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IS PROSTITUTION A LEGAL PROFESSION IN INDIA?

Authored By - Parth Sarthi Garg

ABSTRACT

Sex work has been carried out since the historical period when the practice of “Devadasi” was prevalent. These devadasis were sexually liberated women who excelled in several art forms. The sex workers and their children, in India, have faced depravity, discrimination and neglect at the hands of society and the public welfare authorities. This deplorable situation of prostitutes had not been recognised for decades, and they had to face extreme cruelty and ignorance, because of which their condition worsened over the years. One of the most fundamental reasons women take up prostitution is poverty and lack of education. Poverty and unemployment have made women force themselves into sex work as their only way of gaining financial independence. The recent Supreme Court order has swayed the way for sex workers and given them hope that their profession would be given legal validity. The apex court had clarified its stand and recognised sex work as a dignified profession. While the court observed that there are no laws that are primarily focused on the welfare of sex workers, there has been legislation to curb immoral trafficking and exploitation of prostitutes. The court directed that its order will be valid till the time a law concerning the matter comes into force. The paper took into consideration the international legal framework and status of different countries on legality of prostitution. The paper’s concept is to highlight the benefits of legalising commercial sex with the point of view of sex workers and children forcefully trafficked into prostitution by the interpretation of the Supreme court held recently.

Keywords: Sex work, prostitutes, exploitation, profession, trafficking

PART I: INTRODUCTION

Immoral Traffic (Prevention) Act of 1956 defines prostitution as the sexual exploitation or abuse of persons for financial gain¹. Mumbai, the biggest sex business city in Asia, is where prostitution is currently found in India. A report claims that India has ten million or so sex workers, 100,000 of them are employed in Mumbai, Asia's biggest centre for the sex business. Between 300,000 and 500,000 kids work in the sex industry in India, with Bangalore and five other large cities housing 80 per cent of the nation's child prostitutes². These enormous numbers demonstrate the need for a comprehensive state response to this inevitable atrocity³.

Commercial sex is defined as unpreferred sex work performed in exchange for monetary or other economic gains. Females are no longer the only ones who are actively engaged in this field currently. In this industry, prostitution is now practised by men and transgender people, though to a very small extent when compared to women.

In India, where women are either passively or actively coerced into prostitution, it is more of subjugating employment for women. This is because their parents/guardians trafficked or sold them as child prostitutes or because they chose prostitution as a means of subsistence; this is how women and children are forced into misuse and heinous job. Under the notion of marriage or job opportunities, Women who are vulnerable or disadvantaged are targeted and convinced to become prostitutes. This is what prostitution has become in today's world. One of the most critical questions regarding prostitution is whether its legalisation is for the better or, the worse.

RESEARCH QUESTIONS

There are some questions that are answered in this research paper are:

- What impact would legalisation have on women's exploitation in the name of prostitution?

¹ § 2(f), Immoral Traffic (Prevention) Act, 1956

² Kaushalya, D. (2022) *Prostitution: Should it be legalized in India?*, *Indian Legal Live*. Indian Legal Live. Available at: <https://www.indialegallive.com/laws-research-indepth/prostitution-should-it-be-legalized-in-india/#>

³ Sarode, A. ed., 2008. *Prostitution and Beyond: An Analysis of Sex Work in India*. New Delhi: SAGE Publications India Pvt Ltd. Available at: <<https://dx.doi.org/10.4135/9788132100362>> [Accessed 8th Jan 2023].

- Considering the limitations of numerous sociological and legal frameworks in our nation, is it feasible to legalise commercial sex in India?

AIM OF THE STUDY

The study involves an explanatory and prescriptive approach with some aims to be achieved in this paper. The main aim of this study is to investigate the current status of prostitution in India in terms of legality. Along with the above-stated aim paper's other aims are to examine the implications of rights and remedies provided to sex workers if commercial sex is legalised. The last aim of this paper is to provide some recommendations for regulating prostitution in India.

