

Repealed by L.P. Ord. II of 1961.

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SIND ACT No. XX OF 1951¹.

[THE SIND PREVENTION OF PROSTITUTION ACT, 1951.]

[19th July, 1951]

An Act to provide for the prevention and eradication of the evil of prostitution.

WHEREAS it is expedient to make better provision for the prevention and eradication of the evil of prostitution throughout the Province of Sind; It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Prevention of Prostitution Act, 1951.

(2) It extends to the whole of the Province of Sind.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "brothel" means any house, part of a house, room or place in which a prostitute resides, or carries on or is likely to carry 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, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop;

¹ For Statement of Objects and Reasons, see S. G. G., 1949, Pt. IV, p. 155 and for Proceedings in Assembly, see S. L. A. Debates, 1951, Vol. VIII, Book No. 6, pp. 3—10.

2 Repealed by W.P. Ordinance 2 of 1961

Short title,
extent and
commence-
ment.

Definitions.

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

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

(f) "public place" includes site of any *hat, bazar, mela*, exhibition, any river bank, dock, jetty or ware-house to which the public have access, every public building, garden, 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 ;

(g) "police officer" means an officer in charge of a police station as defined in section 4 of the Code of Criminal Procedure, 1898.

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1898.

3. (1) Any prostitute, or any other person, who—

(a) keeps or manages or acts 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 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, or with fine, which may extend to one thousand rupees, or with both.

Punishment
for prostitu-
tion and for
keeping
brothels.

(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.

(3) No court shall take cognizance of any offence punishable under this section except on a complaint in writing made by—

(a) three or more persons severally occupying premises and resident in the vicinity of the premises to which the complaint relates, or

(b) a member of a District Local Board, City Municipality or a Borough Municipality, or

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(c) a representative of any association recognised by the Provincial Government in this behalf who has been authorised by the association to institute prosecutions under this section, or

(d) any other person authorised by the District Magistrate in this behalf.

Soliciting.

4. 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 carnal intercourse, or

(b) solicits or molests any person or loiters for the purpose of prostitution, or carnal intercourse, shall be punished with imprisonment of either description, for a term which may extend to one year, or with fine or with both.

Prostitutes in places of public amusement.

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

Living on earnings of prostitution.

6. (1) Any person not below the age of sixteen years—

(a) who lives, wholly or in part, on the earnings of her own prostitution, or

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

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, which may extend to one thousand rupees, or with both, 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 thereof.

(2) Where any person is proved to be living or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling 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. (1) If any person causes or encourages or abets the prostitution of any female, he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, which may extend to one thousand rupees or with both, 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. Causing or encouraging or abetting prostitution.

(2) Any person who visits any prostitute shall be deemed, in the absence of proof to the contrary, the burden of which shall lie on him, to have abetted her prostitution within the meaning of sub-section (1).

8. Any person who procures or attempts to procure any woman or girl, whether with or without her consent, to become a prostitute, or who with intent that she may for the purpose 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 or with fine which may extend to one thousand rupees, or with both, 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. Procuration.

9. Any person who brings or attempts to bring into the Province of Sind 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, or with fine which may extend to one thousand rupees, or with both, 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. Importing woman or girl for prostitution.

10. (1) Whoever keeps any woman or girl—

(a) in any house, room or place in which the business of common prostitute is carried on, or Unlawful detention for prostitution.

(b) in or upon any premises with intent that she may be used for purposes of prostitution, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, 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.

(2) Where a woman or girl is in any house, room or place in which the business of a common prostitute is carried on or is in or upon any premises for the purpose of having sexual intercourse referred to in clause (b) of sub-section (1) a person shall be deemed Presumption thereof.

to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her ; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for recovery of such money.

Bar of certain legal proceeding.

(3) No civil suit shall lie and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

Subsequent offence under section 3.

