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FROM TEMPLES TO RED LIGHTS: “THE HIDDEN LIVES OF INDIA’S WOMEN”

-Kunal Pratap Singh¹

ABSTRACT

Prostitution in India is commonly referred to as the "oldest profession," while it is shrouded in stigma, silence, and social rejection, with millions of women affected. This blog outlines the historical and current trajectories of prostitution as it shifts local from the temple courtyard during the time of the Devadasi system and the courtesans known as Ganika in royal courts², to the secretly practiced sex work of workers in today’s red-light districts styled as a prostitute. Economic, social, and cultural dimensions of the continued entrapment of women into sex work, and how they understand and through agency, experience and engage in this labor, will be examined in terms of poverty, lack of education for women, implement traditions that push women into sex work often from widowhood, and, illegitimacy with an implication of systemic exploitation. With nearly 3 million individuals involved in the work, mostly young women, prostitution in India is not simply a moralistic debate but a sociological and economic reality. Laws such as the Immoral Traffic (Prevention) Act (1956)³ attempt regulation but it is still rife with contradictions between the criminalization of related activities and an absence of a law specifically prohibiting the profession. The narrative addresses how the legal ambiguity and societal systematic institutions. Ultimately, this writing observes the necessity for nuanced policy reform with socio-economic support, knowing that changes to social perspective require promotion of dignity, protection, the rights, and the status of women in sex work in India. Key point: Prostitution in India, Devadasi, Ganika, economical and sociological factors, Legal implication of prostitution, Bedia women.

¹ Lloyd Law College

² Chakraborty, K. (2010). Women and Sacred Prostitutes in Ancient India: Devadasis and Ganikas. *Indian Journal of Gender Studies*, 17(3), 417–435.

³ Immoral Traffic (Prevention) Act, 1956, No. 104, Acts of Parliament, 1956 (India).

INTRODUCTION

Prostitution⁴ is often called the ‘oldest profession in the world,’ but in India, it is also one of the most stigmatized practice while not universally legal but illegal in many jurisdiction which has been legalized under specify statute in different country but in India it’s hold both the hand one the one side it is consider, legal and ethical practice in twilight which sound more legally in designated zones and same practice viewed with significant immoral and legally unsound in the eyes of society in daylight. prostitution a word that carry a heavy stain and anathema in Indian society the profession we rarely talked about openly and see it as disdain in society but despite having such an unfavourable reputation in society its roots flourishing amidst the shadows of our cities and towns and at present also it is determining it’s one social standing among the other so called honorable practice in the society. Prostitution considered as anathema in India. It is illegal in many parts of country and not feel free to talk in society it is a practice or trade in which sexual activity is performed for payment. An estimated 3 million people are engaged in Prostitution in India in which approximately 80% of Prostitute in India are women and 60% of them are fall under the age of 18–30 and there are 52 million sex workers globally out of which 41.6 million are male prostitute and eye opener is 80% are female average 14 years where 16% male preferred to use sex workers. United Nation international labor organization (UNILO) data shows us that 3.8 million adults and more than 1 million children have been trafficked across the world and force them to perform this practice. Furthermore, data suggest that 60% of women have been physically assaulted and 40% have suffered from sexual violence.⁵

Women prostitute mostly involved in street prostitution which involved high risked and they are 60 to 100 more likely to be murdered than prostituted female and 68% of 827 prostitute in 9 countries have meet the criteria of life time diagnoses of PTSD (post-traumatic stress disorder) and other report show us that most of sex workers face physical abuse and the picture tell us that out of 100,000 prostitute 204 kill around each year. One single sex worker is an average beaten 12 times every year and only 6 out of 10 prostitute report their assault and among all these, (PTSD) post-traumatic stress disorder is most common among the prostitution⁶, 68% of 827 prostitution have meet the criteria of life time diagnosis of PTSD and street based sex workers face more high risk than prostitute who

⁴ Prabha Kotiswaran, *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* (Princeton University Press, 2011).

⁵ ¹ International Labour Organization (ILO), *Global Estimate of Forced Labour: Results and Methodology* (ILO, Geneva, 2022).

