

गुरुवार, मार्च २५, १९८८/चेत्र ५, शके १९१०

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 25th March 1988 :—

L. A. BILL No. VIII OF 1988.

A BILL

to provide for Regulation and Control of activities of prostitutes and brothels with a view to prevent the growth of disease known as Acquired Immunity Deficiency Syndrome (AIDS)

WHEREAS it is expedient to provide for regulation and control of the activities of the prostitutes and brothels in the State with a view to prevent the growth of disease known as Acquired Immunity Deficiency Syndrome; It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Regulation and Control of the Activities of the Prostitutes and Brothels Act, 1988.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,
extent and
commence-
ment.

- Definitions. 2. In this Act, unless the context otherwise requires,—
- (a) 'Prostitution' means and includes the profession carried by a woman to have a sexual intercourse with a man with or without consideration with the knowledge that such person is not her husband.
- (b) 'Prostitute' means a woman engaged in the profession of prostitution.
- (c) 'Registered Institutions' means the institutions which are registered under this Act.
- (d) 'Appropriate Authority' means an authority which is so empowered for the purposes of this Act.
- Compulsory Registration. 3. Every woman engaged in the business of prostitution shall register her business with such authority as may be empowered in this behalf by the State Government and the authority so empowered shall keep a register of the prostitutes registered with him.
- Age limit. 4. No woman shall engage in business of prostitution unless she attains the age of 21 years.
- Display of list. 5. The person in-charge of brothel shall display a list of the prostitutes in the brothel along with their age in the place where the business of prostitution is carried on.
- Medical Examination. 6. Every woman engaged in the business of prostitution shall undergo medical examination after every three months. Such medical examination shall be conducted by a lady doctor.
- Penalty. 7. The contravention of any of the provisions of sections 3, 4, 5 and 6 shall be a cognizable offence and the offender on conviction shall be punishable with imprisonment for one month with or without fine for first offence and for second or subsequent offences, with imprisonment for at least three months but not exceeding six months with or without fine.
- Power to make rules. 8. (1) The State Government may, subject to the condition of previous publication in the *Official Gazette*, make rule for carrying into effect the provisions of this Act;
- (2) Every rule made under this Act shall be laid as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall, from the date of publication of a notification in the *Official Gazette* of such decision, have effect, only in such modified form, or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything done or omitted to be done under that rule.

STATEMENT OF OBJECTS AND REASONS.

The object in bringing this legislation is to prevent and control the growth of the Acquired Immunity Deficiency Syndrome (A.I.D.S.) disease. The medical experts have opined that the main cause of this disease is common prostitution. About ninety per cent of prostitutes are suffering from venereal diseases. It is also reported that about one lakh common prostitutes are found in Bombay and they are the major cause of worry for medical authorities. There is no legislation to register these prostitutes from which the authorities could find out the exact number of prostitutes who are suffering from venereal diseases. In view of imminent danger of spread of A.I.D.S. it has become very important and necessary to have such legislation.

Hence this Bill.

Bombay, dated the 15th March 1988.

M. V. TEMURDE,
Member-in-charge.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves following proposals for delegation of Legislative powers :—

Clause 1(3).—This clause provides that the Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Clause 8.—The clause empowers the State Government to make rules to carry out the purposes of this Act.

The above proposals are of normal character.

Bombay, dated the 25th March 1988.

BHASKAR SHETYE,
Secretary (I),
Maharashtra Legislative Assembly.