

THE BALOCHISTAN SUPPRESSION OF PROSTITUTION

ORDINANCE, 1961

(W.P. Ordinance II of 1961)

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'THE ?[BALOCHISTAN?] SUPPRESSION OF PROSTITUTION

ORDINANCE, 1961

1

This Ord. was promulgated by the Governor of W.P. on 29" Sep., 1960; published in the W. P. Gazette (Extraordinary), dated

1961 pages 75-82; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (19

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Subs. by Baln. A.O. of 1975, for "West Pakistan".

(W.P. Ordinance II of 1961)

[7th January, 1961]

An Ordinance to amend and consolidate the law relating to the suppression of prostitution in the Province of [Balochistan].

Preamble. WHEREAS it is expedient to amend and consolidate the law relating to the suppression of prostitution in the Province of [Balochistan];

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:—

Short title and 1. (1) This Ordinance may be called the *[Balochistan] extent. Suppression of Prostitution Ordinance, 1961.

(2) It extends to the whole of the Province of [Balochistan], except the Tribal Areas.]

Definitions. 2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

*I(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,

3 Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u", Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

1 Subs. by W.P. Ord. XXXVI of 1963.

2 Subs. by W.P. Act II of 1968.

(c)
(d)
(e)
(f)

Punishment for 3. (1)

keeping a

brothel or

allowing any

place to be

used as a

brothel.

theatre, music hall, billiard room,

bagatelle-room, gymnasium or fencing school;

circus,

"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;

"prostitution" means sexual

intercourse for hire, whether in money or kind;

promiscuous

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

"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.

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

Punishment for
soliciting.

Punishment for
permitting
prostitution in
places of
public
amusement.

Punishment for
living on
earnings of
prostitution.

1

be used as a brothel,

shall be punished with imprisonment of either description for a term which may extend to two years '(and) with fine, which may extend to one thousand rupees ?[***].

(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. 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, willful 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. 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. (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

Subs. by W.P. Act II of 1968, for the word "or".

2 The words and comma "or with both", deleted ibid.

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Presumption.

Punishment for causing, encouraging or abetting prostitution of a girl under sixteen.

Punishment for procuration.

person's consent,

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

(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. 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, *[and] with fine which may extend to one thousand rupees, [* * *] and if the person convicted is a male, shall also be liable to whipping.

8. 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, [and] with fine which may extend to one thousand rupees, [* * *] 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.

Subs. by W.P. Act II of 1968, for the word "or".

The words and comma ", or with both", del. *ibid.*

Subs. by W.P. Act II of 1968, for the word "or"

The words "or with both", del. *ibid.*

Punishment for
importing any
women or girl

for prostitution.

Punishment for
keeping any
woman or girl

for prostitution.

Presumption.

Bar of certain legal
Proceedings.

Subsequent offence
under section

9. 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, '[and] with fine which may extend to one thousand rupees, [* * *] 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. (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, '[and] with fine which may extend to one thousand rupees, [* * *] and if the person convicted is a male, shall also be liable to whipping.

(2) 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) 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. (1) Whoever having been convicted of an offence punishable under section 3, is convicted of a subsequent offence

*[Omitted]

Power to arrest
without
warrant.

Power to enter
without
warrant and
removal of
minor girls.

Offence triable by
certain
Magistrates
only.

Power to make

That is Act V of 1898.

Subs. by W.P. Act II of 1968.

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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', shall apply to orders made for the execution of bonds under this section.

12. > [Omitted]

3[13. 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. The Superintendent of Police, or any gazetted police officer specially authorised in writing in this behalf by the 4[Deputy Commissioner], 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. No offence under this Ordinance shall be tried summarily, or by a magistrate below the rank of a magistrate of the first class.

16. The Provincial Government may make rules for

Section 12 omitted by Baln. A.O. of 1975.

Subs. for the words [“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area”] by the Balochistan Act III

2011, passed by Provincial Assembly of Balochistan on 29" March, 2011; assented by Governor Balochistan on 31* March, 2011, published in Balochistan Gazette (Extraordinary) No. 164 dated 2" April, 2011. Earlier, the words “Zila Nazim” were substituted by the words “District Magistrates” by the Balochistan Ordinance XXIV of 2001 w.e.f 14-8-2001; and then it were substituted by the words “District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area” by the Balochistan Ordinance IX of 2002.

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rules. carrying into effect the provisions of this Ordinance.

Repeal and savings. 17.

(1)

(2)

The following enactments are hereby repealed.

(1)

(ii)

(iii)

(iv)

*[(v)

the Punjab Suppression of Immoral
Traffic Act, 1935!;

the Punjab Suppression of Immoral
Traffic Act, 1935', as applicable to the
former State of Bahawalpur;

the North-West Frontier Province Anti-
Prostitution and Suppression of Brothels
Act, 19377; 3[*]

the Sind Prevention of Prostitution
Act*, 1951 7[;] °[and]

The Bombay Prevention of Prostitution
Act, 1923, as applicable to Karachi
District. |

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.

That is Pb. Act IV of 1935

That is NWFP Acct III of 1937.

The words "and" deleted by W.P. Ord. XXXVI of 1963.

That is Sind Act XX of 1951.

Subs. by W.P. Ordinance XXXVI of 1963, for the full stop.

Ins. *ibid.*

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