⁶ ² Melissa Farley et al., “Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder,” *Journal of Trauma Practice*, Vol. 2, No. 3–4 (2003), pp. 33–74.

perform in one location but we can't classify prostitution as a barter of sexual favor in the exchange of capital.

Prostitution not only confine to the barter of sexual fornication it is more than that, prostitution can classify into different segment of malfeasance such as sexual harassment, rape, battering, verbal abuse and more of which result of unequal jobs and educational prospect for women which non the more consequences of male domination and mean of maintaining male domination. Economic realities of prostitution where we turn our blind eyes in fact our aim is to shed light on this unspoken and brutal realities of societies in which same women who face same exploitation as it was the same as her first day.

we are going to explore how debates usually focus on morality but we rarely talk about the sociological and economic realities of prostitution how it shapes the horizon of mindset by framing the references according to one's convenience which help them further to turn a blind eye and overlook its momentous these research paper suggest various way to curb these practices with aim to shed light on this unspoken reality with source data which pressurize our subconscious to envisage that prostitution is a reality in India and affect millions of people every year.

THE HISTORICAL CONTEXT OF PROSTITUTION IN INDIA

PROSTITUTION IN ANCIENT INDIA

Reference of prostitution can be traced back in ancient times in early Rigvedic Vedic period⁷, Mahabharata and Ramanya period where we find the immense power of the charms of Ramba, Urvashi, Menka and the host of other celestial nymph who could easily demolish engrossment of a sagacious individual and we find out that marriage was an established institution in the Rigveda and Yajurveda, as found in later analysis of these texts but, of course it did not gradually take the form of "vivah" at its initial stage rather it take time to integrate different perspective of marriage.⁸

To understand the Central point of historical approach, firstly we need to look at the eight form of marriage in early Vedic period⁹:

^{7 3} Upinder Singh, A History of Ancient and Early Medieval India: From the Stone Age to the 12th Century (Pearson Education India, 2008), pp. 124–126.

^{8 4} International Labour Organization (ILO), Global Estimate of Forced Labour: Results and Methodology (ILO, Geneva, 2022).

^{9 6} Upinder Singh, A History of Ancient and Early Medieval India: From the Stone Age to the 12th Century (Pearson Education India, 2008), pp. 124–126.

I. Rakshasa vivah – Marriage by capture, which always betide with forcefully confinement of maidan (a young girl or woman who has never been married) from her home by a lascivious man, these practice mostly notice in early Palestine, Greece, Gome, and among the franks, the Norman races, the medieval Turks and the slaves, and this form of marriage involves non-consensual sexual acts¹⁰, which are classified as rape in contemporary times which was though a highly criminal offence in modern era, but seen as conventional in early vedic period and in other country maidan were mostly captured during the time of wars merely for transitory pleasure.

II. Paishacha vivah – Marriage by persuasion or perfidy this form of marriage usually perform under persuasion by our kinfolk that can be in the form of verbal persuasion or under the spell of some intoxication and texts suggest that this form of practice never done with the consent of two parties but somewhere it's also hold it exceptional corner.

III. Asura vivha – In this form of marriage – contract was made between the bridegroom and his prospective father-in-law in lieu of some consideration of money or some presents, this practice otherwise known as “marriage by purchase” in which consent of the guardian of bride – elect was off course, always necessary. It also witnessed that impecunious people in society used to co-share their purchase wife with his elder or young brother or some of his nearest relatives. This form of polyandry practice mostly arouse out of purely because of economic reasons but we quoted earlier that exceptions lie in every corner of the world as patriarchal polyandry also finds its way into royal household as we also find this in the context Mahabharat, where Draupadi, the daughter of the Panchala king for instance, was given away his marriage to the five Pandavas brothers and this form of practice also reside in the region of Himalayan, thibet, Coorg (Mysore), Bhutan and Annamalai hills in Travancore where sale-marriage see as conventional approach in their vicinity and this custom initially take birth during sixth century AD in Rome and byzantine societies.

