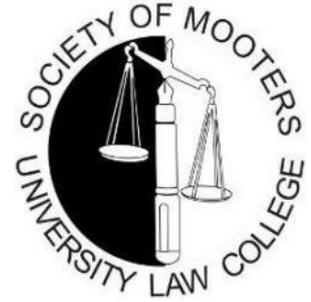




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1. Raas Nagar is a Union of States which is structured similarly to the Union of India and is the second largest populated country and most populous democracy in the globe. The government of Union of Raas Nagar (herein after referred as Raas Nagar) is based and run on the lines of Federal Parliamentary Constitutional Democratic Republic model. Raas Nagar was a colony under the British until 1950 and was politically, economically and socially deprived by the British, after Independence, Raas Nagar started developing infrastructure, and is likely to be the fastest growing economy in world.
2. In Raas Nagar from 1950 onwards 60% of the population was staying below poverty wherein bonded labour, immoral trafficking and prostitution were rampant. The society was infested by sexual disease such as Human Immunodeficiency Virus (HIV), Sexually Transmitted Disease (STDs) and violence against women such as rape, molestation, etc.
3. Raas Nagar is governed by AAMRAJ (a National Party) which procured absolute majority in the Parliament during the year 2018 and manned government both at Centre and State. Ms. Aahalaya, a prolific writer and avid traveller got elected as a member of the Parliament in the ensuing 2018 election in Raas Nagar and was appointed as the Union Minister of Law and Justice. She was known for her free spirit and free thinking, after taking into consideration the laws prevailing in other Countries; reports of the Law Commission of Raas Nagar, World Health Organization, OHCHR, etc., she tabled a private member bill before the Lok Sabha of Raas Nagar, since AAMRAJ Party had an absolute majority in Parliament, the bill was passed without any resistance from any quarters or due deliberation/ discussions in both the houses and culminated in to an Act titled as Regulation of Prostitution

Act, 2019 (hereinafter referred as “Act/the Act” to avoid circumlocution and for the sake of brevity), it was duly notified and came into effect on 1st January, 2019.

4. The said “Act” subjectively and objectively proposed to regulate prostitution in the Union of Raas Nagar by regularizing prostitution as vocation having legal sanctions. The Regulation of Prostitution Act, 2019 permitted prostitution within the territorial limits of Union of Raas Nagar. The Act on the other hand, prohibited immoral trafficking in relation to prostitution.
5. The media houses within Raas Nagar applauded the Regulation of Prostitution Act, 2019 by running editorials, reports, discussions, etc that the Act gave real meaning to Article 19 and 21 of the Constitution of the Raas Nagar, since the Act provided for regulated prostitution as in ancient times in the Union of Raas Nagar. The free thinking and free spirit post millennium provided for the Act to be promulgated and notified taking into to consideration the precedents of the Supreme Court of Raas Nagar in relation to decriminalizing of adultery, section 377 of the Raas Nagar Penal Code 1860.
6. The Act was “Gender Neutral” and it provided for health care facilities to the sex workers or prostitutes, protection against immoral trafficking, Private Provident Fund Benefits to sex workers, Insurance benefits to sex workers and other social benefit, etc. The Act had also paved a way for the amendment of Employee’s State Insurance Act, Provident Fund Act, Shop and Establishment Act, Service and Income Tax with a mandatory requirement that any person who got registered as “licensed prostitute” has to seek necessary registration under the aforesaid Acts.
7. The Act created hysteria among the Citizens of the Raas Nagar including married, unmarried, young, old, educated, uneducated most of them wanted to opt to work as prostitutes / sex workers and sought to register themselves as licensed prostitutes by paying necessary fees.
8. The Regulation of Prostitution Act, 2019 salvaged the economy of Union of Raas Nagar as there was surge in collection of Income Tax and Service tax to the extent of 1500 crores, the benefit of the Regulation of Prostitution Act, 2019 saw decrease in

crime in relation to women including rape, marital rape, outraging modesty of women, child abuse including sexual offences against child, decrease in female foeticide, decrease in STDs including HIV, HPV, Hepatitis and as safer sex practices were promoted.

