APPENDICES

APPENDIX – A (pp. 209-216)
APPENDIX – B (pp. 217-221)
STATEMENT OF OBJECTS AND REASONS.

The maintenance of brothels, and existence of prostitution have been tried and found guilty, and stand before us all as the enemy of our Province. The days have gone by when brothels could be defended. No person who knows the horrid results of prostitution can ever dream or entertain an idea for a minute that the keeping of brothels is either good for health or useful for civilised society. No civilised society can tolerate the existence of this wretched institution. Medical science has proved beyond all doubt that Venereal Diseases are the direct outcome of prostitution. It is a pity that brothels not only ruin our health, but promote an extremely detrimental effect upon the moral character of our youth. Do we not see how grave is the danger and how urgent is the need for an enactment to suppress this menace? I am delighted to see that there is a rapid growth of feeling in the Province against the brothels and similar institutions. Prostitute is a ready made hell, and presence of brothel is indeed a very dangerous temptation for our youth. We cannot overlook the fact that the youth of to-day are the citizens of to-morrow, and that prostitution is not only bad for growing and developing life, but a constant menace to the achievement of the highest and best citizenship. We want to purge our Province of this miserable pest. Our youth must be made to realise the dreadful havoc that is played by the demon brothel. We want to save our children from this social, moral and economical evil. Every man who has the welfare of his nation at heart, recognises that in brothel indulgence is to be found a great menace to national well-being. It is interesting to note in the words of that great author Samuel Smiles "Nations are not to be judged by their size any more than individuals. For a nation to be great, it need not necessarily be big, though bigness is often confounded with greatness. A nation may be very big in point of territory and population and yet be devoid of true greatness, i.e. morals and character. The people of Israel were a small people yet what a great life they developed and how powerful the influence they have exercised on the destinies of mankind, it was mainly due to their great morals. It was the fatal weakness of Athens that its citizens had no true family or home life, while its public men were loose and corrupt in morals, its women, even the most accomplished were unchaste. Hence its fall became inevitable, and even more sudden than its rise.

Brothels or these ready made hells must at all cost be totally abolished and penalised in this Province, in order to save our future generation from this evil totally.

ALLAH NA'WAZ KHAN,
Member, Legislative Council.
From

J.D. Anderson, Esquire, I.C.S.,
Offg. Secretary to the Government of India.

To

The Secretary to the Govt. of the North-West Frontier Province, Legislative Department.

New Delhi, the 1st February, 1937.

Subject:- The North-West Frontier Province Anti-Prostitution and Suppression of Brothels Act of 1936.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the North-West Frontier Province Anti-Prostitution and Suppression of Brothels Act of 1936, which was received with your letter No.208-L.D./1-57, dated the 22nd January, 1937.

I have the honour to be,

Sir,

Your obedient servant,

J.D. Anderson,
Offg. Secretary to the Government of India.

*Copy forwarded to the Home Department, for information, in continuation of this Department endorsement No.35/37-P., dated the 18th November, 1935.

Assistant Secretary to the Government of India.
A BILL

to provide measures for anti-prostitution and for the suppression of brothels and immoral traffic in women.

WHEREAS it is expedient to provide measures for anti-prostitution and to make provision for the suppression of brothels, of prostitutes, of the traffic in women and of the practice of solicitation and for other purposes of a like nature in the North-West Frontier Province; and whereas the previous sanction of the Governor-General under sub-section (2) of Section 80-A of the Government of India Act has been obtained;

It is hereby enacted as follows:—

1. (1) This Act may be called the North-West Frontier Province Anti-Prostitution and Suppression of Brothels Act of 1936.

(2) It shall come into force at once.

(3) It extends to the whole of the North-West Frontier Province.

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

(a) "Brothel" means any house 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) "Prostitute" means any woman or girl available for the purpose of prostitution.

(c) "Prostitution" means promiscuous sexual intercourse for hire, whether in money or kind.

3. Any person who in any street, or public place or place of public resort 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 for the purpose of prostitution;

shall for a first offence be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees or both, and for a subsequent offence...
with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees or both.