IV. Daiva vivah – In this custom daughter was given away to the presiding priest in the form of sacrifice, due to the overburdened of family liabilities and as a sacrificial fees or ‘Dakshina’ for officiating a religious ceremony this type of marriage performed due to father incapacibilities to arrange a conventional wedding, this marriage take place during a religious sacrifice (yajna) and this practice considered to be very common in earlier vedic period when yajnas were a vital part of the daily life and it somehow considered to be degrading the morality of the women to be given away as a fees.

¹⁰ ⁵ Melissa Farley et al., “Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder,” *Journal of Trauma Practice*, Vol. 2, No. 3–4 (2003), pp. 33–74.

V. Gandharva vivha – It a type of marriage which is based on mutual love and consent, without the involvement of family permission or elaborate rituals, this form of practice distinct form other practices because It’s has exhibited the involvement of mutual consent with no family involvement, without any specific rituals and all of these only based on the foundation of strong desire and adoration between bride and bride groom.

VI. Arsha vivha – This custom was the outcome of the asura marriage with its more ethical boundaries to commence it, where the groom family give a symbolic gift of cow and a bull to the bride’s father and then the bride father give his daughter to the groom in a marriage as a gift in the exchange rather than a sale like asura vivah these practice usually performed by sages (rishis) as a way to full the groom dharma without paying enormous capital this practice come as a performance of respect and gratitude for the bride not as a bride price or sale, we can also conclude this practice as a “give and take” practice, which generally not considered as ethical and moral due to his nature of give and take.

VII. Brahma vivah - This custom then and now always seen as most respected and traditional form of marriage, where father give his daughter in to groom in a marriage of his own choosing these marriage does not involved any material compensation because this form considered to be pure because of it immaculate bond which involved the gift of the daughter “Kanyadaan”¹¹ after the groom has completed with his well-versed Vedic knowledge and ready to devote herself into the matrimonial life, the bridge between the bridegroom is performed by priest after concluding negotiation with the guardians of respective groom and the bride, all this perform in the front of seraphic flame as solemn witness.

VIII. Prajapatya vivah – This is the only custom that is performed in modern day Hindu societies on the large scale this is considered as a polished form of brahma vivah in which guardian have authority to judge the bride-groom on the basic of their merit and demerit in which consent of bride-groom must take, the concept of dowry also seen first time during this custom where not only rich as well as poor father always furnished a dowry for her daughter, before the invention of coin at later Vedic period originally , utensils, trinkets or some gala dress went to form the dowry, this form of marriage always seen as a rule, attended with a sanctimonious ceremony in which the marriage-mantras from the same our Yajurveda were read by the pair and the two contradicting parties before the sacerdotal fire.

¹¹ Altekar, A. S. (1959). The Position of Women in Hindu Civilization: From Prehistoric Times to the Present Day. Motilal Banarsidass.

These eight form of marriage ¹²initially start forming the shape of “guest prostitution” which was prevailing custom among many south Indian tribes even down the first decade of the twentieth century, where the foot step of prostitution can see among some Malayalam speaking people of south Canara and Annamalai hills curiously enough, it was in southern India that the religious prostitution also appear for the first time and in ancient Egypt, Babylonia, Chaldea, Phoenicia and other countries have carried out guest prostitution for the first time.

“Herodotus”once quoted ¹³that “every women born in the land is obliged once in her life to repair to the temple of Venus to give herself to a stranger once sees lanes separated by ropes which have been stretched – the stranger walk up and down this lane to select women to their liking when a women has taken her place in this lane, she is not permitted to return home until some stranger has cost silver upon her knees and has had intercourse with her outside the sacred place however, the modest the sum, it cannot be refused not it is permitted her to repulse anyone finally when she has acquitted of what she owed the Godness by abandoning herself to stranger, she return home after whatsoever sum is offered, it is not possible to seduce her those who have an elegant figure and beauty do not remain long in the temple but the ugly one sometimes three or four years”. This practice of waiting in the temple – compound to full fill the vows of gods, must have given birth in the “Pauranic” ages to the customs of as “Devadasi”_ which has a significant place in the history of prostitution in India. The term Devadasi literally means servants (slaves) of God and perhaps originally denoted a class of women who gave themselves to a life of religious service and austerities. These devadasis who were not supposed enter the bond of matrimony often functioned as temple singers, dancers, concubines and prostitutes. The term Devadasi became a euphemistic way ¹⁴of referring to women prostituting in the name of religion. It is not explicitly prescribed in any Vedic text but in Padma purana_and_Skanda Purana_describes ritual. where women could be offered to duties or temple and all this custom becomes the initial stage of legal or real prostitution.