9. The Act also provided for consent video recording of sexual acts, it opened the flood gates of porn industry in Union of Raas Nagar, wherein explicit content channels were aired at a premium cost which in turn boosted the economy of Union of Raas Nagar by Rs. 5000 crores in relation to entertainment tax.
10. The Act also provided for unrestricted advertisement between 12 AM to 2 AM, wherein pharmaceutical industry, sex toys industry and sex tourism took it over as a prime time in turn boosting employment revenue for media houses and others, the Act provided for e-commerce in the said arena, payments to sex workers by proposing to digitalized payments via transfer, medical records of sex workers were also digitalized, specialized screening (pertaining to any transferable disease) of sex workers is mandatory prior to every act of sexual intercourse, in house doctors, sex-therapist, counselors were made mandatory, earmarked areas outside the territorial limit of corporation and municipalities were set up as “pleasure houses” which had to provide protection to sex workers and their clients with constant surveillance of CCTVs, registration of sex workers with the Jurisdictional Police of the respective locality.
11. The citizens of Union of Raas Nagar made unprecedented endeavor to take maximum advantage of the said enactment of 2019. That young and old indulged in unprecedented show of love for money in private and public places/ debauchery. The Regulation of Prostitution Act, 2019 wreaked havoc in the institution of marriage and the mobility of young citizens in particular of 18 years of age who joined the sex industry (unconfirmed data of 50% available in Union of Raas Nagar), juveniles were exposed to explicit and obscene content in media ,there was a surge in Sexually Transmitted Disease (HPV).
12. The Young and old, educated and uneducated shamelessly and fearlessly solicited and indulged in sexual acts and debauchery was order of the day. STREE, a

registered NGO, having its head/main office in the State of Kamagraha in the Union of Raas Nagar as a champion of women empowerment espousing right to live with dignity, respect for women's privacy gave representation to the Smt. Tanya Vats, the President of AAM RAJ Party, to use her good offices to repeal the Regulation of Prostitution Act, 2019 as there was widespread chaos in the Union of Raas Nagar. A similar representation was also forwarded to Ms. Aahalaya.

13. "STREE" aggrieved by the non-action in relation of its representation, rushed to the High Court of Kamagraha, sought to challenge the constitutional validity as well as legality of the Act of 2019. STREE in its writ petition highlighted the havoc in the institution of marriage, the mobility of young citizens was frustrated, juveniles were exposed to explicit and obscene content in media, there was a surge in STD, the Young and old, educated and uneducated shamelessly and fearlessly solicited and indulged in sexual acts and debauchery at the instance of the Act and further supplemented that the ethos, culture, and disassociation of religion, championship of carnal pleasure/ debauchery was creating havoc in the Union of Raas Nagar. Women and men indulged in solicited sex for money fearlessly and shamelessly bringing down the rich heritage and reputation of Union of Raas Nagar as there was surge of tourist frequenting Union of Raas Nagar, seeking unrestricted fornication citing violation of Article 14, 21 and 25 of the Constitution of Raas Nagar, the High Court of Kamagraha taking into consideration the prevailing conditions in the State issued notice to the Union of Raas Nagar as well as the State government of Kamagraha

14. In the meanwhile, "Maverick", an NGO in the State of Kamagraha proclaiming access to unrestricted fornication to establish freewill in the Society founded on the principles of HOB0, a self-proclaimed guru of yoga and *Kamasutra*, filed a social action litigation before the High Court of Kamagrauha seeking for a necessary Writ along with a prayer to the High Court to lay down the guidelines for sex workers within the State of Kamagraha in relation to minimum working conditions, minimum wages, regulated timings, quashing of sections related to installation of CCTV within earmarked locations of pleasure house since it had unnecessary ramification to right to privacy of the individual, extension of definition of prostitute to include LGBT and Ladyboys as well and quashing of section which sought for registration of sex workers before the jurisdictional police as violative of Article

14,19 and 21 of the Constitution of Raas Nagar and other related issues, the High Court duly issued notice to the concerned.