11. Any person who 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 such punishment, 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 ;

The provisions of Chapters VIII and XLII of the Code of Criminal Procedure, 1898, shall apply to orders made for the execution of bonds under this section. V of 1898.

Determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.

12. (1) On conviction of the tenant, lessee or occupier, of any offence under sub-section (1) of section 3, the convicting court shall give notice thereof in writing to the landlord or lessor, 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 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.

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(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 and order for delivery of possession to the landlord or lessor within such time not being less than seven days as the Court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summon, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both.

(3) 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.

(4) 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. (1) The District Magistrate may at any time cause a notice to be served upon any person who occupies or manages or acts or assists in the management of or resides in, or uses or frequents, any house, room, or place in the District in which the business of a common prostitute is carried on, requiring such person after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, use or frequent, any street or place specified in the notice, or directing such person after a date to be mentioned and fixed as aforesaid to remove himself or herself from the District or to such place within the District by such route and within such time as the District Magistrate may prescribe. Segregation of brothel.

(2) If any person so directed under sub-section (1) fails or refuses to remove himself or herself as directed within the time specified, the District Magistrate may cause such person to be arrested and removed in police custody from the District or to the place prescribed within the District.

Penalties.

(3) Any person on whom a notice under this section shall have been served, disobeying the requisition therein contained, shall be punished with imprisonment for a term which may extend—

(a) in the case of a first offence to one month, and

(b) in the case of second or subsequent offence, to three months.

(4) Whoever, within two years from the date of his removal under the provisions of this section, returns to any place within the District, without the permission in writing of the District Magistrate, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

District Magistrate to serve notice on landlord not to permit to be used for prostitution.

14. (1) In any case where the District Magistrate causes a notice to be served in reference to any house, room or place, under sub-section (1) of [section 13], he may cause a notice to be served on the landlord or lessor or the agent of such landlord or lessor in charge of the said house, room or place requiring him not to permit the said house, room or place or any other room in the same house to be used for carrying on the business of a common prostitute.

Offence of so permitting after second notice.

(2) Any person who having received a second notice under sub-section (1) of this section knowingly permits the said house, room or place or any other room in the same house to be used for carrying on the business of a common prostitute after the date mentioned in the corresponding notice caused to be served in reference to the said house, room or place, under sub-section (1) of section 13, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Presumption as to knowledge.

(3) In all prosecutions under this section when any house, room or place is proved to have been used for carrying on the business of a common prostitute it shall be presumed that it was knowingly permitted to be so used, unless the accused proves that he had made all necessary inquiries and had no reason to believe at the time when the house, room or place was let that the tenant was a prostitute or was likely to use the premises for prostitution purposes and that he had taken all reasonable steps to prevent its use for carrying on the business of a common prostitute.

Arrest without warrant.

15. (1) Any police officer on information, and if the offence is committed in his view, any police officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing any offence punishable under section 4.

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "section 14".

(2) Any police officer, may, without an order from a magistrate and without a warrant arrest any person who has been concerned in any offence punishable under section 10 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 an offence under that section or of his having committed an offence under sub-section (4) of section 12.

16. Offences punishable under sections 6, 7, 8, 9, 10 and 14 shall be triable by the Courts of Sessions and stipendiary Magistrates of the First Class only.

Offences triable by certain magistrates only.

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

Power to make rules.

Sind XI of 1923. 18. (1) The ¹[Sind] Prevention of Prostitution Act, 1923, is hereby repealed: Repeal.

Sind XI of 1923. Provided that reference in any other enactment or in any instrument to the ¹[Sind] Prevention of Prostitution Act, 1923, shall unless a different intention appears, be construed as reference to this Act.

Sind III of 1901. Sind XVIII of 1923. (2) Section 152 of the ¹[Sind] District Municipal Act, 1901, and section 188 of the ¹[Sind] Municipal Boroughs Act, 1925, are hereby repealed.

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (i) (w. e. f. 30th May 1951), for "Bombay".