So as Agamas (temple scriptures) also describes duties of Nityasumangali [even auspicious women] who serves deities in temple with music and dance. Devadasis Once seen as the ‘brides of gods,’ but gradually lost their dignity when temple patronage faded¹⁵, and exploitation filled the gap.” unlike Devadasis the Ganika, celebrated in Kautilya’s Arthashastra and Buddhist tales, once graced royal

¹² Kane, P. V. (1941). History of Dharmasastra (Ancient and Medieval Religious and Civil Law in India) (Vol. 2, Pt. 1). Bhandarkar Oriental Research Institute.

¹³ (Herodotus, trans. Rawlinson, 1942).

¹⁴ (Kersenboom, 1987).

¹⁵ (Marglin, 1985).

courts with art and wisdom yet, as kingdoms collapsed, their elite status too dissolved. The journey from Devadasi to Ganika to prostitute is not just the story of women—it is the story of how society itself shifted from reverence to rejection.¹⁶

“INTERPLAY OF SOCIAL AND ECONOMIC FORCES”

- 1) Poverty and lack of economic alternatives was the one of the main reasons why they opted for sex work where chronic poverty and household-level deprivation push women, girls and their family into this never ending practice for their entire life where it is mostly seen that poverty become the last resort of livelihood to them without it they unable to manage increasing hectic loans debt, and unable to pay for the treatment of parents and children.
- 2) Lack of education and with limited education, skills and low human capital show in many studies link education deficits to entry into the sex trade as lack of vocational training which get curb by the supreme court direction in May 2022 in which court directed the government to provide vocational training to sex workers and we can also conclude the main issue why girl's run away from home at a very young age often because of the fear of being sent to school or because they would have to contribute to their family financial needs.
- 3) Early marriage, domestic violence and alcohol abuse: Women who were mostly from rural areas, their parents thought of them as a burden and married them of within two to three years from the puberty date. Harassment and violence perpetrated by their spouses, who were often involved in extramarital relationships created other problems such cultural practice such as the devadasi tradition which historically placed certain women in this situation.
- 4) Family tradition and cultural factors like child marriage, family breakdown are the vital issue which overlook by many such groups of caste-based traditional sex workers in India such as (Bedia women)_of Madhya Pradesh and central India engaged in prostitution and they trained their daughters to become prostitutes in the future.
- 5) Marriage-related issues come as major problem for why women and family opt for sex¹⁷work and in a lot of Hindu family, it is forbidden and unethical for a widow to get married again and come under the umbrella of matrimonial domesticity, and problem also lies with unsatisfaction in matrimonial life where she is susceptible to abuse herself and other such

¹⁶ (Chakraborty, 2004).

¹⁷ ¹⁶ Patel, V., & Sinha, K. (2019). *Gender, Poverty and Human Development: An Indian Perspective*. Sage Publications.

things, though in order to satisfy their bodily hankering. They might decide to become prostitutes though because they are poor replacements for actual sex these communities historically occupied roles linked to sex workers as a traditional way of livelihood due to lack of proper education and equal representation in commercial sector's they come to adopt this sector.

6) Illegitimate motherhood is the condition of child birth which take place outside a legal recognition of a marriage, or know as non-marital child and it carries stigma in conservative societies, where such women face several financial disadvantages without the spouse. When society is aware that a woman is the mother of an illegitimate kid, no one wants to marry her but everyone wants to have sex with her. Such ladies would desperately prefer to work as regular prostitutes and this burden is heavier for women who belong to lower caste such as devadasi, Ganika and those who involve in sex work from generation to generation where they face bureaucratic procedure such as school admission, and id documents often demanded a 'father name' where unwed mother unable to dispense such document.