15. The Chief Justice of High Court of Kamagruha seeing protest and agitation for and against Regulation of Prostitution Act, 2019 by the citizens of Union of Raas Nagar as well as in the State of Kamagruha constituted a special bench consisting of three judges to hear both the Writs by clubbing them together, they said matters are posted for final hearing before the High Court of Kamagruha.

“The Regulation of Prostitution Act, 2019”

An Act to provide for decriminalizing prostitution, better protection of the interests of sex workers and for that purpose to make provision for the establishment of prostitutes’ advisory board for safeguarding the rights of sex workers and protects them from exploitation and for matters connected therewith.

1. Title, extent and commencement

- (1) This act may be called as “The Regulation of Prostitution Act, 2019”
- (2) It extends to Union of Raas Nagar
- (3) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions

- (1) ‘Pleasure House’ means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis
- (2) ‘Minor’ means a person who has not attained the age of 18 years
- (3) ‘Major’ means a person who has completed the age of 18 years
- (4) ‘Prostitution’ means sexual intercourse, or any other act, or the commission of any other act in order to gratify the sexual desire of another person in a promiscuous manner in return for money or any other benefit, irrespective of whether the person accepts the act or the person who commits the act are of same sex or not
- (5) ‘Business of prostitution’ means a business of providing, or arranging the provision of, commercial sexual services
- (6) ‘Client’ means a person who receives, or seeks to receive, commercial sexual services
- (7) ‘Public Place’ means any place intended for use by, or accessible to, the public and includes any public conveyance
- (8) ‘Prescribed’ means prescribed by rules made under this Act
- (9) ‘Child’ means a person who has not completed the age of sixteen years
- (10) ‘Protective homes’ means an institution, by whatever name called (being an institution established or licensed as such under this Act), in which [persons], who are in need of care and protection, may be kept under this Act [and where

appropriate technically qualified persons, equipment and other facilities have been provided,] but does not include— (i) a shelter where [under trials] may be kept in pursuance of this Act, or (ii) a corrective institution;]

(11) “Special Police Officer” means a police officer appointed by or on behalf of the State Government to be in charge of police duties within a specified area for the purpose of this Act;

(12) ‘Prostitute/ Sex Worker’ means a person(male, female and transgender) who provides commercial sexual services

(13) ‘Licensed Prostitute/ Sex Worker’ means a person who is permitted/ allowed to carry out the act of prostitution and registered under this Act.

3. Contract for provision of commercial sexual services not void –

No contract for the provision of , or arranging the provision of, commercial sexual services is illegal or void on public policy or other similar grounds.

4. Restrictions on advertising commercial sexual services

(1) Advertisements for commercial sexual services may not be—

(a) Broadcasted on radio or

(b) published in a newspaper or periodical, or

(c) screened at a public cinema.

(2) A person who does any of the things described in subsection(1), or who authorises any of the things described in that subsection(1) to be done, commits an offence and is liable on summary conviction to,—

(a) in the case of a body corporate, a fine not exceeding Rs.2,00,000 and;

(b) in any other case, a fine not exceeding Rs.1,00,000

(3) Notwithstanding anything in sub- section(1) the advertisements for commercial sexual services may be aired on television between 12am to 2am.

5. Inducing or compelling persons to provide commercial sexual services or earnings from prostitution

(1) No person may do anything described in subsection (2) with the intent of inducing or compelling another person (**person A**) to—

(a) Provide, or to continue to provide, commercial sexual services to any person; or

- (b) Provide, or to continue to provide, to any person any payment or other reward derived from commercial sexual services provided by person A.
- (2) The acts referred to in subsection (1) are any explicit or implied threat or promise that any person (**person B**) will—
 - (a) Improperly use, to the detriment of any person, any power or authority arising out of—
 - (i) Any occupational or vocational position held by person B; or
 - (ii) Any relationship existing between person B and person A:
 - (b) Commit an offence that is punishable by imprisonment:
 - (c) Make an accusation or disclosure (whether true or false)—
 - (i) Of any offence committed by any person; or
 - (ii) of any other misconduct that is likely to damage seriously the reputation of any person;
- (2) Every person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

6. Refusal to provide commercial sexual services

- (1) Despite anything in a contract for the provision of commercial sexual services, a person may, at any time, refuse to provide, or to continue to provide, a commercial sexual service to any other person.
- (2) The fact that a person has entered into a contract to provide commercial sexual services does not of itself constitute consent for the purposes of the criminal law if he or she does not consent, or withdraws his or her consent, from providing commercial sexual service.
- (3) However, notwithstanding anything in subsection (1) or (2) affects a right (if any) to rescind or cancel, or to recover damages for, a contract for the provision of commercial sexual services that is not performed.

