

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 23rd NOVEMBER, 2022

IN THE MATTER OF:

+ **W.P.(C) 8485/2018 & CM APPL. 8178/2020**

ATEET BANSAL

..... Petitioner

Through: Petitioner in person

versus

COMMISSIONER OF POLICE, DELHI & ANR Respondents

Through: Mr. Sameer Vashisht, ASC, Civil,
GNCTD with Ms. Sanjana Nangia,
Advocate
Mr. Vivek Goyal, CGSC with
Mr.Gokul Sharma, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

SUBRAMONIUM PRASAD, J.

1. The present writ petition under Article 226 has been filed as a Public Interest Litigation (PIL). The Petitioner herein is a permanent resident of New Delhi.
2. Shorn of details, the facts in brief leading to the instant petition are as under:-
 - i. The Petitioner came across advertisements for massage parlours in newspaper advertisements and through business listings on the online search engine platform Just Dial, obtained the number of an unknown person on Just Dial, who claimed to run massage parlours. The Petitioner contacted said unknown

person, who asked the Petitioner to pay Rs. 12,000/- on the pretext of meeting parlour girls, at the address 6, Anupam Enclave Phase-I, IGNOU Road, Saket. The unknown person demanded a sum of Rs. 12,000/- for setting up a meeting with the girls. It is alleged that on reaching the address, the Petitioner was severally beaten up. Before the perpetrators could be identified, they had escaped from the spot.

- ii. It is stated that the Petitioner made multiple calls between 09:50 PM to 10:20 PM to the Police Control Room, Neb Sarai and Hauz Khas police stations, so as to report the physical attack on him and to provide information about the sex racket businesses operating at the place of the incident, but to no avail. A record of calls made to the PCR on 02.06.2017 is annexed in the Petition.
- iii. Purportedly, no action was taken by the Police despite the Petitioner's attempts to inform them of the alleged sex racket businesses running in areas spread across Delhi NCR. The Petitioner states that on previous occasions also, he made attempts to reach out to requisite authorities in an attempt to apprise them of the rampant operations of the businesses of running sex rackets under the garb of legitimate businesses, such as massage parlours.
- iv. The Petitioner on 18.07.2017 filed an RTI application before the DCP-cum-Public Information Officer, seeking information regarding the status on the actions, if any, taken pursuant to his calls placed to the Police Control Room ("PCR") on the night

of the incident, i.e., on 02.06.2017. In reply to the aforesaid RTI application, the Petitioner was informed that his complaint had been received, and the application was being transferred for a reply under the RTI Act, 2005, to Additional DCP-cum-PIO, South District.

- v. Additional DCP, South District in a reply dated 22.08.2017 denied that any calls were received either at Neb Sarai or Saket Police Stations from the mobile number of the Petitioner on 02.06.2017.
- vi. Further, the ACP, Mehrauli sent an Action Report dated 06.12.2017, to the Petitioner. The report was sent pursuant to directions from Respondent No. 1 to the ACP, to investigate the Petitioner's complaint. The Action Report denied the operation of sex racket within the Mehrauli PS jurisdiction, thereby declaring the case as closed, with the following conclusion:

“An enquiry into the matter was conducted through ACP/Mehrauli/SD which revealed that visited alleged address i.e. Saket PH1 IGNOU road Disha Diagnosis Center Saiduljaab New Delhi but no such flat, room or house was found where sex racket is being run by anyone. Besides complainant was also called on his contact number 9210199045 and he was requested to come: and identify the exact location where the said sex racket is being run, but complainant never gave response and didn't turn up. He made regular excuses and finally denied to come to identify the place. From the enquiry done so far and from the present fact of the complaint enquiry and as per local information there is no sex racket running in Saidulajab under the jurisdiction of police station Mehrauli, New Delhi.”

vii. Seeing no active response to his complaints sent to the Police, the Petitioner in a letter addressed to Respondent No. 2 dated 13.09.2017 alleges inaction, failure and lapse on part of the Police in acting on his complaints timely and efficiently. Pursuant to this letter, the Respondent no. 2/Hon'ble Lieutenant Governor referred his case to the office of Respondent No. 1. The Petitioner thereafter filed another RTI application on 01.05.2018, seeking a status report on the action taken by the police in the matter at hand. A reply to this RTI application was issued by the PIO-cum-Additional DCP, South District, informing the Petitioner that the complaint was pending enquiry in the South District's Operation Cell.

viii. The Petitioner has filed the PIL with the following prayers:

"a) Writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No. 1&2 to immediately initiate actions to abolish all sex rackets/illegal flesh trade from the roots of our society;

b) Writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No.1 & 2 to take immediate action to conduct an enquiry into the complaint filed by the Petitioner;

c) Writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No. 1 to take necessary steps against senior officials for filing a false report and for not taking actions on complaints of the Petitioner to screen off the offenders;

d) Writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No. 1 & 2 to treat all complaints in a time bound manner;

e) Writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No. 1 to file a status report qua the total number of massage parlours operating in Delhi and NCR in a time-bound manner;

f) Pass any such orders as this Court may deem fit in the facts and circumstances of the present case."

3. The Petitioner submits that the operations of sex rackets and prostitution rings are in direct violation of Section 8 of the Immoral Traffic (Prevention) Act, 1956; transgresses upon the right to life under Articles 21 and 22 and goes against prohibition of trafficking under Article 23.