RESEARCH METHODOLOGY

The study includes analysing qualitative data from books, publications, court decisions, websites, and law journals. These were gathered from several internet databases and sources supplied viewpoints from a variety of scholars and social scientists, as well as assisting in the conclusion of the study. The current research is mostly based on doctrinal research principles. Doctrinal research is suggested by the notion of referring to and examining existing facts, such as laws and statistics. The researcher also feels that research techniques should contain secondary and tertiary empirical data to help in further study of the research subject, rather than being confined to analytical and prescriptive tools. As a consequence, the researchers believe that the strategies utilized in this study are appropriate for the problem at hand.

LITERATURE REVIEW

The researcher used this literature, "*10 reasons to decriminalize prostitution by open society foundations*"⁴, which provides 10 reasons why it is beneficial to legalise commercial sex for sex workers. This source helped the researcher understand why these reasons should be considered while legalising commercial sex. The source covered the gap which was there in research as to why commercial sex should be legalised and what its impact would be. *In this news article "Supreme Court order on sex work historic, but execution will be the real*

⁴ Open Society Foundations (2015) "Ten Reasons to Decriminalize Sex Work," April. Available at: <https://www.opensocietyfoundations.org/publications/ten-reasons-decriminalize-sex-work>

*hurdle*⁵, it was discussed the order given by the Supreme Court of India regarding prostitution. This source of literature reiterated the Supreme Court's order and also laid down some directions and instructions that have to be complied with. This article helped the researcher to understand what are the recent steps taken by the Supreme Court towards the betterment of the life of sex workers. In the source "*Sex Work is a Legal Profession, Says Supreme Court in Historic Order*"⁶ had a debate over the decision given by the Supreme Court in reference to prostitution carried out in our country. Supreme Court recognised sex work as a legal profession and emphasised that sex workers have the same rights to respect and dignity as other professionals. The researcher of this paper took into consideration the decision of the Supreme Court as current developments towards sex workers. In this literature, "*SACRED AND SENSUOUS: A history of sex work in Ancient India*",⁷ authored by *Violina Das*, and published by *Coeus*, referred by the researcher of this paper to understand how prostitution originated in several parts of India. The article is a well-written literature wherein it discusses prostitution from the Vedic era and how people used to consider prostitutes as a respectable class in society. This source of literature, "*Legalization of Prostitution in India and its Impact on the Exploitation and Violence Against Women*"⁸, is a research paper which has been referred by the researcher of this paper to understand the impact of legalising prostitution on sex workers. This source deals with the effects of the objectionable implementation of current laws in society and how it is exploitative to sex workers.

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⁵ Jain, A. (2022) Supreme Court order on sex work historic, but execution will be the real hurdle. The Print. Available at: <https://theprint.in/campus-voice/supreme-court-order-on-sex-work-historic-but-execution-will-be-the-real-hurdle/988049/>.

⁶ Kalia, S. (2022) Sex work is a legal profession, Says Supreme Court in Historic Order, The Swaddle. Available at: <https://theswaddle.com/sex-work-is-a-legal-profession-says-supreme-court-in-historic-order/> (Accessed: January 5, 2023).

⁷ Das, V. (2021) Sacred And Sensuous: A History of sex work in Ancient India, Coeus. Available at : <https://www.coeusresearch.org/post/sex-work-in-ancient-india> (Accessed: January 7, 2023)

⁸ Yuktha Suresh, Legalization of Prostitution in India and its Impact on the Exploitation and Violence against Women, 4(2) IJLMH, Page 961- 968, (2021).