7) Although the reasons for involvement in sex work¹⁸ pertain to a range of negative life circumstances, these made of involvement can be encapsulated by their own choice related to victimization in searched for better opportunities and in most of case's forcible entry are deception by known people where majority of women are illiterates and were from poor families with little no social support but there also such cases where deception done by unknown person where they lured them with promises of good-jobs and accommodation.

ANCIENT MORALITY VS. MODERN LEGALITY

1. Yajnavalkya smriti paid particular attention ¹⁹to civil and criminal procedure code to the enumeration, of the penal offences, relative penances and punishment, the right of succession, evidence act and treatment of various classes of women this text focus more on proper ethical teaching rather award a heavy sentence, the penance often consist of fasting for one or several days only wish water or milk diet and gift of milch-cow to the family – priest, while the auto – purification physically manifested itself in the subject's swallowing of holy

¹⁸ ²⁰ Rajan, S. I., & James, K. S. (2008). Demographic Transition and Its Implications on Women's Work in India. *Economic and Political Weekly*, 43(48), 47–55

¹⁹ (Yājñavalkya Smṛti, translated by P.V. Kane, *History of Dharmasāstra*, Vol. II, Part I, 1941, Bhandarkar Oriental Research Institute, Pune, pp. 135–142.)

Panchagabya (equal quantities of cow's curd, cow's clarified butter, cow dung and urine mixed together).

2. Manusmriti (VIII, 371) describe about the punishment for conjugal infidelity by recommending that the women who find accused for this offence should go through the punishment of devoured by the dogs in the public while man to be burned alive where it is clear that, cheating considered to be heinous crime at the time, manusmriti also conversed about the intercourse between man and women form the privileged classes there law only demanded the hair of guilty women by trimming it where man have to pay hectic amount of fine but, if a man belonging to a Vaisya caste and lady come from high reputed family then he, need to coerce all his property.²⁰

3. We find traces of prostitution as a practice in the Hindu traditional scriptures like manusmriti and dharmashastra where they denoted as a term like, Vaisya, Ganika, and nagarvadhu, and in Kautilya Arthashastra there is also mentioned of taxation and regulation of courtesan in (Book 3, chapter 14).

4. As found in the manusmriti that law-makers grew severe in maintaining chastity amongst the body politic on the one hand where they practically made dwarf efforts to Penalize prostitution on the other, prajapatya penance (though crime with a cow was dealt with a severe one) and most of law-givers placed bestiality(the performance of any sexual act between a human being and an animal) and prostitution in the same category and more than a dozen synonyms for the prostitution were framed and found place in the Aryan language by this time, which rendering solution lies in moder day approach only.²¹

5. The word Ganika though at first denoted all classes of prostitution in general which later become the stamp for courtesan class only it is very evident that a majority of the legislators never wanted the prostitutes to enjoy her life as normal human beings, among all these laws where there is lack of enforcement, Jagnavalkya came as a leading light which formulate clear-cut laws in respect of prostitutes it was the first time that there was clear cut rule laid down into smriti.

6. Jajnavalkya smriti defined that a well - guarded concubine, any unethical act done against the modesty of women then the accused should be liable to pay a fine of fifty Panas,

²⁰ (Manusmṛiti, VIII.371–372, translated by G. Bühler, The Laws of Manu, Oxford University Press, 1886, pp. 290–295.)

²¹ (Kautilya's Arthaśāstra, Book III, Chapter 14, translated by R. Shamasastri, Mysore Government Press, 1915, pp. 218–223.)

and if there was any expressive disappointment against any forceful perform then accused will be bound to pay twenty four Panas, and if mutual barter contract between man and prostitutes and advanced is paid off and subsequently she refuse to intercourse she is liable off to return full money and compensation and if the visitor after setting up the price in advanced and later become unwilling to have coition with her then he will not be eligible for returning of his money, so all this law and customs come with their pros and cons²².