7. Prohibitions on use in prostitution of persons below 18 years

- (1) No person may cause, assist, facilitate, or encourage a person below 18 years of age to provide commercial sexual services to any person.
- (2) No person may receive a payment or other reward that he or she knows, or ought reasonably to know, is derived, directly or indirectly, from commercial sexual services provided by a person below 18 years of age.

- (3) No person may enter into a contract or other arrangement under which a person is below 18 years of age is to provide commercial sexual services to or for that person or another person.
- (4) No person may receive commercial sexual services from a person below 18 years of age.
- (5) Any person who contravenes sub-section (1), sub-section (2), or sub-section(3) commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years or a fine of Rs.1,00,000 or both.

8. Offences to be cognizable

- (1) Notwithstanding anything contained in [the Code of Criminal Procedure, 1973 (2 of 1974)], any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code:

Provided that, notwithstanding anything contained in that Code,—

- (i) arrest without warrant may be made only by the special police officer or under his direction or guidance, or subject to his prior approval;
- (ii) when the special police officer requires any officer subordinate to him to arrest without warrant otherwise than in his presence any person for an offence under this Act, he shall give that subordinate officer an order in writing, specifying the person to be arrested and the offence for which the arrest is being made; and the latter officer, before arresting the person, shall inform him of the substance of the order and, on being required by such person, show him the order;
- (iii) any police officer not below the rank of sub-inspector specially authorized by the special police officer may, if he has reason to believe that on account of delay involved in obtaining the order of the special police officer, any valuable evidence relating to any offence under this Act is likely to be destroyed or concealed, or the person who has committed or is suspected to have committed the offence is likely to escape, or if the name and address of such a person is unknown or there is reason to suspect that a false name or address has been given, arrest the person concerned without such order, but in such a case he shall report, as soon as may be, to the special police officer the arrest and the circumstances in which the arrest was made.

9. Search without warrant

- (1) Notwithstanding anything contained in any other law for the time being in force, whenever the special police officer has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a person living in any premises, and that search of the premises with warrant cannot be made without undue delay, such officer may, after recording the grounds of his belief, enter and search such premises without a warrant.
- (2) Before making a search under sub-section (1), the special police officer shall call upon two or more respectable inhabitants (at least one of whom shall be a woman) of the locality in which the place to be searched is situate, to attend and witness the search, and may issue an order in writing to them or any of them so to do:
Provided that the requirement as to the respectable inhabitants being from the locality in which the place to be searched is situate shall not apply to a woman required to attend and witness the search
- (3) Any person who, without reasonable cause, refuses or neglects, to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code (45 of 1860).
- (4) The special police officer, entering any premises under sub-section (1) shall be entitled to remove there from all the persons found therein.
- (5) The special police officer, after removing the person, under sub-section (4) shall forthwith produce him before the appropriate magistrate.
- (5A) Any person who is produced before a magistrate under sub-section (5), shall be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases.
Explanation.—In this sub-section, “registered medical practitioner” has the same meaning as in the Indian Medical Council Act, 1956 (102 of 1956).]
- (6) The special police officer and other persons taking part in, or attending, and witnessing a search shall not be liable to any civil or criminal proceedings against them in respect of anything lawfully done in connection with, or for the purpose of, the search.

(6A) The Special Police Officer, making a search under this section shall be accompanied by at least two women police officers, and where any woman or girl removed under sub-section (4) is required to be interrogated, it shall be done by a woman police officer and if no woman police officer is available, the interrogation shall be done only in the presence of a lady member of a recognised welfare institution or organisation.

