

## ACT No. XIV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 17th April 1868).*

*An Act for the Prevention of certain Contagious Diseases.*

Preamble.                    WHEREAS it is expedient to provide for the better prevention of certain contagious diseases; It is hereby enacted as follows :—

*Preliminary.*

Short title.                    1. This Act may be cited as “The Indian Contagious Diseases’ Act, 1868.”

Interpretation-clause.        2. In this Act—

“Magistrate” means any person exercising the powers of a Magistrate or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police in a Presidency Town :

“Contagious disease.”        “Contagious disease” means any contagious venereal disease :

“Brothel-keeper” means the occupier of any house, room or place to or in which women resort or are for the purpose of prostitution and every person managing or assisting in the management of any such house, room or place.

Extent of Act.                3. The places to which this Act applies shall be such places as the Local Government shall from time to time, with the previous sanction of the Governor General of India in Council, specify by notification in the official Gazette. The limits of such places shall, for the purposes of this Act, be such as are defined in the said notification, and may from time to time, with such sanction as aforesaid, be altered by a like notification.

*Unregistered*

*Unregistered Prostitutes and Brothel-keepers.*

4. In any place to which this Act applies, no woman shall carry on the business of a common prostitute, and no person shall carry on the business of a brothel-keeper, without being registered under this Act at such place, and without having in her or his possession such evidence of registration as hereinafter provided.

Punishment of un-registered prostitutes and brothel-keepers.

Any woman carrying on the business of a common prostitute, and any person carrying on the business of a brothel-keeper, without having been registered as aforesaid, or without having in her or his possession such evidence as aforesaid, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

*Registration of Prostitutes and Brothel-keepers.*

5. The Local Government shall make rules for the registration of common prostitutes and of brothel-keepers, and shall appoint officers for the conduct of such registration, and may, with the previous sanction of the Governor General of India in Council, assign salaries and establishments to the said officers. The Local Government shall also provide such books and forms as may be necessary for the purposes of this Act.

Local Government to make rules for registration and appoint officers.

Every woman complying with such rules (so far as they relate to prostitutes) and every brothel-keeper complying with such rules (so far as they relate to brothel-keepers) shall be deemed to be registered under this Act, and the registering officer shall furnish her or him with such evidence of registration as the Local Government shall from time to time direct.

The name, age, caste (if any) and residence of every such woman and such other particulars respecting her as the Local Government shall from time to time direct, shall be entered in a book to be kept for that purpose.

The name and residence of every such brothel-keeper and the situation of the house, room or place in which he carries on his business shall be entered in a book to be kept for that purpose.

6. Whenever

6. Whenever any such woman changes her residence, she shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations shall be made in the said book and in the evidence of registration furnished to her as aforesaid.

Any such woman failing to give notice as aforesaid shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Whenever any brothel-keeper changes his residence or acquires or enters into the occupation of any such house, room or place as last aforesaid, other than the house, room or place of which the situation has been registered as aforesaid, he shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations or additions shall be made in or to the said book and in the evidence of registration furnished to him as aforesaid.

Any such brothel-keeper failing to give notice as last aforesaid shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

*Refusal to show Evidence of Registration.*

7. Any registered woman or brothel-keeper who, without reasonable excuse, neglects or refuses to produce and show the evidence of her or his registration with which she or he shall have been furnished as aforesaid, when required so to do by such officer as the Local Government shall from time to time appoint in this behalf, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Information of the class of officers for the time being authorized to make requisitions under this section shall be furnished to registered women and brothel-keepers, under such rules as the Local Government shall from time to time prescribe.

*Special*

*Special Provisions relating to Brothels.*

8. If any brothel-keeper, whether registered as such under this Act or not, has reasonable cause to believe any woman to be a prostitute and not to be registered under this Act, and induces or suffers her to resort or be, for the purpose of prostitution, to or in the house, room or place in which he carries on his said business, he shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for permitting unregistered prostitutes to resort to brothels.

Provided that nothing in this or any other section of this Act shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house or for the nuisance thereby occasioned.

Proviso.

9. Every such brothel-keeper shall be legally bound to furnish information on any subject relating to his business to such officers and in such manner and at such times as the Local Government shall from time to time prescribe in this behalf. Every such officer shall, for the purposes of this section, be deemed to be a public servant.

Brothel-keepers legally bound to furnish information.

*Examination of Prostitutes.*

10. The Local Government shall have power to appoint persons to make periodical examinations of registered women in order to ascertain whether at the time of each such examination they are affected with contagious disease.

Examination of prostitutes.

11. For each of the places to which this Act applies, the Local Government may make rules consistent with this Act respecting the times and places of examination under this Act at that place, and generally respecting the arrangements for the conduct of those examinations and for recording the results thereof; and a copy of rules purporting to be rules under this section shall, if signed by a Secretary to such Government, be evidence of such rules for the purposes of this Act.

Local Government may make rules as to examinations.

The

The Local Government may also require the persons making such examination to send in reports to such persons at such times and in such form as the Local Government shall from time to time prescribe.

Reports.

Any person not a medical officer appointed to make such examination, and any registered woman, disobeying any rule made under this section, shall, on conviction before a Magistrate, be punished with simple imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Penalty for disobeying rules.

*Certified Hospitals.*

Local Government may provide and certify Hospitals.

12. The Local Government may from time to time provide any buildings or parts of buildings as Hospitals for the purposes of this Act.

Any building or part of a building so provided and certified in writing by a Secretary to the Local Government to be so provided, shall be deemed a certified Hospital under this Act.