PART II: ANALYSIS

THE ORIGIN AND PRACTICE OF

PROSTITUTION IN INDIA

Prostitution has been depicted in temples throughout history, dating back to the Ancient Near East Civilizations. In India, prostitution first appeared in the form of clandestine love affairs or extramarital affairs in Ancient India. The Rig Veda supports the existence of commercial sex by mentioning the “Sadharani”, which is, means the term ‘prostitute’. Prostitution originated as a result of the existence of the marriage institution⁹. Prostitution was a socially acceptable occupation throughout the *Vedic* period era. The Devadasis is another prevalent name in India historically connected to prostitution. At the beginning of the practise, the ladies accepted to be devadasi received two major honours because they were seen as “those great women who control natural human impulses, their five senses, and surrender themselves completely to God”. First, because they were literally married to the deity, they were to be treated as though they were the Goddess Lakshmi herself.¹⁰

If we talk about medieval India with the invasion of the Mughals, these prostitutes were held captive by the Sultans for the enjoyment of the army and troops. Even during the Mohammedan period, dancing girls, who were occasionally prostitutes, were hired in the Sultans' Courts. These ladies were called "tawaifs" by their captors. The interference of the British and their rule in India abolished hierarchy and distinctions within the trade, as well as activities and practices that were once regarded as a unique fusion of sexuality and art. Tawaifs, who were "very talented ladies" and trained social performers who gave performances outside Mughal courts, were initially invited to British events but were ultimately pressured into prostitution¹¹. For the troops, brothels were built during the British occupation. One of India's first prostitution laws was the Cantonment Act of 1864, which was imposed by the British Raj.

⁹ Supra Note 7

¹⁰ Supra Note 7

¹¹ Chatterjee, S. (2021) Race, Prostitution and The British Empire, Royal Historical Society, royalhistsoc.

Available at: <https://blog.royalhistsoc.org/2021/05/24/race-prostitution-anGd-the-british-empire/>. Accessed on: 5 January, 2023.

INTERNATIONAL LEGAL FRAMEWORK

As can be seen, there are various conventions formed internationally and treaties that guard sex workers' human rights and interests. The *UN Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others* was the most important international convention dealing with prostitutes in 1949. Many conventions, treaties, and organisations have been established in the past to protect the human rights and interests of sex workers, such as the *Convention on Elimination of all forms of Discrimination Against Women, 1979*; *International Convention to Suppress the Slave Trade and Slavery, 1926*; *1967*; *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*.

These conventions serve the fundamental goal of guaranteeing men and women have equal rights and dignity, including the right to life and freedom, equal protection under the law, and security against all types of bondage and subjugation, just as insurance against discretionary obstruction with protection, family, home, or correspondence. They also fulfil the fundamental need of providing equal freedoms and pride to people. For sex workers specifically, the freedom to work is crucial. This includes the right to a free choice of occupation as well as fair and beneficial working conditions. Legislators, courts, concerned parties, and individuals can use the following instruments to ensure that all human rights are upheld if they are integrated into domestic law. India has also ratified the SAARC convention on preventing and combating the trafficking of women and children for sexual exploitation, which acts as a safeguard against these crimes.

LEGAL STATUS OF PROSTITUTION

IN OTHER COUNTRIES

1. Victoria, Australia: Except for escort services and registered brothels, the Victorian government has maintained a blanket prohibition on all forms of prostitution. The Victoria experiment failed for two reasons: For starters, legal brothels have only existed in small numbers due to local authorities' jurisdiction over licence issuance and revocation, as well as community pressure. Second, because there are so few legal

brothels, brothel owners have a lot of power to exploit sex workers who want legal employment.¹²