Explanation.—For the purpose of this sub-section, “recognised welfare institution or organisation” means such institution or organisation as may be recognised in this behalf by the State Government.]

(7) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search under this section as they apply to any search made under the authority of a warrant issued under section 94 of the said Code.

10. Punishments for offences committed under this Act-

(1) Any person who, for the purpose of prostitution, solicits, induces, introduces herself or himself to, follows or importunes a person in a street, public place or any other place in an open and shameless manner or causes nuisance to the public, shall be liable to a fine not exceeding Rs. 50,000.

(2) Any person who detains or confines another person, or by any other means, deprives such person of the liberty of such person or causes bodily harm to or threatens in any manner whatsoever to commit violence against another person in order to compel such other person to engage in prostitution shall be liable to imprisonment for a term of seven years and to a fine of Rs. 50,000.

If there is commission of the offence under sub section (2) results in:

(a) Grievous bodily harm to the victim, the offender shall be liable to the imprisonment for life;

(b) Death of the victim, the offender shall be liable to the death penalty or to imprisonment for life.

(3) Any person who supports the commission of the offence under sub-section(1) or sub section(2) shall be liable to the penalty provided in paragraph one or two, as the case may be.

- (4) If the offender or supporter of the offence under sub-section (1) or sub section (2) is an administrative or police official or a competent official or an official of a Prostitute Advisory Board under this Act, such person shall be liable to imprisonment for a term of seven years or to a fine of Rs 50,000 or both.

11. Obligation to Register

- (1) Every prostitute or sex worker as defined under this Act, shall register with the Jurisdictional Police or special police officer forthwith of joining the business of Prostitution by furnishing the following details
- (a) Full Name
 - (b) Date of Birth
 - (c) Medical Report (stating NO sign of STD)
 - (d) Identification documents
 - (e) Proof of resident of the Country
 - (f) Recent passport size photographs
 - (g) or any other particular asked by the jurisdictional police or special police officer in relation to registration as notified from time to time through official government
- (2) The jurisdictional police or special police officer shall not issue a registration certificate if the prostitute-
- (a) is younger than 18 years or;
 - (b) other people have caused them to take up prostitution or continue with prostitution or;
 - (c) is coerced into taking up or continuing prostitution or;
 - (d) is pregnant or;
 - (e) contravene sub-section(1) in any manner

12. Operators of business of prostitution to hold certificates

- (1) Every operator of a business of prostitution (other than a company) must hold a certificate issued under section 13
- (2) Every person who, while required by subsection (1) to hold a certificate, does not hold a certificate commits an offence and is liable on summary conviction to a fine not exceeding 1,00,000

- (3) If a person who is charged under subsection (2) claims that he or she is not an operator because he or she is a sex worker / prostitute at a small owner-operated brothel and is not an operator of any other business of prostitution, it is for the person charged to prove that assertion on the balance of probabilities.
- (4) Despite subsection (2), no person may be convicted of an offence under that subsection if the period during which the person does not hold a certificate is the first 6 months after this section comes into force.

13. Application for, and grant of, certificates

- (1) An applicant for a certificate must apply to the Registrar.
- (2) In this Part, **Registrar** means the Registrar of the Prostitution Advisory Board identified under this Act as the, or a, Registrar who may accept applications under this section.
- (3) The application must be in the prescribed form and be accompanied by the prescribed fee.
- (4) The application may require the applicant to provide no more than the following:
 - (a) the applicant's full name, date of birth, and gender:
 - (b) any other names by which the applicant is, or ever has been, known:
 - (c) the address to which the applicant wishes any certificate and related correspondence to be sent:
 - (d) a photocopy of any form of official identification that contains a photograph of the applicant, such as a passport or driver license, that is authenticated in the prescribed manner:
 - (e) 1 or more recent photographs of the applicant that comply with the prescribed requirements and are authenticated in the prescribed manner:
 - (f) if an order has been made under section 15, a copy of the order.
- (5) The Registrar must issue a certificate to an applicant if—
 - (a) the applicant pays the prescribed fee, supplies a properly completed application form, and attaches the required photocopy and photographs; and
 - (b) the applicant is aged 21 years or older; and
 - (c) the applicant is either—
 - (i) not disqualified under section 14 from holding a certificate; or
 - (ii) is disqualified, but has been granted a waiver of disqualification under section 15 and the waiver has not been cancelled.

