

cities of Bangalore, Kolkata, Delhi and Hyderabad crossed 10,000 and the all-India figure exceeded 5 lakhs in 1990-91. According to the V.C. Mahajan Committee "At the time of induction into the prostitution, 9 per cent are below 15 years'; 24.9 per cent between 16 to 18 years', 27.7 per cent between 19 to 21 years'; and 32.9 per cent are above 22 years'."⁶⁸ In terms of caste classification, Dalits and Tribes constitute 36 per cent, Other Backward Classes 24 per cent and others 40 per cent.

The ITPA policy on child prostitution is one towards imposing stringent punishment upon the offenders, rehabilitation of the children and minors served in the prostitution acts, their intermediate custody and proper maintenance of protective homes. The following details show the differences in the quantum of penalty for offences against children and minors as distinct from those on adult prostitutes.

Section ITPA	Offence	Punishment for offences in relation to adult prostitutes	Punishment for offences in relation to child prostitutes	Punishment for offences in relation to minor prostitutes
4	Living on the earnings of prostitution.	Imprisonment for a term of two years' or fine of Rs 1000.	Imprisonment for a term not less than seven years' and not more than 10 years'.	Imprisonment for a term not less than seven years' and not more than 10 years'.
5	Procuring or taking or inducing or for attempting these acts.	Rigorous imprisonment for a period not less than three years' and not more than seven years' and a fine not exceeding Rs 2000.	Rigorous imprisonment for a term not less than seven years' but may extend to life.	Rigorous imprisonment for a term not less than seven years' but may extend to 14 years'.
6	Detaining in premises where prostitution is carried on.	Imprisonment for a term not less than seven years' and not more than 10 years' and fine.	Imprisonment for a term not less than seven years' and not more than 10 years' and fine + presumption of guilt in case of child's presence.	Imprisonment for a term not less than seven years' and not more than 10 years' and fine + presumption of guilt about sexual abuse.

⁶⁸ The Committee was appointed by the Supreme Court in *Gaurav Jain v. Union of India* (1997) 8 SCC 114; AIR 1997 SC 3021

Section ITPA	Offence	Punishment for offences in relation to adult prostitutes	Punishment for offences in relation to child prostitutes	Punishment for offences in relation to minor prostitutes
7	Prostitution in or in the vicinity of public place.	Imprisonment of the prostitute and the person with whom it is carried for a term which may extend to three months'.	Imprisonment of the prostitute for a term which may extend to three months' + imprisonment of the person with whom it is carried for a term which shall not be less than seven years' but which may extend to life + fine.	Imprisonment of the prostitute for a term which may extend to three months' + imprisonment of the person with whom it is carried for a term which shall not be less than seven years' but which may extend to 10 years' + fine.

The above policy, which was introduced by the amendment in 1986, was triggered by the seriousness of the concern of the society towards child and minor prostitutes in the changed circumstance and change in value perception. However, it is surprising that regarding the offence of seducing a woman or girl under one's custody to prostitution no differentiation is made under Section 9 and same quantum of punishment is continued even after 1986.

Regarding intermediate custody of child and minor prostitutes recovered after search under Section 15 or rescued under Section 16, it is provided under Section 17(2) that the Magistrate while ordering for custody of the child should consider the age, character and antecedent of the person, suitability of her parents, guardian or husband for taking charge of her and inquire about prospects of rehabilitation. The Magistrate may order for detention of the person in protective home or in such other custody for a period not less than one year and not more than three years.' The persons in charge of protective homes or other custody keepers taking the girl in custody shall undertake to provide proper care, guardianship, education, training, and medical and psychological treatment of the detained person. If the Magistrate passes order for handing over the charge of the person to the parents, guardian or husband, it shall be preceded by the scrutiny with the help of welfare institution of their capacity or genuineness (Section 17-A).

About giving shelters of rehabilitation to child and minor prostitutes, the ITPA makes appropriate provisions. Corrective institutions and protective homes are constituted under the Act. For ensuring fair