

Prostitution Laws in Independent India: An Overview

Author:- Koyel Ghosh and Manjuri Biswas

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ABSTRACT

The requirements and difficulties faced by prostitutes and their kids are explored in this qualitative study. The needs and experiences of prostitutes, their children, and stakeholders who offer assistance to this population. Which have not been taken into consideration, according to a study of research on prostitutes. The study's first section examines the difficulties prostitutes confront in their attempts to have healthy children. The study was carried out in India and the United States. These women struggle in their daily lives, according to the study's findings. Each group has a distinct relationship with their children as a result of the disparities in interventions and policies between the two nations.

The study's findings support collaborative programs for prostitutes and their kids to help ensure a better life for everyone. Children of prostitutes who live with their moms in red-light districts of Mumbai, India, participated in second phase of study. The participants talked about their daily struggles with being the offspring of prostitutes, their connections with their moms. It acts as a support systems required for a better existence. All of the young kids expressed a desire to remain with their mothers. The children wanted to help their mothers as they aged and had nice ties with them. The study's final section looks at the difficulties stakeholders face when helping prostitutes and their kids. The participants discussed the challenges that mothers and children of prostitutes confront as well.

INTRODUCTION TO PROSTITUTION

The institution of prostitution is linked to several social issues, including the spread of HIV/AIDS, an increase in drug use, an increase in violence, and more (Dalla, 2000). Prostitution includes the exchange of sex or sexual activity for food, money, drugs, or other commodities.

There has been a lot of research done on the risks, antecedents, causes, solutions, and prevalence of prostitution. (Hope, 2007; Hughes, 2004; Hughes, 2005; Potter, Martin, & Romans, 1999; Rankin, 2002; Raymond, Hughes, & Gomez, 2001; Sanders, 2004; Valandra, 2007; Weiner, 1996);

However, there hasn't been much done on the needs and dangers that children of prostitutes face or the support that three significant issues concerning prostitutes and their children were discovered in prior research. First, in order to financially support their children, prostitutes frequently continue working in the sex industry (Dalla 2000). Second, prostitution often becomes a means for women to maintain their habits when they work as prostitutes and lose custody of their children as a result (Hope, 2007).

Third, there are several ways in which children of prostitutes are harmed, including neglect, hunger or desertion, lack of refuge, and a higher likelihood of becoming prostitutes (Dalla, 2000). In order to better understand the societal difficulties surrounding prostitutes, I used the lenses of human ecological systems theory and social exclusion theory in this study and their offspring in Mumbai, India, as well as Denver, Colorado.

History of Prostitution in India

The Indus Valley civilization, which thrived around 3000 B.C., is where prostitution first appeared in India. There are no written records to support the existence of prostitution during this time due to the strange extinction of this society. But excavations have turned up a statue of a bronze dancing girl from this time period. This statue depicted a naked woman with heavy jewellery around her neck and on one arm, holding one arm provocatively above her hip and bending one leg. "This dancing girl is a representative of temple dancers and prostitutes, such as existed in contemporary Middle Eastern Civilization and were an important feature in later Hindu culture," Bashan said in reference to this bronze statue. However, this claim cannot be supported.

One of Hinduism's holy books, the Vedas, lists prostitution as one of their culture's organized and recognized institutions. Even in Indian mythology, there are several references to affluent

prostitution in the form of demigod prostitutes known as Apsaras. Whose names include Menaka, Rambha, Urvashi, and Thilothamma (Jaishankar & Haldar, 2008). These Apsaras were admired for their flawless forms, unparalleled beauty, and feminine allure. In the court of Lord Indira, one of the Hindu Gods, prostitutes reportedly performed for divinities and their visitors while highly trained in music and dance.

Aryan Kingdom of India

The Aryan kingdom of India, which succeeded the Indus Valley and Vedic Civilization. It developed a system of guest prostitution in an effort to imitate the Vedic celestial court (Joardar, 1984). As the name implies, this form of prostitution included providing prostitutes to visitors to the royal court. As a result, during the reign of the two ancient kings, the Pandavas and Kauravas, prostitutes became widespread. A significant component of the royal court was the prostitution trade, and even nobility frequently had concubines. Even Chandra Gupta Mayura, the illustrious king, and creator of the Mayuran Dynasty (322–185 B.C.), appointed a supervisor for prostitutes by the name of Ganikasdyasha. The Mauryan dynasty's prime minister, Kautilya, developed a code of ethics to control the practice.