4. It is also his submission that the sex racket businesses operating under the garb of massage parlours pose a serious threat to the safety and dignity of women. In an effort to put an end to this malaise, he has taken efforts to report the operation of these businesses in his knowledge. He explains that his motivation to file the present petition is guided by a sense of safeguarding the larger interests posed to the safety of women in the society that stand threatened by the mushrooming of illegal sex trafficking rings in the city and its surrounding areas.

5. He submits that the Police, as also other authorities at multiple levels, have been adequately informed with ample supporting evidence, of the increasing number of sex racket businesses. However, these concerns voiced

through his complaints, have fallen on deaf ears time and again. He submits further that the refusal of the authorities to act on his complaints is deliberate, and is revealing of the extant corruption within the hierarchy of the Delhi Police. In the petition, he has annexed various newspaper articles reporting previous crackdowns by the Police on active sex racket businesses operating under massage parlours, to support his submission that the operation of sex rackets and prostitution rings have become increasingly rampant in Delhi NCR.

6. *Per Contra*, the Id. Counsel for the Respondents submits that it is not the case, as contended by the Petitioner, that there has been complete inaction on part of the Police in conducting investigations into the operation of businesses running sex rackets. The Ld. Counsel for the Respondents submits that the Police have regularly been investigating into and taking appropriate legal actions against the rackets. The Ld. Counsel for the Respondents relies on the information provided in the Counter Affidavit filed by the Delhi Police on behalf of the Respondent No. 1 on 26.11.2018, which reveals that enquiries in complaints have already been conducted on the receipt of information in prior instances.

7. A notice was issued by this Court in the present petition *vide* an order dated 25.07.2019, directing all the Respondents to place on record their Counter Affidavits. In compliance with the said Order, the Respondent No. 1 attached a Status Report through an affidavit which contains information on actions taken against various sex rackets operating in Delhi NCR, for the period pertaining to 01.01.2017 to 30.09.2019. The information pertains to the total number of massage parlours operating in certain areas of the city, and the status on actions taken by Civic agencies and the Police, pursuant to

complaints for closure of those parlours that were found be operating sex rackets. The information contained in the aforementioned Status Report reveals the following:-

- *526 massage parlours exist in the city of Delhi as per the information received from the field formations, out of which 405 massage parlours were found functioning.*
- *The remaining 121 massage parlours have either been closed by the owner himself or have been sealed by MCD/SDMC.*
- *19 complaints were received against massage parlours in which allegation of illegal flesh trade were levelled.*
- *Out of these 19 complaints, on 08 complaints FIRs under the ITP Act have been registered against the owners of massage parlours. The allegations leveled in the remaining 11 complaints could not be substantiated during enquiry.*
- *49 Kalandras u/s 28/112 of Delhi Police Act, 1978 have been filed against the owners of the massage parlours which were found operating without valid trade licenses.*
- *02 FIRs have been lodged against the owners of Massage Parlours for not getting the police verification of their workers done, despite directions.*
- *61 Massage Parlours, were found operating with expired/without license and information regarding the same has been sent to concerned Civic Agencies to take appropriate legal action.*

8. Annexed with the aforesaid affidavit is also a memo issued by the Delhi Police Headquarters, with directions and instructions to all Deputy Commissioners of Police under Delhi Police's jurisdiction to keep a vigil on

massage parlours and to take appropriate legal actions against them as and when they notice any illegal activities taking place. The relevant part of the memo reads as under:-

"In the above captioned Petition, the Petitioner has made prayer before the Hon'ble High Court of Delhi for issuance of appropriate directions to Delhi Police for taking action against the sex rackets/illegal flesh trade being run under the garb of massage parlours.

The Hon'ble High Court has taken a serious view in the matter and has directed Delhi Police to take prompt action against such massage parlours.

In view of the above, it is requested that the Sub-Division Police Officers/SHOs may be suitably briefed to keep vigil on the activities of Massage Parlours running under their jurisdiction and to take prompt legal action under the relevant provisions of law as and when any illegal activity comes to the notice. Further, the concerned Civic Agency may also be informed for taking suitable action against the massage parlours which are found running without a valid license.

Further, the Hon'ble High Court of Delhi in W.P. (C) No. 10397/2019 titled Vikas Singh & Ors. Vs. GNCT of Delhi & Ors. has directed that "in case the spas owners meet all the requirements for running the business establishment, it is expected that the officer of the respondents would not unnecessarily harass them". Hence, in view of above directions, it may also be ensured that in respect of the massage parlours which are actually offering health spa and massage services after obtaining the valid health trade license from the competent authority and are not indulging in any sort of immoral or illegal activity, above directions of the Hon'ble High Court are strictly implemented."

9. This Court is of the opinion that the status report discloses that necessary action has been taken by the Police, whenever they have been in receipt of information or complaints with respect to prostitution rackets operating under massage parlours. Considering that the Delhi Police has been taking necessary actions, this Court is of the opinion that no further orders are required to be passed in the present petition in light of the directions already issued by Respondent No. 1. The Respondent Police is directed to ensure that all steps are undertaken to prevent prostitution rings from being conducted under the garb of massage parlours.

10. In light of the aforesaid, the present PIL stands disposed of along with pending application(s), if any.

SATISH CHANDRA SHARMA, C.J.

SUBRAMONIUM PRASAD, J

NOVEMBER 23, 2022

hsk/ss