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FROM MARGINALIZATION TO RIGHTS: EXAMINING CONSTITUTIONAL AND LEGAL SAFEGUARDS FOR SEX WORKERS IN INDIA

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Abstract

Prostitution is not a novel notion in India. In India, the history of sex work and its practitioners dates back to the dawn of human civilization. India has witnessed nearly every facet of the sex industry, from the best to the worst. Ancient history is replete with tales that genuinely depict the favourable circumstances faced by sex workers during that era. They received the money and respect they needed to advance in society. The Chanakya's writings during the Mauryan Empire provide evidence of the prostitutes' meddling in the king's policy-making. However, over time, sex workers have come to be associated with negative stereotypes and a lower social rank. After the British arrived in India, the status of women in this field began to significantly decline. A vocation that was previously seen as honourable later became stigmatized.

The present research critically examines the status of sex workers in India by conducting in depth analysis of the formal recognition and protection of their rights within Constitution and various statutory frameworks. The study concludes that existing legal frameworks have not translated into effectual rights due to partial enforcement, ingrained social prejudice and structural defects, thereby necessitating profound legal reform.

Keywords: Prostitution, Social prejudice, Ineffective existing frameworks, Legal Reform.

Introduction

India is not an exception to the rule that prostitution is one of the world's oldest occupations. Sex workers go by numerous names over time, including Devdasi, Tawayaf, Nagar Vadhu, and many more, but their job never changes. Early on, there were differences in the way that sex workers lived their lives and were regarded by society. The lives of sex workers have become less glamorous over the years, to the point where no one is willing to discuss them anymore.

Colonial Indian Scenario:

Before the British arrived, sex workers were regarded as valuable members of society. Sex workers in India were exposed to colonial ideas and cultural misunderstandings throughout the colonialism of the country.¹ The situation of women who were involved in prostitution changed after the British arrived in India. The British soldiers wanted to satiate their sexual urges because they were separated from their spouses while in India and sought comfort in the prostitutes at that particular moment. As a result, the British government established a number of tightly regulated brothels throughout the state. Prostitution began to proliferate, but among the English soldiers, a creeping fear of catching the venereal illness set hold. With this backdrop in mind, the Madras Governor, Lord William Bentick, passed a resolution on April 22, 1805, imposing tight regulations on the prostitutes. Lock hospitals were established in locations where British troops were stationed. The women who worked as prostitutes were subjected to mistreatment, physical and sexual abuse, malnutrition, and imprisonment.²

Among the laws enacted in India to restrict prostitution and control solicitation in public spaces are the Madras City Police Act of 1888, the Bombay City Police Act of 1887, and the Calcutta Police Act of 1860. The Madras Governor-in-Council formed a committee in 1865 including Scott, W.W. Robinson, Scott, Pritchard, the Inspector General of Police, and Ellis, the President of the Sanitary Commission. The committee's goal was to establish regulations to manage brothels and stop the spread of sexually transmitted infections. As a result, prostitution was restricted to the Cantonment area, where permission from the superintendent of police was needed. In addition, registration was required for prostitutes to engage in prostitution and obtain medical care for sexually transmitted diseases. There was unrestrained prostitution and an increase in soldiers getting sexually transmitted diseases as a result of the prostitutes' inability to register under the previous law.

In response, the Contagious Diseases Act of 1868 was enacted. This law required registration for both prostitutes and brothel owners, and it severely restricted the prostitution industry. Women who contracted the infection were treated cruelly and lost their income while being

¹ Peltola, L., Chugh, K., & Ray, S. (2021, October 3). A Glance at the life of sex workers in India. ISHR. Retrieved March 10, 2026, from <https://blogs.cuit.columbia.edu/rig-htsviews/2021/10/13/a-glance-at-the-life-of-sexworkers-in-india/>

² Goyal, Y., & Ramanujam, P. (2015). Ill-Conceived Laws and Exploitative State: Toward decriminalising prostitution in India. *Arkon Law Journals*, 47(4)

housed in hospitals until they recovered.³ The Contagious Diseases Act was repealed in 1888 as a result of strong opposition and ineffective enforcement.

Later, the Bengali government passed a statute in 1923 to outlaw the forced prostitution of girls younger than 13 years old. In 1928, a bill was passed in Madras (now Chennai) to stop the importing of women for prostitution. Still, it did not become a law. In 1930, "The Madras Suppression of Immoral Traffic Act" was enacted as a new statute.