2. China: Sex labour is subject to both administrative and criminal law in China. The Law on Penalties for Administration of Public Security 2005 (Article 66) of China makes it unlawful to buy and sell prostitutes as well as to lure, shelter, or introduce a person into prostitution.¹³
3. The United States of America: In the federal structure of the United States, each state has its own sex work laws. Most states forbid any aspect of purchasing, selling, or planning sexual services. With the exception of Nevada, which legalises licenced brothels and is subject to strict regulations, prostitution is thought to be illegal in the USA.¹⁴
4. Germany: Germany's system of legal, organised, and taxed prostitution is among the most modern in the world. In Germany, prostitution jobs may also be processed through brothels, advertisements, and HR firms. The Prostitutes Protection Act, which sought to safeguard the legal rights of prostitutes, was introduced in Germany in 2017. According to the Act, all prostitution businesses require a permit, and all prostitutes need a registration certificate.¹⁵
5. Mexico: In Mexico, prostitution is legal according to federal law. Thirty-one of the states in the union have their own laws governing prostitution, with thirteen of them permitting and regulating it. Several cities have "tolerance zones" that function as prostitution-friendly red-light districts. In comparison to the USA, prostitution is far more legal in Mexico¹⁶.

¹² Gupta, K. (2022) Countries Where Prostitution is Legal. Available at: <https://blog.ipleaders.in/countries-where-prostitution-is-legal/#:~:text=The%20Netherlands%2C%20Germany%2C%20Austria%2C,legalised%20the%20act%20of%20prostitution>. Accessed on: 2 January, 2023.

¹³ Id

¹⁴ Id

¹⁵ Id

¹⁶ Id

INDIAN LEGAL SYSTEM GOVERNING

SEX WORK

The Immoral Traffic (Prevention) Act, 1956, the Indian Penal Code, 1860, and the Constitution of India, 1950, all regulate sex work in India. The Constitution guarantees rights for equality, freedom of association, the right to life, and individual liberties, in addition to provisions against forced labour and human trafficking and denying both individual trafficking and constrained work.

THE CONSTITUTION OF INDIA, 1949

As stated in the constitution's preamble, India is a sovereign, socialist, secular, democratic, and republican society in which all citizens must have equality of position, dignity, and opportunity. The Indian constitution guarantees various rights to equality and freedom regardless of gender, caste, religion, or social class. Some of the rights guaranteed by the constitution include; Article 14¹⁷, wherein it is provided that there shall be equality before the law and no discrimination against any person based on sex, colour or race, which includes sex workers also. Article 15¹⁸ provides that there shall be no discrimination in access to public places such as shops, restaurants, tanks etc, on the basis of caste, race, sex or religion. It also provides that the state can make special provisions for women and children for their welfare and development, including sex workers and children. Article 21¹⁹ guarantees that no person shall be deprived of life and personal liberty; this is with reference to everyone, which involves sex workers and their rights, which are violated by policemen. Under Article 32²⁰, a legal right is guaranteed to everyone, which is the right to move the Supreme Court in furtherance of violating their fundamental rights.

INDIAN PENAL CODE, 1860

There are some provisions in the Indian Penal Code, 1860 which also deals with the offences and punishments in relation to prostitution or sexual offences against woman, such as the Section 354²¹ which deals with the offender inflicting criminal force or assault with intent to outrage the modesty of woman which includes sex workers shall be punished for imprisonment or fine or both.

¹⁷The Indian Constitution. Art.14

¹⁸The Indian Constitution, Art.15

¹⁹ The Indian Constitution, Art.21

²⁰ The Indian Constitution, Art.32

²¹The Indian Penal Code, 1860, § 354, Acts of Parliament,1949 (India)

Along with this section, there is another section that is section 372²² of the Indian Penal Code, which expressly addresses prostitution and declares that anyone who sells a juvenile with the aim that the juvenile be used for prostitution, unlawful sexual activity, or another immoral purpose is subject to both prison and a fine.

IMMORAL TRAFFIC PREVENTION ACT, 1956

The Immoral Traffic (Prevention) Act 1956 is the most important legislation governing the sex trade (hereinafter ITPA). The Act largely provides that forceful sexual intercourse and other activities are illegal, giving prostitution a business point of view that is likely to disrupt the prostitute's personal life. The Act forbids the commercialization of human flesh, but it does not outright prohibit prostitution. Proving prostitution or commercial sex requires a woman or girl to demonstrate that she has offered her body for sexual intercourse for hire, according to the law. Anyone who permits or supervises the property, uses it or knowingly permits someone else to use it as a brothel or engages in any activity is punished under Section 3²³ of the Act.