The current situation for prostitutes in India more closely reflects contemporary political and social development than it does these previous instances of prostitution. Concubines and dancing and singing girls emerged from the imperial palaces following the fall of the Mughal Empire in the 18th century. These women had no other option except to engage in public prostitution because they lacked both literacy and professional training (Jordan, 1984). In India, the status of women deteriorated even more under British control. In the absence of state oversight and regulation, the situation only became worse. Prostitution was quite successful on a commercial level. Women were easy targets for traffickers because of social stigma and economic hardship.

Prostitution Laws in Independent India

According to this law, prostitution is neither legal nor criminal; it is tolerated because prostitutes can engage in their business in private but are not permitted to advertise to clients in public. In particular, the law made it illegal for prostitutes to practice their trade within 200 yards of a public area. Contrary to other occupations, however, prostitution is not covered by standard labor

regulations. Therefore prostitutes were not eligible for benefits like the minimum wage, and compensation for accidents. Or other advantages that were typical of other kinds of work.

They have all the same rights as ordinary citizens, including the right to be rescued and rehabbed if they so choose. Prostitutes, however, due to the control the brothels have over them, are unable to simply exercise these rights. The Act additionally states that these women are only entitled to a trial if the government deems it necessary. It does not consider trafficked individuals or prostitutes as victims.

Related Legal System

As a result, women are prevented from holding human traffickers accountable by institutional impediments in the legal system. For instance, in the few cases that do go to trial, the only witnesses used against the trafficker or pimps are frequently prostitutes. However, because there is no witness protection, it would be dangerous for these ladies to testify. Few women come forward to pursue justice due to a lack of witness protection. Allowing the trafficker to prey on more defenseless women and children.

Laws and support must be based on the needs of prostitutes and their children. In order to break the cycle of prostitution and the activities associated with it. To adapt assistance programs and laws to empower these women and their children and end their social exclusion. The research will be done to understand their needs and experiences. Two theoretical frameworks will be employed in this study to gain a thorough grasp of the issues affecting prostitutes and their offspring. In the section after this, I'll go over both of these ideas and use them to look at these problems.

Conclusion

I assessed the information to ascertain its value and determine whether it contributed to addressing the research questions. Critically analyzed the data to look for further explanations after identifying categories and themes. I determined whether my interpretations of events and situations were the most logical after identifying all alternate explanations. Through

investigation, I was able to develop additional viewpoints and broaden my knowledge and comprehension of the data.

References

1. Alexander, M. L. (2005). Social inclusion, social exclusion and social closure: What can we learn from studying the social capital of social elites? Paper presented at International Conference on Engaging Communities, Brisbane, Queensland. Paper retrieved from <http://www.engagingcommunities2005.org/abstracts/Alexander-Malcolm-final.pdf>.
2. AVERT (2005). HIV/AIDS in India. Retrieved October, 25, 2008 from <http://www.avert.org/aidsindia.htm>.
3. BBC (2006). Prostitution “increase” in India by Upasana Bhat, New Delhi. Retrieved on 12th March 2008, from http://news.bbc.co.uk/2/hi/south_asia/5140526.stm.
4. Benjamin, H., & Masters, R. E. L. (1964). Prostitution and morality. New York: Julian.
5. Bess, B. E., & Janus, S. S. (1976). Prostitution. In B. J. Sadock, H. I. Kaplan, & A. M. Freeman (Eds.), *The Sexual experience* (pp. 564-610). Baltimore: Williams and Wilkens.
6. BMJ (2001). Social exclusion: Old problem and new name. *British Medical Journal*, 323
7. (7306), 1-2. Retrieved September 19, 2008 from
8. <http://www.bmj.com/content/323/7306/0.1.full.pdf>. 323 doi: <http://dx.doi.org/10.1136/bmj.323.7306.0>
9. Boyer, D. K., & James, J. (1983). Prostitute as victims. In D. E. MacNamara & Karmen (Eds.), *Deviants: Victims or victimizers?* (pp. 109-146). Beverly Hills, CA: Sage.

