 1898), a sentence of detention for any period passed under sub-section (1) shall be deemed to be a sentence of imprisonment for the like period.]

1. This section was inserted by section 4, *ibid*.

13. Arrest without a warrant :-

¹[(1) Any Police officer not below the rank of Inspector may arrest without a warrant any person who has been concerned in any offence punishable under section 5, 8-A, 9, 10, 11 or 12 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any such offence:

Provided that a person concerned or alleged or suspected to be concerned in an offence punishable under section 12 shall be arrested under this section only if the name and address of such person be unknown to the Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

(2) Any Police officer authorized in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offence punishable under section 9, 10, 11 or 12, if the name and address of such person be unknown to such Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.]

1. This section was substituted for original section 13 by section 3 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1938 (Madras Act VII of 1938).

14. Power to enter premises :-

¹(1)] Not with standing anything contained in any other law for the time being in force, any Police officer not below the rank of Inspector, and any other Police officer authorized in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order, may, for the purpose of ascertaining whether an offence punishable under section 5, 8-A, 9, 10, 11 or 12 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 5, 8-A, 9, 10, 11 or 12 has been committed.

¹[(2) Any Police officer entering any premises under sub-section (1) shall be entitled to remove therefrom any girl if, in his opinion, she is under the age of 18 years and is carrying on or being made to carry on the business of prostitution in such premises. All the

provisions of this Act shall apply in regard to any girl so removed as if she had been removed under sub-section (i) of section 6.]

1. Section 14 was renumbered as sub-section (1) of that section and a new sub-section (2) was added by section 3 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1940 (Madras Act VIII of 1940) re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

15. Trial of offences :-

No Court inferior to that of a Magistrate as defined in clause (c) of section 4 shall try offences under sections 5, ¹[8-A,] 9, 10, and 12:

Provided that notwithstanding anything contained in clause (c) of section 4, the Commissioner of police shall not be deemed to be a Magistrate for the purpose of this section.

1. This figure and letter were inserted by section 5 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1938 (Madras Act VII of 1938).

16. Power of State Government to make rules :-

The ¹[State Government] may make rules--

(a) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under sub-section (ii) of section 6; ²[]

(b) for the detention of girls under the provisions of section 7, subject to the restriction that no girl shall be detained in the custody of a person or body of a different religious persuasion from that of the girl;

³[(c) for the purpose of carrying into effect the provisions of section 12-A; and in particular, and without prejudice to the generality of this power, with regard to--

(i) the management of Vigilance Homes and the appointment, powers and duties of officials in such Homes;

(ii) the care, treatment, maintenance, training, instruction and control of the inmates of such Homes;

(iii) visits to, and communications with, such inmates;

(iv) the temporary detention of women sentenced to detention in Vigilance Homes until arrangements are made for sending them to

such Homes, provided that no woman shall be detained in the custody of any person or body of a religious persuasion different from hers;

(v) the transfer of women from one Vigilance Home to another;

(vi) the transfer from Vigilance Homes to prisons of women found to be incorrigible or exercising a bad influence, and the period of their detention in such prisons, provided that such period shall not exceed one year;

(vii) the transfer to Vigilance Homes of women sentenced under section 12 and the period of their detention in such Homes;

(viii) the discharge of inmates from Vigilance Homes either absolutely or subject to conditions, and their arrest in the event of a breach of such conditions;

(ix) the grant of permission to inmates to absent themselves for short periods;

(x) the application of the provisions of the Prisons Act, 1894, the Prisoners Act, 1900, and the Madras Borstal Schools Act, 1925, and the rules made under those Acts, to Vigilance Homes and their inmates, subject to such adaptations, alterations and exceptions as may be specified.

In making any rule under clause (c), the ⁴[State] Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.]

1. The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

2. The word " and at the end of clause (a) of section 16 was omitted by section 5 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1947 (Madras Act XXXV of 1947).

3. This clause was added by section 5 of the Madras Suppression of Immoral Traffic (Amendment) Act, 1947 (Madras Act XXXV of 1947).

4. The word " State " was substituted for " Provincial " by the Adaptation Order of 1950.