- (6) Every certificate must be in the prescribed form and must contain a photograph of the holder.
- (7) If a certificate is refused, the Registrar must notify the applicant in writing, with reasons, and give information about how to apply for a waiver of disqualification under section 14

14. Disqualification from holding a certificate

- (1) A person is disqualified from holding a certificate if he or she has been convicted at any time of any of the disqualifying offences set out in subsection (2), or has been convicted of an attempt to commit any such offence, of conspiring to commit any such offence, or of being an accessory after the fact to any such offence.
- (2) The disqualifying offences are as follows:
 - (a) an offence under this Act (other than an offence under section 17(3), section 18(2)):
 - (b) an offence under any of the following sections or Parts of the IPC 1860 that is punishable by 2 or more years' imprisonment:
 - (i) section 98A (participation in an organised criminal group):
 - (ii) sections 354(violence against women):
 - (iii) section 370 (Human Trafficking)
 - (iv) section 375 (rape)
 - (v) section 302(murder)
 - (vi) or any other offence as notified from time to time for proper implementation of the Act
 - (c) an offence under the Arms Act 1959 that is punishable by imprisonment:
 - (d) any offence in relation to the Narcotic Drugs and Psychotropic Substances that is punishable by imprisonment

15. Waiver of disqualification

- (1) A person who is disqualified from holding a certificate may apply in writing to the Registrar for an order waiving the disqualification.
- (2) On receipt of an application, the Registrar must—
 - (a) refer the application to a District Court Judge for determination; and

- (b) Send a copy of the application to the Special Police Officer for a report on the matters referred to in subsection(4)(b).
- (3) The Special Police Officer must provide a report to the Registrar within 3 weeks of receipt of the request, and the Registrar must immediately forward a copy of the report to the applicant.
- (4) A District Court Judge may make an order waiving a disqualification if he or she is satisfied that—
- (a) the applicant’s offending was of a nature, or occurred so long ago, that it ought no longer to be a barrier to obtaining a certificate; and
 - (b) the applicant is not, and has not recently, been associated or involved with persons who would themselves be disqualified under section 14 and who might reasonably be expected to exert an influence on the applicant.
- (5) An order waiving disqualification remains in force until it is cancelled under subsection (6) or subsection (7).
- (6) An order waiving a disqualification is cancelled, by operation of this subsection, if the person to whom it applies is convicted of any offence referred to in section 14(2).
- (7) A District Court Judge may cancel an order waiving a person’s disqualification if—
- (a) the Police make an application to the Registrar for an order cancelling the waiver; and
 - (b) a copy of the Police application is sent to the person at the address supplied in his or her application for a certificate; and
 - (c) at least 2 weeks after sending that application, either the Registrar has not received any response from the certificate holder or, if the holder has made submissions in writing, the District Court Judge has considered those submissions; and
 - (d) the District Court Judge is satisfied, on the basis of the Police application and any submissions received from the person concerned, that the waiver ought to be cancelled on the grounds that the person is associated or involved with persons who would themselves be disqualified under section 14 and who might reasonably be expected to be exerting an influence over the person.

16. Expiry, renewal, and replacement of certificate

- (1) A certificate expires 1 year after the date on which it is issued.
- (2) A certificate holder may apply, at any time within 2 months before the expiry of his or her certificate, for renewal of the certificate, in which case section 13 applies as if the application for renewal were an application for a certificate.
- (3) If an application for renewal is made, but not determined, before a certificate expires, the original certificate does not expire until the application for renewal is determined.
- (4) The Registrar may issue a replacement certificate to a certificate holder if—
 - (a) the holder applies for a replacement certificate and the Registrar is satisfied that the original certificate has been lost or destroyed; and
 - (b) the holder supplies 1 or more recent photographs of himself or herself that comply with the prescribed requirements and are authenticated in the prescribed manner; and
 - (c) The holder pays the prescribed fee (if any).