Post Independence:

Following India's independence in 1947, the Madras government strengthened the law by toughening penalties for specific violations and creating safe havens for impacted girls.

A bill called "The Suppression of Immoral Traffic in Women and Girls Bill, 1956" was presented in the Lok Sabha to implement a global accord established in New York in 1950. The "Suppression of Immoral Traffic in Women and Girls Act, 1956" was enacted after the measure was introduced in December 1954 and signed into law on December 31, 1956. It abolished earlier provincial legislation and gave state governments the power to enact regulations. The Suppression of Immoral Traffic in Women and Girls Act (SITA) sought to safeguard women's and girls' welfare by prohibiting exploitation. It was an important step in the nation's fight against forced prostitution and morally repugnant trafficking.

I. Constitutional Approach towards Sex Workers

As previously stated, the female sex workers' inferior status in both the industry and society was recognised by the founding fathers of our country, who incorporated measures in the Constitution to improve their condition. The Indian Constitution mandates that policymakers take proactive measures to safeguard the most vulnerable segments of society. Women's unique position is also addressed under the Constitution's Fundamental Rights. Different social welfare laws enacted in support of women are guided by the Directive Principles. They contend that every citizen has a right to a sufficient standard of living. The Directive Principles of State Policy are based on a fairly progressive ideology. It aims to outlaw all forms of child and woman exploitation in all spheres of society.⁴

³ Sudha, K. (2006). Socio-Legal Aspects of Prostitution (A Study with Reference to Its Prevalence and Regulation in the State of Andhra Pradesh, India).

⁴ Shobha Saxena, Crime Against women and Protective Laws, 23, (2001, 1st ed.)

The rights of sex workers are directly or indirectly covered by Articles 14, 15(3), 19(1)(g), 21, 23, 39(e), 39(f), and 51(a). **Article 14**, which upholds the fundamental right to equality, states that no one living in India may be denied equality before the law or equal protection under the law.⁵ **Article 15(3)** of the Constitution empowers the state to make special provisions for women and children⁶. **Article 19(1)(g)** provides the right to citizens of the country to practise any profession or to carry on any occupation, trade or business⁷. The right protected by Article 19(1)(g) is subject to reasonable restrictions under Article 19(6). The cornerstone of the Indian Constitution, **Article 21**, states that no one may be deprived of their life or personal freedom unless it is done so in accordance with a legally prescribed process.⁸ **Article 23** is the most significant as it addresses the issue of trafficking in sex work directly. The primary goal of Article 23 is to criminalise human trafficking. Furthermore, **Article 35** of the Constitution stipulates that only Parliament may enact laws that punish the acts forbidden by this article, thereby protecting already-enacted legislation.

Part IV of the Constitution addresses the issues facing women generally in **Articles 39(e) and (f)**. According to **Article 30(e)**, the state is required to safeguard the physical and mental well-being of its employees, particularly minors, and to make sure that young people do not pursue careers that are inappropriate for them. The state is required by **Article 39(f)** to safeguard children and young people against both material and moral abandonment.⁹ **Article 51(a)** which contains fundamental duties also contains in its **clause (e)** which specifically aims at upliftment of women¹⁰. Thus, the Constitution of India contains many important provisions meant for betterment and upliftment of women.

⁵ Article 14, The Constitution of India, 1950, runs as under: "The State shall not deny to any person equality before the law or the equal protection of law within the territory of India."

⁶ Article 15(3), The Constitution of India, 1950, runs as under: "Nothing in this Article shall prevent the state from making any special provision for women and children."

⁷ Article 19(1)(g), The Constitution of India, 1950, runs as under: "All citizens shall have the right to practice any profession or to carry on any occupation, trade or business."

⁸ Article 21, The Constitution of India, 1950, runs as under: "No person shall be deprived of his life or personal liberty except according to the procedure established by law."

⁹ Article 39(e) and (f), The Constitution of India, 1950, runs as under: "The State shall in particular direct its policy towards securing: (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength, (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation against moral and material abandonment... "

¹⁰ Article 51(a)(e), the Constitution of India, 1950, runs as under: "It shall be the duty of every citizen of India to provide harmony and spirit of common brotherhood amongst all the people of India, transcending religious, linguistic or sectoral diversities, to renounce practices derogatory to the dignity of women."