From section 3 to section 9 of the act, there are offences laid down. The act was designed to end commercialised women's trafficking, according to a few of court decisions. According to a few court decisions, the act was not intended to outlaw prostitutes and prostitution in general. It also didn't make it criminal for a woman to prostitute herself, instead focusing on preventing or eliminating the commercialised evil of women trafficking. Under this act, a Magistrate can order the removal of a prostitute from any site in the public interest if he believes it is necessary.

RESISTANCE IN PROPER IMPLEMENTATION

The major flaw in the act is not in the legislation itself but rather in its implementation. One of the most significant challenges in this Act is the corrupted implementation. This is why our country's rules are only applied to a limited number of people. This is clear evidence that the police and the judiciary's attitudes have not altered. The police arrest the prostitutes rather than the brothel proprietors during raids.

²² The Indian Penal Code, 1860, § 372, Acts of Parliament, 1949 (India)

²³ Immoral Traffic (Prevention) Act, 1956, § 3, Acts of Parliament, 1949 (India)

Another issue is that the reformative and rehabilitation facilities available to these prostitutes are insufficient. These shelters are insufficient and unable to accommodate a large number of prostitutes who have been victims of crime. There is a scarcity of homes, and the number of casualties is high. As a result, this causes a dilemma and leaves many of them without a home, leading them back to the same activity and making them victims of such actions. They must work on counselling and job placement.

The ongoing issue is that the Immoral Traffic (Prevention) Act's enforcement has been discovered via field research. One such study exemplifies the challenge of acquiring sufficient evidence to reach a firm conviction. Some police officers claim that there is a significant discrepancy between the actual number of crimes committed and the number of crimes recorded in police files since many crimes that are reported go unregistered.

WHY IS IT PERTINENT TO LEGALISE PROSTITUTION?

Respect for human rights and dignity: All people are born free and equal in rights, which is one of the fundamentals of modern human rights²⁴. Adults engage in sex work for a variety of reasons, including as a primary source of revenue or as a short-term means of subsistence. For some, sex employment offers higher compensation and more comfortable working conditions. Whatever the motivations, sex work is a job, and those who perform it need to be treated with respect.²⁵

Police abuse and violence: Police have control over sex workers in jurisdictions where prostitution is illegal. Police threaten to arrest, publicly humiliate, and extort sex workers. Sex workers describe being raped by police when detained, frequently without condoms and frequently as a condition of being released on bail from Namibia to Serbia. In these situations, police assault sex workers without consequence, in part because the victims are afraid of being arrested or subjected to more abuse if they report the crimes.²⁶

Access to justice: Due to their fear of harassment, police surveillance, stigma, and discrimination, sex workers who are subjected to sex work laws experience fear about

²⁴ Universal Declaration of Human Rights, art. 1.

²⁵ Supra Note 4

²⁶ Supra Note 4

reporting crimes, particularly violent crimes and other abuses. Many sex workers said that, following New Zealand's 2003 legal reforms, they could come to the police and courts for assistance without worrying about being charged for the first time in their life.²⁷

Access to health services: Decriminalization has also been demonstrated to enhance sex workers' access to and rates of condom use. Additionally, decriminalisation enables sex workers to collaborate in groups where they may plan suitable, approachable, and respectful health care for themselves. This presents a powerful contrast to the prejudice and stigma that many healthcare professionals show toward sex workers.²⁸

Reduces risk of HIV and sexually transmitted infections: Over the following ten years, decriminalising sex work might prevent up to 46 per cent of new HIV infections among female sex workers. Sex workers are better able to receive HIV testing and treatment when sex work is decriminalised because they are given the authority to demand that clients use condoms.²⁹