7. Section 2(f) of immoral trafficking act, 1956 define brothel as a heinous crime as if any place used for sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes in the same act section 5, also state the penalization of those who involve in inducing, procurement and human trafficking with the rigorous imprisonment of 3 – 7 years with the fine up to 2,000.²³

8. IPC, 1860 come as a first victory morality which introduced a criminal perception, Section 372 of IPC, 1860 (Now, Section 111 of the BNS) is cognizable and non-bailable offence which suggest about the punishment of imprisonment of 10 year and fine, section 111, address the issue of whosoever selling or letting to hire a minor for the purpose of prostitution and same as section 111, section, 373(replaced by Section 99 of the Bharatiya Nyaya Sanhita (BNS) also come in the horizon of cognizable and non-bailable offence which addresses the punishment of 10 year with fine to a person who involved in buying or obtaining possession of a minor for the same purpose.

9. Section 366A of IPC, 1860 – procurement of a minor girl (Now Sec 96, of the Bharatiya Nyaya Sanhita (BNS) in which it used the word minor child instead of minor girl to be gender neutral) this section address the crime where there is involvement of inducing a minor girl for the purpose of illicit intercourse, it also highlights the issue that if anyone induce a child below the age of 18 to go from any place or to do any illicit act will liable of punishment of imprisonment of 10 year with fine.

10. 366 B of IPC, 1860 (corresponds to section 141 of new Bharatiya Nyaya Sanhita (BNS), this section address and cover the “importation of girl under the age of 21 and of boy

²² (Yājñavalkya Smṛti, translated by P.V. Kane, History of Dharmaśāstra, Vol. II, Part II, Bhandarkar Oriental Research Institute, Pune, 1941, pp. 312–317.)

²³ (Immoral Traffic (Prevention) Act, 1956, as amended by Act No. 44 of 1986, Ministry of Law and Justice, Government of India. Available at: India Code)

under the age of 18 to forced or seduced or compelled to do illicit intercourse with another person.

11. Section 370 of IPC, 1860 (Replaced by section 143, of the Bharatiya Nyaya Sanhita (BNS) which address the issue of human trafficking by defining the act where there is involvement method such as coercion, fraud, or deception for intention of exploiting them and forcing them into slavery and organ removal and this provision enacted to give effect to article 23 of the Indian constitution which addresses the main issue of trafficking.²⁴

12. Immoral Traffic (Prevention) Act, 1956 (ITPA) This provision enacted to give effect to article 23 of the Indian constitution which addresses the main issue of trafficking. Such like Section 3 of ITPA Act address the issue if keeping of managing of brothel as a serious offence, Section 4 deal with punishment for person who living on the earning of prostitution of another person where as Section 6 deal with offence of detaining a person in premises where prostitution is carried out, and Section 7 deal with the precaution regarding locality or place for this practice which should be within 200m of schools, temples etc. and ITPA also the addresses the issue of seducing or soliciting for prostitution in the public space under Section 8 of it and in the last it give jurisdiction to the magistrate for removal of prostitution from any place.

13. There is also supplementary provision that dealt with elimination of the prostitution such as POSCO Act, 2012, that provide a legislature to protect children under the age of 18 from being sexually exploited and then Bonded labour System Abolition Act, 1976, which suggest and accord with the preventive tools against forced labour which also include coerced sex work, and Trafficking in person (preventive care a rehabilitation) Bill, 2021 proposed to give a Holistic Anti Trafficking Law.²⁵

14. Although prostitution as a profession is not specifically criminal in Indian law, a number of related behaviors are, and they are all punished under Indian law. These rules are covered under the 1956 Immoral Traffic (Prevention) Act.

²⁴ (Indian Penal Code, 1860; Replaced by Bharatiya Nyaya Sanhita, 2023, Sections 143, 141, and 96; Ministry of Home Affairs, Government of India, Gazette Notification, 2023.)