II. Legislative Approach towards Sex workers in India

a. Indian Penal Code, 1860

The following provisions are not directly related to prostitution but are nonetheless indirectly related to those activities that are related to the act of prostitution:

- According to **Section 354**¹¹ of the Indian Penal Code, any person who commits an act of assault or employs criminal force against a woman with the intent to outrage her modesty or with the knowledge that such act is likely to outrage her modesty shall be subjected to penalties including imprisonment for a period of up to two years, a fine, or both.
- **Section 366**¹² of the Indian Penal Code addresses the act of kidnapping, abducting, or inducing a woman for the purpose of compelling her into marriage or engaging in illicit intercourse against her will or with coercion. The provision states that anyone found guilty of such actions shall be subject to imprisonment for a period of up to ten years, along with potential fines.
- **Sections 366A**¹³ and **366B**¹⁴ of the Indian Penal Code specifically target the trafficking of minor girls for the purpose of prostitution, both domestically and internationally. Section 366A focuses on the procurement of minor girls from one part of India to another, while Section 366B addresses the importation of girls under the age of twenty-one from foreign nations for prostitution. Section 366 and Section 366A of the Indian Penal Code (IPC) stipulate that kidnapping and luring a minor girl carries a maximum ten-year prison sentence together with a fine. Furthermore, Section 366B stipulates a 10-year prison sentence for importing a female under the age of 21 from another nation with the intention of using her for prostitution.
- The sale, employment, or disposal of any individual under the age of eighteen for the purpose of prostitution, illicit intercourse, or any other unlawful and immoral behaviour is prohibited by **Section 372**¹⁵ of the Indian Penal Code. In addition to a fine, violators may spend up to ten years in prison.

¹¹ Section 354, Indian Penal Code, 1860.

¹² Section 366, Indian Penal Code, 1860.

¹³ Section 366A, Indian Penal Code, 1860.

¹⁴ Section 366B, Indian Penal Code, 1860.

¹⁵ Section 372, Indian Penal Code, 1860.

- **Section 373**¹⁶ of the Indian Penal Code addresses the act of buying, hiring, or taking a minor into one's possession with the intent to use them as a prostitute. These offences are punishable by up to 10 years in jail and a fine.
- The Indian Penal Code classifies rape as a crime in **Section 375**.¹⁷ According to this provision, a man is guilty of rape if he has sex with a woman without her consent or if she is younger than 18.

b. Suppression of Immoral Traffic Act, 1956 (SITA)

The Suppression of Immoral Traffic in Women and Girls Act was passed on December 30, 1956. India was a signatory to the 1950 New York United Nations International Convention for the Suppression of Traffic in Persons and the Exploitation of Women, which placed the Act into action. The Immoral Traffic Prevention Act, 1956) was updated twice since it was put into effect in 1978 and 1986. Although the Act's primary goal was to prevent immoral trafficking, its reach was severely restricted because it exclusively tried to suppress immoral trafficking in women and girls.

The need to make amendments to the Act emerged due to the following reasons¹⁸:

- 1. Change in Emphasis:** The Act's initial title, "Suppression of Immoral Trafficking Act," indicated that its primary goal was to suppress prostitution. The Immoral Traffic (Prevention) Act (ITPA) was the new name given to the Act in 1986 in order to promote prostitution prevention above suppression. Notwithstanding the change, prostitution continued to be seen negatively by society and the government, with the Act's ultimate goal being its abolition.
- 2. Limited Scope:** Due to its primary focus on the trafficking of women and girls, SITA had a limited scope. This omission left out a large portion of the population that was abused in the prostitution industry, including men, boys, hijaras, and koti sex workers. These marginalised groups were ignored and left open to exploitation because the Act did not take them into consideration.
- 3. Incomplete Definition of Prostitution:** SITA's definition of prostitution only took into account voluntary acts in which a woman "offered her body" for sex in return for

¹⁶ Section 373, Indian Penal Code, 1860.

¹⁷ Section 375, Indian Penal Code, 1860.

¹⁸ Tambe, A. (2009). *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay*. London: University of Minnesota Press.

cash or commodities. This definition did not sufficiently address situations in which people were forced or trafficked into the sex trade, nor did it acknowledge the existence of forced prostitution.