Promotes safe working conditions: Regulations for workplace health and safety that are applicable to the sex business can be instructions for decriminalisation. By allowing sex workers to organise, decriminalisation also supports better working conditions for them. Sex workers can collectively address risk concerns in their jobs and demand better working circumstances.³⁰

JUDICIAL STAND ON THE MATTER

OVER THE YEARS

There are a few case laws present in this research paper which deal with prostitution and the related activities which came to the notice of law. These judgements were made to understand what constitutes prostitution, rape, and assault and what infringement is done on human rights in prostitution. A few case laws are listed down:

²⁷ Supra Note 4

²⁸ Supra Note 4

²⁹ Supra Note 4

³⁰ Supra Note 4

1. *Bai Shanta v. State of Gujarat*³¹: In this case, the aforementioned Act did not intend to criminalize prostitutes and prostitution in general and did not make it a crime in and of itself to penalise a woman for engaging in prostitution. Section 7 of ITPA made it illegal to engage in prostitution in or near certain public locations. This provision prevents the woman from engaging in her profession in violation of the Act's requirements and, to that extent, makes prostitution illegal.
2. *Gaurav Jain v. Union of India*³²: It was held that the children of prostitutes also have a right to equality, dignity, and equal opportunities. They also require protection, care, and acceptance into society. The State has a responsibility to see to it that the victims are rescued, treated, and given the means to support themselves. The court mandated that juvenile homes be built in order to guarantee the children's protection and rehabilitation. It commanded the creation of a panel to look into the matter and formulate strategies for the sufferers' uplift.
3. *In Re: Ratnamala and Another v. Respondent*³³: It was determined that the intent is not to criminalise prostitution per se or to punish a woman simply for engaging in self-prostitution. This is clearly demonstrated by the final clause of the definition of "brothel" in Section 2(a) of the Immoral Traffic (Prevention) Act, which states that a woman's home will not qualify as a "brothel" if she engages in prostitution for a living on her own without the assistance of another prostitute or any other person involved in keeping such premises.
4. *Fateh Chand v. State of Haryana*³⁴ (2009): The Indian Penal Code's Section 366 states that a man was charged in this case with acquiring a minor for prostitution. Sections 372 and 373 of the Indian Penal Code have banned purchasing or hiring a minor female for sex work as well as selling or disposing of a kid with the intent to force her into prostitution.

³¹ Bai Shanta v. State of Gujarat AIR 1967 Guj 211

³² Gaurav Jain v. Union of India, (1997) 8 SCC 114

³³ Ratnamala and Another v. Respondent AIR 1962 Madras 31

³⁴ Fateh Chand v. State of Haryana, (2009) 15 SCC 543

5. *Budhadev Karmaskar v. State of West Bengal*³⁵: In this decision, the top court ruled that because sex workers are also people, they have a right to a life of dignity. The meaning of the word "life" in Article 21 of the Constitution has well established thanks to a number of court decisions, and it does not merely refer to animal life.
6. *Manoj Kumar Shaw v. State of West Bengal*³⁶ (2013): The chief judge of the Calcutta High Court instructed the investigating officer to issue a notice under Section 41 of the Criminal Procedure Code against the owner of the health spa who had engaged young girls in his spa's prostitution business. The court ruled that such severe offences, which fall under Section 5 of the Immoral Traffick Prevention Act and involve prostitution in legally recognised establishments like health spas, need attention, as well as a serious approach when prosecuted. According to Section 164 of the Criminal Procedure Code, the Court ordered that the victims be freed and that their testimonies be recorded. The state victim compensation program's interim compensation and legal rehabilitation instructions were given to the victims.
7. *Bachpan Bachao Andolan vs. Union of India*³⁷: The petitioner requested that the Juvenile Justice (Care and Protection of Children) Act, 2000's provisions be applied, and it was suggested that intrastate child trafficking, their bondage and forcible confinement, routine sexual harassment, and abuse be made punishable offences under the Indian Penal Code, 1860. Held, the Indian Constitution's Articles 23, 39, 14, and 21 guarantees that every child is protected from exploitation of any kind. Various laws pertaining to child labour, abuse, and trafficking were violated.
8. *Krishnamurthy v. Public Prosecutor*³⁸: It was decided that if a person commits any of the acts listed in Section 3 (1) of the Act in regard to a brothel, they are guilty of the offence. According to the established facts, the appellant's home served as a brothel. The females were made available with the intention of prostitution. The house was utilised for these activities definitely for the benefit of the appellant, who kept the funds provided for using the girls as prostitutes.