10. Boyer, P. (1978). *Urban masses and moral order in America, 1820-1920*. Cambridge, MA: Harvard University Press.
11. Bryan, J. H. (1965). Apprenticeships in prostitution. *Social Problems*, 12, 287-297. Brown, M. E. (1979). Teenage prostitution. *Adolescent*, 14, (56) 665-680.
12. Brofenbrenner, U. (1989). *Ecological Systems Theory*. In R. Vasta (Ed.) (1991). *Six*
13. *Theories of child development: Revised formulations and current issues* (pp. 187-249). London: UK, Philadelphia: US, J. Kingsley.
14. Bubolz, M. M., & Sontag, M. S. (1993). Human ecology theory. In P. G. Boss, W. J. Doherty, R. LaRossa, W. R. Schumm & S. K. Stienmets (Eds.), *Sourcebook of family theories and methods: A contextual approach* (pp. 419-447). NY: New York, Springer.
15. Bullough, V. L. (1965). Problems and methods for research in prostitution and the behavioral science. *Journal of History of Behavioral Sciences*, 1 (3) 244-251.
16. Bullough, V. L., & Bullough, B. L. (1978). *Prostitution: An illustrated social history*.
17. New York: Crown.
18. Bullough, V. L., & Bullough, B. L. (1987). *Women and prostitute: A social history*.
19. Buffalo, NY: Prometheus, Books
20. Campbell, W. K., Twenge, J., Clementz, B., McDowell, J., Krusemark, E., & Brunnell,
 1. (2006). Social exclusion changes brain function and can lead to poor decision- making. *Science Daily*. Retrieved April 20, 2008, from <http://www.sciencedaily.com/releases/2006/11/061108154256.htm>

21. Dalla, R. L. (2000). Exposing the "Pretty Woman" myth: A qualitative examination of the lives of female streetwalking prostitutes. *Journal of Sex Research*, 37, 344- 353.
22. Dalla, R. L. (2001). Et tu Brute: A qualitative analysis of streetwalking prostitutes interpersonal support network. *Journal of Family Issues*, 22, 1066-1085.
23. Dalla, R. L. (2004). When the bough breaks...examining intergenerational parent- child relational pattern among street level sex workers and their parent and children. *Applied Developmental Science*, 7, 216-228.
24. Dalla, R. L. (2004). "I fell off the mothering track." Barriers to "effective mothering" among prostituted women. *Family Relation*, 53, 190-200.
25. Dalla, R. L. (2006). "You can't hustle all your life." An exploratory investigation of the exit process among street-level prostituted women. *American Psychological Association*, 30, 276-290.
26. Dalla, R. L., Xia, Y., & Kennedy, H. (2003). "You just give them what they want and pray that they do not kill you" 'street-level sex workers' reports of victimization, personal resources, and coping strategies. *Violence Against Women*, 9(11), 1367- 1394.
27. DFID (2005). Reducing poverty by tackling social exclusion. Published by the Department for International Development. Retrieved April, 21, 2008 from <http://www.dfid.gov.uk/pubs/files/social-exclusion.pdf>.
28. El-Bassel, N., Witte, S. S., Wada, T., Gilbert, L., & Wallace, J. (2001). Correlation of partners violence among female street-based sex workers: Substance abuse, history of childhood abuse, and HIV risks. *AIDS Patients Care and STDs* 15(1), 41-51.
29. Esselstyn, T. C. (1968). Prostitution in United States. *The Annals of the American Academy of Political and Social Sciences*. 376, 123-135.
30. Gangoli, G. (2000). Silence hurt and choice: Attitudes to prostitution in India and the west. London School of Economics. Retrieved from <http://eprints.lse.ac.uk/25207/>

31. Ghosh, S. K. (1996). *The world of prostitution* (Vol. 1 and 2). New Delhi: APH Publishing Corporation.
32. Govinda, R. (2002). *India Education Report: A Profile of Basic Education*. New Delhi: Oxford University Press.
33. Gu, J. H., Chen, H., Chen, X., Lau, J. T., Wong, R., Liu, C., et al. (2008). Severity of drug dependence, economic pressure and HIV-related risk behaviors among non-institutionalized female injecting drug users who are also sex workers in China. *Drug and Alcohol Dependence*, 97(3), 257-267.
34. Harcourt, C., & Donovan, B. (2005). The many faces of sex work. *Sex Transmitted Infection*, 81 (3), 201-206. doi: 10.1136/sti.2004.012468
35. HAQ Center for Child Rights. (2001). *Child trafficking in India*. New Delhi: HAQ.
36. Hirchi, T. (1972). The professional prostitute. In R. R. Bell & M. Gordon (Eds.), *The social dimensions of human sexuality* (pp. 249-267). Boston: Little Brown.
37. Hobson, B. M. (1987). *Uneasy virtue: The politics of prostitution and the American reform tradition*. Chicago: University of Chicago Press.
38. Hope, E. A. (2007). *Exploring the family lives of people in prostitution: A contextual approach using a human ecological systems model*. (Doctoral dissertation). (Accession Order No. AAT 3285654)