4. **Inadequate Protection for Minors:** SITA categorises females into two groups based on age, distinguishing women above 21 as adults and those below 21 as girls. The Act prescribed different treatment for women and girls involved in soliciting or engaging in prostitution. While women were sent to protective homes, girls were referred to rehabilitation centres. However, the Act failed to differentiate between the exploiters of women and girls, treating them the same and thus neglecting the specific vulnerabilities of underage victims.

c. Immoral Traffic Prevention Act, 1986

The Suppression of Immoral Traffic in Women and Girls Act's shortcomings were addressed by the enactment of the ITPA Act (SITA). The ITPA Act expanded the definition and use of SITA, aiming to combat human trafficking in addition to the trafficking of women and girls. The SITA definition of a prostitute solely mentioned female prostitutes; however, the term "prostitution" has since been expanded to encompass "persons" as well as women and girls. According to this interpretation, men, boys, hijras, koti labourers, etc. are covered by the legislation. Their status was appalling since the prior law did not acknowledge their existence or consider how they were exploited.

The separation of prostitutes into three categories: minors, majors, and children, instead of only two under SITA was another change made to the Act. Women (over the age of 18) and girls (under 21) were the two age groups. But as was already mentioned, the main issue with the SITA Act was that the exploiters, girls and women alike were punished equally and without distinction. To tackle this problem, **Section 5** of the ITPA Act sets different fines for procuring an individual for prostitution from each of the three categories. This method adapts the penalty to better meet and safeguard the unique requirements of juveniles, adults, and children involved in prostitution by taking into account the various vulnerabilities and circumstances that they face.

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the main piece of legislation pertaining to sex industry. The Act primarily criminalises pimping and related crimes, giving

prostitution a business element that might potentially exploit the prostitute's persona.¹⁹ The Act does not prohibit prostitution per se but it does prohibit commercial activities of the flesh trade²⁰. It has been decided that having sex is not a need for proving prostitution; rather, the only thing needed to demonstrate prostitution is that a woman or girl has given her body for promiscuous sexual relations for hire.²¹ **Section 3** of the ITPA provides for the punishment of any person in charge of the premises who uses or knowingly allows someone else to use it as a brothel. From case law, it seems that even a single incident of prostitution, with surrounding circumstances, is sufficient to prove the offence of keeping a brothel²². Offences under the ITPA are under Sections 3 to 9²³. A few rulings have held that the ITPA was designed to prevent or outlaw the commercialised vice of women trafficking, not to outlaw prostitutes and prostitution in general or to make it illegal for a woman to engage in self-prostitution.²⁴ In a different case, the Gujarat High Court rejected the recognition of prostitution as a respectable source of income, arguing that doing so would encourage women to become trafficked and that prostitution is not a fundamental right for women or girls.²⁵ The restrictions imposed under **Section 7** of the ITPA were held to be legitimate and not discriminatory²⁶. The ITPA also allows for reformation of female offenders by detaining them in established corrective institutions²⁷. It is interesting to note that the client faces no punishment whatsoever²⁸.

Prostitution in or near public places is illegal under **Section 7** of the Immoral Traffic Prevention Act, which starts the criminalization of prostitution. In this case, the moralistic foundation of the law guides its efforts to uphold "public decency" and "morally clean up" public areas.

¹⁹ Manoj Wad and Sharayu Yadav, *The legal framework of prostitution in India, Prostitution and beyond: an Analysis of Sex Work in India* (New Delhi: SAGE Publishers, 2008) 212.

²⁰ *Ibid.*

²¹ *Gaurav Jain v. Union of India and others AIR 1997 SC 3021*

²² *Ibid.*

²³ S3 provides for punishment for keeping a brothel or allowing premises to be used as a brothel, §4 provides for punishment for living on the earnings of prostitution, §5 provides for offences in procuring, inducing or taking persons for the sake of prostitution, §6 provides for detaining a person in premises where prostitution is carried on, §7 provides for offences regarding prostitution in or the vicinity of public places, §8 provides for seducing or soliciting for the purpose of prostitution, §9 provides for seduction of a person in custody: Immoral Traffic (Prevention) Act, 1956.

²⁴ *In Re: Ratnamala and Another v. Respondent AIR 1962 Madras 31*

²⁵ *Sahyog Mahila Mandal v. State of Gujarat (2004) 2 GLR 1764.*

²⁶ *Ibid.*

²⁷ S10A, ITPA, 1956.

²⁸ Prabha Kotishwaran, *Preparing for Civil Disobedience: Indian Sex Workers and the Law*, 21(2) BOSTON COLLEGE THIRD WORLD JOURNAL 161, 170 (2001).