³⁵ *Budhadev Karmaskar v. State of West Bengal* 2007 (4) CHN 305

³⁶ *Manoj Kumar Shaw v. State of West Bengal* (2014) 8 SCC 273

³⁷ *Bachpan Bachao v. Union of India* LNIND 2010 DEL 1495

³⁸ *Krishnamurthy v. Public Prosecutor* 1967 SCR (1) 586

OPINION OF THE SUPREME COURT ON

PROSTITUTION

“It is as if they (sex workers) are a class whose rights are not recognized”. - Hon’ble Supreme Court

India’s Supreme Court, in its powerful and poignant judgment, on May 2022, recognized sex work as a “legal profession,” asserting that the basic dignity that comes with any profession should extend to sex workers as well. Considering that sex work is not unknown in India, this order was not only historical but also necessary³⁹. It has been a common profession historically but in dangerous circumstances. A three-judge bench of the Supreme Court consisting of Justices L Nageswara Rao, BR Gavai, and AS Bopanna made a landmark ruling in 2022 recognising sex work as a legitimate profession and stating that sex workers are entitled to respect and equal protection under the law. The Supreme Court clarified that ‘voluntary’ sex work was not against the law.

It offered great instructions, such as when a sex worker reports an offence; the police must take the complaint seriously and follow the law; when a brothel is searched, the sex workers involved should not be detained; the police should treat all sex workers with dignity and not abuse them, that no child of a sex worker should be taken away from the mother simply because she works in the sex trade and many positive directives.⁴⁰ This is a step towards decriminalizing sex work and workers and in adequately recognizing their labour as informal workers in the country,” referring to the ruling, the National Network of Sex Workers (NNSW) released a statement.

³⁹ Supra Note 5

⁴⁰ Supra Note 6

PART III: CONCLUSION & SUGGESTIONS

The profession of prostitution has long been despised by society, and those who engage in it are seen as filthy and shameless. India's laws against prostitution are ineffectual and lack a comprehensive strategy. Therefore, it is imperative that such behaviours be regulated. It is preferable to have regulations rather than complete bans because prostitution will indeed exist even under strict legislation.

In some instances, the profession of prostitution involves violence and exploitation. However, for some people, it might be helpful in maintaining a family. The primary source of concern is that people need to be made aware of women's struggles in order to prevent them from committing such horrific atrocities on them. In light of these factors, the researcher is of the opinion that prostitution should be made legal, with a regulatory body in charge of monitoring the activity. Legalizing and regulating prostitution provides the rights and security of sex workers and children. The ethical, medical, and legal ramifications of legalising prostitution have all been taken into account. Prostitution is permissible in India when done behind closed doors and privately, as was previously mentioned. Government monitoring of brothels and other related businesses is necessary to regulate prostitution. Regardless of the fact that there are legislations against pimping and the creation of brothels, these practices nonetheless persist and abuse women. Police raids are not always successful because the owners of the brothels bribe the officers. Once prostitution is decriminalised, governance will be more straightforward. This will contribute to a decrease in the prostitution of women and children. It is challenging to tell if the ladies have consented to engage in prostitution under the current system.

The ideal course of action for India is to regulate prostitution in this way, which will significantly minimise societal issues like exploitation and violence in the sex industry by decriminalising prostitutes, criminalising brothel owners, and punishing demand in the form of sexual service consumers.