Every certified Hospital so provided shall be placed under the control and management of such persons as to the Local Government shall from time to time seem fit.

Control of such Hospitals.

13. The Local Government shall make regulations for the inspection, management, and government of the Hospitals as far as regards women authorized by this Act to be detained therein for medical treatment or being therein under medical treatment for a contagious disease.

Regulations for management of Hospitals.

A copy of regulations purporting to be regulations made under this section shall, if signed by a Secretary to such Government, be evidence of such regulations for the purposes of this Act.

Registered prostitutes on receiving notice to go to Hospital.

14. Any woman registered under this Act shall, on receiving notice from any such officer as the Local Government shall from time to time appoint in this behalf, proceed to the certified Hospital named in such notice and place herself there for medical treatment.

If

If after the notice is delivered to her, she neglects or refuses to proceed to the said Hospital within the time specified in the said notice, an officer of Police shall apprehend her and convey her with all practicable speed to such Hospital, and place her there for medical treatment.

Penalty for neglect or refusal.

**15.** Whenever any such woman affected with contagious disease places herself or is placed as aforesaid in a certified Hospital for medical treatment, she shall be detained there for that purpose by such medical officer of the Hospital as the Local Government shall from time to time appoint in this behalf until discharged by him by writing under his hand.

Detention of prostitutes under medical treatment.

Medical treatment, lodging, clothing and food shall be provided gratis for every such woman during her detention in the Hospital.

**16.** If any woman authorized by such medical officer to be detained in a certified Hospital for medical treatment, quits the Hospital without being discharged therefrom by the chief medical officer thereof, by writing under his hand (the proof whereof shall lie on the accused), or

Penalty for leaving Hospital before discharge.

if any woman authorized by this Act to be detained in a certified Hospital for medical treatment, or any woman being in a certified Hospital under medical treatment for a contagious disease, refuses or wilfully neglects while in the Hospital to conform to the regulations thereof approved under this Act,

Penalty for disobeying regulations of Hospital.

then and in every such case such woman shall, on conviction before a Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months; and in case she quits the Hospital without being discharged as aforesaid, she may be taken into custody without warrant by any officer of Police.

On the expiration of her term of imprisonment under this section, such woman shall be sent back from the prison to the certified Hospital, and shall be detained there unless the medical officer of the prison at the time of her discharge from imprisonment certifies in writing that she is free from contagious disease (the proof of which certificate shall lie on her).

*Out-door*

*Out-door Treatment of Prostitutes.*

17. It shall be lawful for the Local Government to empower such surgeons or other persons as it shall from time to time appoint, to prescribe, by order to be served on any woman registered under this Act, who has not received a notice under section fourteen, the times and places at which she shall attend for medical treatment, and, if necessary, the medical treatment to which she shall submit.

Power to provide for out-door treatment of registered women.

Every such woman disobeying or failing to comply with any such order, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to a month, or with fine not exceeding one hundred rupees, or with both.

18. If any registered woman on whom such order as last aforesaid shall have been served, conducts herself as a common prostitute before such surgeon or other person empowered as last aforesaid certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), she shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Penalty for acting as a prostitute while under medical treatment.

19. During the interval between the service of such order upon any registered woman and the granting of such certificate, an allowance for her subsistence shall be provided of such amount and in such manner as the Local Government shall from time to time prescribe.

Subsistence-allowance.

*Segregation of Prostitutes.*

20. In any place to which the Local Government shall, by notification in the official Gazette, have specially extended this section, it shall be lawful for such officer as the Local Government shall from time to time appoint in this behalf, to cause a notice to be served on any registered woman, requiring her, after an interval of not less than seven days to be mentioned in the notice, not to reside in any street or place therein specified.

Penalty for residing in street or place after prohibition.

Any registered woman on whom such notice shall have been served disobeying the requisition therein contained shall, on conviction before a Magistrate,

Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months.

*Removal from Registry.*

**21.** The Local Government shall lay down rules prescribing a procedure in accordance with which any woman registered under this Act and desirous of ceasing to carry on the business of a common prostitute in the place at which she is registered and of having her name removed from the said book may have her name removed accordingly.

*Miscellaneous.*

**22.** No prosecution shall be instituted under this Act except at the instance of such officer as the Local Government shall from time to time appoint in this behalf.

**23.** In any proceeding under this Act, any notice, order, certificate, copy of regulations, or other document purporting to be signed by any person in the service of Government, or by any person whom the Local Government shall have, in exercise of the powers conferred on it by this Act, appointed to sign such document, shall on production be received in evidence and shall be presumed to have been duly signed by the person and in the character by whom and in which it purports to be signed, until the contrary is shown.

**24.** Every notice and order required by this Act to be served on a woman shall be served by delivery thereof either to her personally or to some person for her at her usual place of abode.

**25.** Any suit against any person for anything done in pursuance of this Act, shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the suit.

The plaintiff shall not recover if tender of sufficient amends is made before suit, or if a sufficient sum of money is paid into Court after suit brought, by or on behalf of the defendant.

26. The



**26.** The Local Government shall have power from time to time to declare by what officer anything directed to be done by this Power to make rules. Act shall be done, and by what class of officers information regarding anything made an offence by this Act shall be exclusively furnished.

The Local Government may also from time to time make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

The Local Government may also from time to time alter and add to any rules or regulations made under this Act: Provided that such alterations and additions are not inconsistent with any of the provisions hereinbefore contained.