²⁵ (Protection of Children from Sexual Offences (POCSO) Act, 2012; Bonded Labour System (Abolition) Act, 1976; and Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021, Ministry of Women and Child Development, Government of India.)

JUDICIAL INTERPRETATION

I. BUDHADEV KARMASKAR V. STATE OF WEST BENGAL (2011-2022)

This judgement recognized sex worker and prostitution under article 21 and has interpreted it to include in the right to live with human dignity of Indian constitution where court directed police authority to not harass adults in consensual sex work where there is mutual involvement of consent by both the party, the doctrine of “stare decisis” applies to this judgement for future cases by prohibiting separation of children solely due to mother profession.

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II. GAURAV JAIN V. UNION OF INDIA (1997)

Supreme Court directed for rehabilitation and education of sex worker’s children and supreme court held that society was responsible for a woman becoming a victim of circumstances of never ending loophole of maltreatment which they go through on their regular basic and therefore, society should make reparation to prevent trafficking in women, and make sure to take out them from this unpleasant situation where they unable to educate their children and also make step to eliminate this practice from other area in which the women are drag in and get trapped for their entire life.²⁷

SUPREME COURT DIRECTION (MAY, 2022)

In May 2022, the Supreme Court of India ruled that sex work is a "profession" and sex workers are entitled to equal protection under the law, dignity, and constitutional rights, court directed that police authority should not be authorised to impede between the person where there is affirmation of consensual as we see in “Badhadev Karmaskar v. state of west bengal (2011-2022) calling it as a ‘profession’ clearly show that prostitute are entitled to avail same constitutional rights as the other citizens which include right to live with dignity under article 21 and court ordered that there should be immediate medical assistance and other supportive be provided to sex workers who are victim of sexual assault and court directed to “Press Council of India” to issue a guide line for media to protects the identities of sex workers during arrests, or rescue operation and court also directed t government to introduced a rehabilitation schemes, which include vocational training to help them to leave

²⁶ (Budhadev Karmaskar v. State of West Bengal, (2011–2022) 10 SCC 283; Supreme Court of India.)*

²⁷ (Gaurav Jain v. Union of India, (1997) 8 SCC 114; Supreme Court of India.)

profession who want to and it also noted that sex workers should also obtains documents like voter id and ration cards.

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CONCLUSION

In modern society, some people hold the opinion that prostitution is a vice in and of itself, while others openly support its acceptance in society. As a result, it can be viewed both ways. Although there are differing opinions on prostitution of its economical and sociological factors, one fact that cannot be disputed is that sex workers often face sexual abuse and violence from their procurers and clients. Legalizing prostitution could potentially offer protection to these individuals from such exploitation and violence.²⁹

This historical practices of victimization of women form being Devadasi to Ganika to modern day prostitute can be rooted out through multiple interventions by the Government through legal efforts, special opportunities for such communities and adoption of effective policies but the word “prostitution” upheld the two contradicting perspective in the society where one is sphere conclude “prostitution” as awful and inferior practice in the society and others see it as a heinous loop hole in which forlorn women’s are drag in. Despite being having two refutation perspective in the society although, both view point encompasses their own legitimate reasons. If we look at it from a societal standpoint we usually drag law maker into the horizons of questioning in the room of blameworthy confinement to not having an efficacious and situational prevention tool’s which focuses on modifying the environment to make prostitution practice more difficult and less rewarding and restrain these practice from the root. In fact, major obstacle lies with implementation of reforms which to be subjected to executive body who seen to be ineffective while implementing the precept of legislation where police effectiveness is generally maximized only when someone fuel their efficacy with the inducement and turn verdict form heinous crime to ethical practice which mostly made due to bribery and pressure from the apex authority.³⁰

²⁸ (Supreme Court of India, Budhadev Karmaskar v. State of West Bengal, Writ Petition (Criminal) No. 135 of 2010, Order dated 19 May 2022.)

²⁹ (National Human Rights Commission (NHRC) of India, Advisory on the Rights of Sex Workers and Measures to Address their Vulnerabilities, 2022.)

³⁰ (Ministry of Women and Child Development, Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021; Government of India.)