17. Cancellation of certificate

- (1) The Registrar must cancel a certificate on notification that the certificate holder—
 - (a) is disqualified from holding a certificate as a result of a conviction for any offence referred to in section 14(2); or
 - (b) has had his or her waiver of disqualification cancelled.
- (2) The cancellation of the certificate takes effect 5 days after notification of the cancellation is sent to the certificate holder at the address supplied in his or her application for a certificate.
- (3) A person whose certificate is cancelled commits an offence, and is liable on summary conviction to a fine not exceeding Rs.25,000, if he or she fails to return the certificate to a District Court within 1 month of the cancellation of the certificate.

18. Operator to produce certificate on request

- (1) A constable may, on producing evidence that he or she is a constable, require any person whom the member believes on reasonable grounds is an operator to produce that person's certificate for inspection, and the person must produce his or her certificate to the member, or to another constable at a local Police station, within 24 hours of the request.

- (2) If a request under subsection (1) is made to the holder of a certificate, that holder commits an offence, and is liable on summary conviction to a fine not exceeding 25,000, if he or she fails without reasonable excuse to produce his or her certificate as required by that subsection.

19. Prostitution Advisory Board

- (1) The Prostitution Advisory Board must—

- (a) as soon as practicable after the commencement of this Act-

- (i) assess the number of persons working as sex workers or prostitute in the country and prescribed matters relating to sex workers or prostitution; and
- (ii) report on its findings to the Ministry of Law and Justice
- (iii) assess the nature and adequacy of the means available to assist persons to avoid or cease working as sex worker
- (iv) give suggestions to The ministry of Law and Justice for smooth functioning of the Act
- (v) Establish a separate department within the advisory board for assisting the licensed prostitutes/sex workers with facilities Private Provident Fund, insurance benefits, health care benefits and other related special social benefits for prostitutes or sex workers notified from time to time.

20. Other provisions on appointment, removal, term and resignation of members

- (1) A member must be appointed or removed by written notice to the member and his or her nominator.
- (2) A member holds office for a term stated in that notice of up to 5 years.
- (3) A member whose term of office expires continues to hold office until he or she is reappointed or his or her successor is appointed.
- (4) However, all members cease to hold office on the date on which the Prostitution Law Review Committee ceases to exist.

- (5) A person may be reappointed as a member.
- (6) A member may resign by written notice to the Minister of Justice and his or her nominator.
- (7) The powers of the Prostitution Law Review Committee are not affected by any vacancy in its membership.

21. Police Department to maintain records - The Act empowers the Police Station or special police officer established in each Jurisdictional Locality to maintain a record of the registered Prostitutes or sex workers, brothels and other particulars associated with it.

22. Installation of CCTV Surveillance at Pleasure House-

- a) There must be compulsory installation of CCTV surveillance at pleasure house in order to keep track of the pleasure houses, further this will be monitored by the police to prevent from immoral trafficking or kidnap of the prostitutes or sex workers.
- b) In case of failure of installation of CCTV's at pleasure house, there shall be a fine of Rs.25,000 to be imposed.

23. Protective homes

- (1) The State Government may, in its discretion establish as many protective homes and corrective institutions under this Act as it thinks fit and such homes and institutions, when established, shall be maintained in such manner as may be prescribed.
- (2) No person or no authority other than the State Government shall, after the commencement of this Act, establish or maintain any protective home or corrective institution except under and in accordance with the conditions of a license issued under this section by the State Government.
- (3) The State Government may, on application made to it in this behalf by a person or authority issue to such person or authority, a license in the prescribed form for

establishing and maintaining or as the case may be, for maintaining a protective home or corrective institution and a license so issued may contain such conditions as the State Government may think fit to impose in accordance with the rules made under this Act:

Provided that any such condition may require that the management of the protective home or corrective institution] shall, wherever practicable, be entrusted to women:

Provided further that a person or authority maintaining any protective home or corrective institution at the commencement of this Act shall be allowed a period of six months from such commencement to make an application for such license:

