

22-11-2005

CIRCULAR

Sub: Action under Immoral Traffic (Prevention) Act,  
1956.

Ref This office Circular No : SMS-612512004-05, dtd  
: 30-9-04

National Human Rights Commission, National Commission for Women, State Commission for Women and various NGOs have repeatedly been pointing out that Immoral Traffic (Prevention) Act, 1956 is not being implemented in its true spirit by the Police Department. The very name of the Act is "Immoral Traffic" conveys that the Act is intended to control/prevent the trafficking of human beings. Therefore, it is logical to conclude that police action should be primarily against the traffickers of human beings, exploiters, pimps, brothel keepers, those living on the earnings of sex workers, etc and not against the sex worker, women who are victims of the trafficking. Unfortunately, statistics reveal that hardly any action is being taken against the exploiters while a large number of cases have been booked against the "helpless" victims of trafficking.

In this connection a circular was issued by this office vide reference cited above, reiterating the above premise. But it seems that the harassment of the women sex workers continues unabated. It is therefore, felt necessary to reiterate the earlier instructions in the matter as under :

1. Section 4 of ITP Act states that any person, living on the earnings of the prostitution of any other person, is liable for the offence under this section- This section can be effectively used against brothel keepers, pimps and other similar agents. It may be noted that section 4(2) of the ITPA provides that the burden of proof that a particular person is not living on the earnings of the prostitution is on the accused.
2. Similarly, sections 5, 6 and 7 provide for stringent action against the traffickers and pimps and, under all these sections, the burden of proof of innocence is placed on the accused.
3. Booking of a woman sex worker is tantamount to revictimising the woman when she is already a victim of trafficking and sexual exploitation. It is, therefore instructed that henceforth no woman sex worker should be booked u/s 8 of ITP Act unless the woman in question is a "Madam" or a brothel keeper. Needless to say men who solicit on behalf of women and those who run a brothel or live on the earnings of these women sex workers including "madam" and pimps, should be vigorously pursued and prosecuted under appropriate sections of law. In future, any cases are booked against women sex workers for "soliciting" the explanation of the concerned officer should be called and if there is any lack of

bona fides, action should be taken.

4. A large number of complaints have been received from different places that sex workers are man handled, ill-treated, assaulted and abused in an inhuman manner by the police personnel. It is also alleged that the local police is in the habit of extracting money from these sex workers which itself amounts to extortion and living on their earnings. Needless to say that this pernicious practice, if true, should be stopped forthwith and strict disciplinary action should be taken against such officials.

Please acknowledge the receipt this circular.

Sd/  
(B.S.Si,al)

Director General and

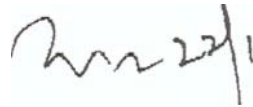
Inspector General of Police.

To,

The Commissioner of Police, Bangalore City/Mysore City/Hubli-Dharwad City All  
Range Inspectors General of Police,  
All Superintendents of Police, Incharge of Districts; Including KGF and Railways.

Copy to: The Director General of Police, COD, Training Spl Units and Economic  
Offences, Bangalore.

All ADGPs.  
1



For Director General and

Inspector General of Police