4. (1) On a complaint in writing that a lodging house or place of residence of one or more prostitutes is used for prostitution, to be dealt with as an annoyance on complaint.

Annoyance of any of the inhabitants of the vicinity, the District Magistrate or Additional District Magistrate or any Magistrate of the 1st Class specially empowered in this behalf having as such jurisdiction in the place where such house is situated, may summon the owner or occupier of such house, or any person alleged to be a prostitute residing or lodging therein to answer such complaint or police report; and on being satisfied after holding such enquiry as he may deem necessary that the said house is so used may order the owner or occupier to discontinue such use of it; and on being satisfied that any such person is a prostitute residing or lodging in such house, may pass an order prohibiting such prostitute from residing or lodging in such house.

(a) Any such owner, occupier or prostitute who, on or after the fifteenth day from the date of an order passed under sub-section (1), fails to comply with such order, shall, on conviction before a Magistrate on proceedings instituted upon complaint made by the Magistrate who passed the order under subsection (1), be punishable with fine which may extend to thirty rupees for every day thereafter, so long as the default continues.

(b) Notwithstanding anything contained in any other law for the time being in force, the owner of any place in respect of which an order has been made on the occupier thereof directing the discontinuance of the use thereof as a brothel shall be entitled forthwith to determine such occupation.

5. (1) Any person who procures or attempts to procure any woman or girl, whether

[Nil]
or without her consent, to become a prostitute, 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 which may extend to three years or with fine which may extend to one thousand rupees or both.

7. Any person who brings or attempts to bring into the North-West Frontier Province any woman or girl for the purpose of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or both.

8. (1) Any person who detains any woman or girl against her will—

(a) in any house, room or place in which the business of a prostitute is carried on, or

(b) in or upon any premises 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 hundred rupees or both.

9. Any 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 the 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 such premises or some part thereof, are used or to be used as a brothel; shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or both; and upon a subsequent conviction, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or both.

10. No offence under this Act shall be tried summarily, or by a Magistrate below the rank of a Magistrate of the first class.

11. No court shall take cognizance of an offence punishable under Section 9, except
on the complaint of three or more persons occupying separate premises and residing in the vicinity of the premises to which the complaint relates.
This Bill was passed by the North-West Frontier Province Legislative Council at its sitting, dated 18th November 1936.

ABDUR RAHIM,
President,
N.-W. F. P. Legislative Council.

I assent to this Bill.

R. E. H. GRIFFITH,
Governor,
North-West Frontier Province.

Dated 23rd December 1936.

I assent to this Act.

LINLITHGOW,
Viceroy and Governor-General.

The 1st February, 1937.

An authentic copy.

J. D. ANDERSON,
Osg. Secretary to the Government of India,
Legislative Department.

True copy.

ABDUL HAMID,
Secretary,
N.-W. F. P. Legislative Council.
Serial No. 2.—Letter to the Secretary to the Government of the North-West Frontier Province, Legislative Department, No. 35/37-P., dated the 1st February, 1937.

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the North-West Frontier Province Anti-Prostitution and Suppression of Brothels Act of 1936, which was received with your letter No. 208-L. D./1/57, dated the 22nd January, 1937:

No. 36/37-P.

Copy forwarded to the Home Department, for information, in continuation of this Department endorsement No. 302/85-P., dated the 18th November, 1935.

Serial No. 3.—Letter to His Majesty’s Secretary of State for India, No. 39, dated the 11th February, 1937.

In conformity with the provisions of section 82 (1) of the Government of India Act, I have the honour to forward herewith an authentic copy of the North-West Frontier Province Anti-Prostitution and Suppression of Brothels Act of 1936, which has been passed by the North-West Frontier Province Legislative Council and to which I have signified my assent.

2. In accordance with the instructions contained in your predecessor’s despatch No. 61, dated 21st December 1969, a copy of the papers relating to the Act mentioned in the accompanying list is enclosed.

List of Enclosures of Governor-General’s Letter to His Majesty’s Secretary of State for India, No. 39, dated the 11th February, 1937.

1. Authentic copy of the North-West Frontier Province Anti-Prostitution and Suppression of Brothels Act of 1936.
2. Bill as introduced with Statement of Objects and Reasons.