- (4) Before issuing a license the State Government may require such officer or authority as it may appoint for this purpose, to make a full and complete investigation in respect of the application received in this behalf and report to it the result of such investigation and in making any such investigation the officer or authority shall follow such procedure as may be prescribed.
- (5) A license, unless sooner revoked, shall remain in force for such period as may be specified in the license and may, on application made in this behalf at least thirty days before the date of its expiration, be renewed for a like period.
- (6) No license issued or renewed under this Act shall be transferable.
- (7) Where any person or authority to whom a license has been granted under this Act or any agent or servant of such person or authority commits a breach of any of the conditions thereof or any of the provisions of this Act or of any of the rules made under this Act, or where the State Government is not satisfied with the condition, management or superintendence of any protective home or corrective institution, the State Government may, without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded, revoke the license by order in writing:
“Provided that no such order shall be made until an opportunity is given to the holder of the license to show cause why the license shall not be revoked.”
- (8) Were a license in respect of a 1[protective home or corrective institution] has been revoked under the foregoing sub-section such protective home or corrective institution shall cease to function from the date of such revocation.
- (9) Subject to any rules that may be made in this behalf, the State Government may also vary or amend any license issued or renewed under this Act.

(9A) The State Government or an authority authorised by it in this behalf may, subject to any rules that may be made in this behalf, transfer an inmate of a protective home to another protective home or to a corrective institution or an inmate of a corrective institution to another corrective institution or to a protective home, where such transfer is considered desirable having regard to the conduct of the person to be transferred, the kind of training to be imparted and other circumstances of the case:

Provided that,—

(a) no person who is transferred under this sub-section shall be required to stay in the home or institution to which he is transferred for a period longer than he was required to stay in the home or institution from which he was transferred;

(b) reasons shall be recorded for every order of transfer under this sub-section

(10) Whoever establishes or maintains a 1[protective home or corrective institution] except in accordance with the provisions of this section, shall be punishable in the case of a first offence with fine which may extend to one thousand rupees and in the case of second or subsequent offence with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

24. Power to establish special courts

(1) If the Central Government or the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act and committed in more than one State, it may, by notification in the Official Gazette and after consultation with the High Court concerned, establish one or more courts of Judicial Magistrates of the first class or Metropolitan Magistrates for the trial of such offences.

(2) Unless otherwise directed by the High Court, a court established under sub-section (1) shall exercise jurisdiction only in respect of cases under this Act.

(3) Subject to the provisions of sub-section (2), the jurisdiction and powers of the presiding officer of a court established under sub-section (1) in any district or metropolitan area shall extend throughout the district or the metropolitan area, as the case may be.

(4) Subject to the foregoing provisions of this section a court established under sub-section (1) in any district or metropolitan area shall be deemed to be a court

established under sub-section (1) of section 11, or as the case may be, sub-section (1) of section 16, of the Code of Criminal Procedure, 1973 (2 of 1974), and the provisions of that Code shall apply accordingly in relation to such courts.

Explanation.—In this section, “High Court” has the same meaning as in clause (e) of section 2 of the Code of Criminal Procedure, 1973 (2 of 1974).

25. Miscellaneous Provisions

- (1) The video recording of the sexual act can only be done with the prior written consent of the prostitute or sex worker
- (2) The Act also permitted the operator of brothels to have e-commerce website for having digitalized payments pertaining to online contracts between prostitutes / sex worker and the consumer, for digitalizing medical reports of prostitutes and other related activities to it and permit any other individual for having e-commerce site for having trade in sex-toys and other items related to prostitution industry.
- (3) It is mandatory for brothels to have in-house doctors, sex-therapist, counselors and other concerned authority or professionals as notified from time to time.

26. Location of Pleasure Houses

Pleasure Houses shall be areas set up outside the territorial limit of corporation and municipalities subject to necessary permission and trade license from jurisdictional Corporation/ Municipality.

27. Power to make rules

The Central Government shall have the power to make any rule for the subjective and objective achievement of the Preamble of the Act as it deems fit from time to time.