The addition of **Section 8**, which penalises enticing and soliciting for the purpose of prostitution, is a blatant sign that the victim is being criminalised and that the act of prostitution is being interfered with. "Wilful exposure of her person (whether by sitting by a window or on the balcony of the building or house or in any other way) or otherwise tempts or endeavours to tempt, or attracts or endeavours to attract the attention of any person for the purpose of prostitution" is how this offence is constructed, which is extremely patriarchal. If a man commits the same violation under the so-called gender-neutral act, he faces far less severe punishment (three months as opposed to a year in jail).

The Immoral Traffic Prevention Act (ITPA), 1956, is the specific law addressing trafficking in India, a nation that transports, receives, and supplies large numbers of people who have been trafficked. Even with a few changes made in 1986, the legislation is still insufficient to combat human trafficking and is ideologically flawed. Its main problem is a conceptual ambiguity surrounding the idea of trafficking, which has resulted in many victims of trafficking receiving unfair treatment. The misguided moralistic criminalization of prostitutes at the expense of effectively addressing the issue of trafficking itself is one of the Act's primary conceptual flaws.

d. Immoral Traffic (Prevention) Amendment Bill, 2006

After being tabled in the Lok Sabha on May 22, 2006, the Immoral Traffic (Prevention) Amendment Bill was referred to the standing committee on June 2, 2006. On November 23, 2006, the committee's report was finally completed. The Immoral Traffic (Prevention) Amendment Bill, 2006 seeks to effectively combat trafficking and commercial sexual exploitation by amending the Immoral Traffic (Prevention) Act of 1956. It does not, however, make prostitution illegal. Rather, it addresses the demand side (clients) as well as the supply side (traffickers) of the industry in order to combat human trafficking.

There are three important things that require attention: *Firstly*, it must be decided if people who voluntarily participate or continue in prostitution should be regarded as having a legitimate source of income. The *second* point of contention is the efficacy of using client punishment as a countermeasure against human trafficking. The question of whether fining customers is the best way to lower demand and eventually stop human trafficking emerges. *Third*, it is necessary to determine if the Bill should punish human trafficking for reasons other than sexual exploitation. Below, these issues are further discussed:

- **Legality of Prostitution:** The Bill defined "brothel" as any place or space used for the purpose of sexual exploitation, either for the benefit of oneself or for the joint benefit of two or more prostitutes, and "prostitution" as the sexual exploitation or abuse of people for financial gain. The Bill penalises prostitution if it occurs in a brothel or within 200 metres of specific establishments, which include hotels, hospitals, nursing homes, educational institutions, and other public places as determined by the Commissioner of Police or Magistrate. However, it does not penalise individuals who engage in prostitution for personal gain.
- **Punishing Clients:** The Bill aimed to penalise anybody who enter a brothel with the purpose of abusing a victim of human trafficking sexually. But this clause raised a number of problems. One problem was that it can be hard for guests to a brothel to tell the difference between someone who has been trafficked and someone who has not. The Bill stipulates that punishment would only occur in cases when a victim of human trafficking is sexually exploited. If the victim wasn't a victim of human trafficking, the client wouldn't face any penalties. However, the Bill's ambiguous definition of "sexual exploitation" sparked worries that it might allow anybody to enter a brothel and be harassed there, regardless of their intentions or purpose.
- **Increased Police Harassment:** The bill lowers the required rank of the special police officer from Inspector to Sub-Inspector of Police. This proposed amendment raised concerns about potential consequences for sex workers, such as increased police harassment and illegal detentions.
- **Trafficking Limited to Prostitution:** In addition to the UN Convention against Transnational Organised Crime, India is a signatory to the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. This Protocol defines "trafficking in persons" as the enlistment, hiring, transfer, harbouring, or receiving of people under duress or with the use of force. An individual must be used for prostitution, sexual exploitation, forced work, slavery, or anything similar, such as organ harvesting, in order for it to be considered exploitation. On the other hand, the proposed bill merely makes trafficking illegal if the victim is utilised for prostitution. It excluded the trafficking of people for other purposes, like organ trafficking, camel racing, domestic work, bonded labour, and begging. Consequently, there may be a case for enacting a comprehensive law on trafficking in persons that goes beyond its association solely with prostitution.

e. Juvenile Justice Act, 2000

The concerned Act deals with child in need of care and protection²⁹. The definition of a child in need of care and protection in clauses vi, vii, and viii of Section 2 (d) states that a child who has been or is likely to be sexually abused or tortured for illegal acts, or who has been trafficked or who has been abused for unconscionable gains, clearly includes a child who is trapped in this flesh trade. Because a juvenile prostitute is often treated like a commodity and trafficked from one location to another in order to engage in prostitution, he is sexually assaulted, tortured, and in need of care and protection. Therefore, the vast majority of exploited child prostitutes and their offspring are included in the definition of a child in need of care and protection. If young people involved in prostitution are not removed from high-risk neighbourhoods and given the necessary support to turn their lives around, they will undoubtedly continue as prostitutes in the future.

f. Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill 2021

The goal of the 2021 bill is to offer specific legislation. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 and the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, were the previous versions of the proposed legislation. In July 2018, the 2018 bill was passed by the Lok Sabha after it was introduced. Nevertheless, due to widespread opposition, the bill was never brought before the Rajya Sabha.

III. Loopholes in Indian Legal Framework

a. Corruption-Riddled System

The foremost loophole doesn't lie in the ITPA itself, but it lies in its corruption riddled implementation³⁰. The laws intended to safeguard the abuse of prostitutes but it goes against them and gives free hand to the customers of prostitutes who are not penalized³¹. This is the reason for poor impact and outreach of this legalisation. Also, the attitude of police as well as judiciary is indifferent towards sex workers³². This consequently gets police to abuse sex workers through their so called raids, and gives a free hand to pimps, procurers and brothel

²⁹ Section 2 (d), Juvenile Justice Act, 2005

³⁰ Harshad Barde, (Mis) Reading through the lines, Prostitution and beyond: an Analysis of Sex Work in India (New Delhi: SAGE Publishers, 2008) 227.

³¹ *Ibid.*

³² Saxena, P. (2002). Immoral Traffic in Women and Girls: Need for Tougher Laws and Sincere Implementation. JILI, 504, 523.

owners who go scot-free³³.

b. Improper Enforcement

Strong ties between elected officials, law enforcement organisations like the police, and the brother keeper are the main reason behind the improper and uneven enforcement of ITPA. These ties not only make it difficult to implement the act strictly but also encourage its proliferation, enticing many more women to engage in prostitution.

c. Inadequate Rehabilitation Homes

Another issue is the lack of adequate of the reparative and rehabilitative centres established under the Act. The rehabilitation centres are overburdened with a large number of convicted ITPA sex workers³⁴. In protected homes, women must get both required literacy and aptitude-based career training. As Justice Ramaswamy stated in the case of *Gaurav Jain v. Union of India and others*³⁵, "Women found in the sex trade must be considered as victims of socioeconomic circumstances rather than as offenders of the society; several police authorities have also already established a process of hypersensitivity toward sex workers but also their treatment."³⁶

Conclusion

It is the twenty-first century in which we live. This is an age that was meant to usher in gender equality, women's dignity, and respect. However, this proposal is still only a fantasy. Women continue to be taken advantage of in all areas and walks of life because they are the weaker sex. One such career where a woman's sense of respect, dignity, and self-worth is at its lowest is sex work. This line of work, which dates back thousands of years and will continue for as long as humans exist, is frequently referred to be the oldest in human history. In spite of this obvious reality, women in this field have not received the respect or recognition they deserve from society.

The law that should have protected women in this trade in India has instead singled her out, and as a result, she is still victimised by traffickers, pimps, brothel owners, and law

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ AIR 1997 SC 3021

³⁶ Police IGP Circular (Bangalore, Mysore, Dharwad in Karnataka) under the ITPA, 1956, November 22, 2005. <http://altlawforum.org/Resources/sexwork/DG%20and%20IG%20Karnataka.pdf>.

enforcement. The current stance on sex work, which is mirrored in our legal system, is manifestly directionless and without a clear vision.

As apparent from the above discussion, that the existing constitutional guarantees and statutory frameworks have proven insufficient to secure the legal rights of sex workers. Therefore, there is a compelling need for a novel comprehensive, rights based special legislation to ensure genuine protection and enforcement of rights of sex workers, which will not only significantly improve their living conditions but also de-stigmatize the industry.

It is critical to understand that trying to outlaw one of the world's oldest occupations is unlikely to be successful and that doing so is frequently a desperate last choice. Legal assistance can greatly improve the rights and safety of sex workers, so it is important not to discount or ignore it, which will open the door to a culture that is more understanding and welcoming, thereby improving the lives of many sex workers across the nation.

