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Echoing Silence: Child Prostitution, Stigma and The Laws in India

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Every single decade, a child-related issue comes to the media's notice and soon becomes a global cause to celebrate. Africa's hungry and starving children became the focus in the 1970s. It was child labour in Asia at the beginning of the 1980s, then street children in South America. It is believed that child prostitution is a sin that ought to be eliminated in all ways. Child prostitution is invariably seen as a problem since attitudes towards prostitution in general and child prostitution are never neutral. Outrage and disgust are sparked by the thought of minors selling their bodies for money. It is quite ironic that the Indian constitution forbids gender-based discrimination and exploitation and has a plethora of related laws that have failed to shield the basic rights of sex workers of women and children. The brutal carnage in the sex business, juvenile prostitute workers, absence of adequate basic amenities to education and healthcare, and a high rate of HIV infection are some examples of how this is exhibited. It is unlikely that policies focused on rescue and rehabilitation or built on the idea that sex work is dissipated will successfully advance sex workers' well-being. The laws about prostitution and human trafficking¹, as well as their most recent revisions, are examined and critically analysed in this study. Through this, the researcher also brings attention to the living conditions and difficulties experienced by child and female prostitutes, as well as the societal stigma and the label of being accused rather than the victim.

¹ Sankar Sen and P.M. Nair, *A Report on Trafficking in Women and Children in India 2002–2003* (vol 1, NHRC UNIFEM-ISS Project, Institute of Social Sciences, 2004)

The primary focus of this essay is on the judiciary.²'s contribution to prostitutes' access to justice while also emphasising the government's failure to adequately protect them through its policies. Finally, this paper gives diverse therapeutic actions comprising lawful alteration in mentality through which a transformation can be acquired in the lives of progenies occupied with prostitution.

Keywords: *grey economy, devadasis, information, technology.*

INTRODUCTION

In India, the sex business has a long history and is deeply interwoven in the societal fabric of the nation. The complex and varied industry is made up of a range of stakeholders, including sex workers, consumers, pimps, and law enforcement officials. Due to an extensive lack of understanding of the issue, child prostitution has not gained enough attention in India, regardless of being a key global concern. Child trafficking is one of the numerous ways that children are used as prostitutes. The academic literature on trafficking has focused on the forced migration of children for sex. In addition to strict laws against child prostitution, there should also be laws against associated problems, including child trafficking and child pornography.³

It is best to have a basic concept of what constitutes 'Prostitution' and who qualifies as a child to comprehend child prostitution. To do this, we must first familiarise ourselves with the definitions of these two terms as they are used in the Immoral Traffic Prevention Act of 1956, which addresses the trafficking of people involved in illegal sexual activity. A child is defined as a person who has not reached the age of 16 in Section 24(aa) of the Immoral Traffic Prevention Act of 1956⁵. An individual who is between the ages of 16 and 18 is considered a minor under this Act. By Section 2(f)⁶, prostitution is *defined as the 'sexual exploitation or abuse of persons for commercial purposes.'* The jeopardy of child prostitution and sex trafficking is spreading its

² Kalpana Kannabiran, 'Judiciary, Social reform, and debate on "religious prostitution" in colonial India' (1995) 30(43) Economic Political Weekly
<https://www.academia.edu/79431606/Judiciary_Social_Reform_and_Debate_onReligious_Prostitutionin_Colonial_India> accessed 12 August 2024

³ Paripurnanand Varma, *Sex Offences in India and Abroad* (B R Publishing Corporation 1979)

⁴ Immoral Traffic (Prevention) Act 1956, s 2(aa)

⁵ Immoral Traffic (Prevention) Act 1956

⁶ Immoral Traffic (Prevention) Act 1956, s 2(f)

tentacles at a unique pace. The victims of this threat lose everything from a dignified, independent life to social ostracisation.

In addition to the stigma associated with sex workers, young girls and boys frequently experience criticism for defying conventional mores. These individuals experience stress, depression, and other mental diseases. Additionally, these individuals frequently lack access to healthcare services due to legislative restrictions and societal shame; as a result, they do not obtain adequate healthcare. They are, therefore, more susceptible to infectious diseases like STDs and HIV. Governments have established a variety of legal frameworks and regulatory strategies to address the prostitution issue.

HISTORICAL CONTEMPLATION OF PROSTITUTION IN INDIA

Sex labour has been practised in India since ancient times when courtesans were respected and revered members of society. The foundations of trafficking are deeply entrenched in our ancient prostitution systems prevailing in numerous parts of the country, like the devadasi and the tawaif.

According to Puranas, a woman who shared her couch with two men was known as Kulata, a Darshini with three, Pungaschalea with four, and Veshya with five. Mahaveshyas were women who donated themselves to groups of more than five. Harlots were likely referred to as Pumschali and Mahanangi. There is no way for us to determine when prostitution in India became a legitimate profession or how much the prostitute was paid. Its emergence and perception as a profession were concomitant with the association of strict marriage rules, especially monandry, and the wife being related to as the private property of her husband. It is during the later Vedic period, which corresponds to the eighth or seventh century B.C. when allusions are found to a more institutionalised kind of prostitution. Initial Buddhist literature, especially the Jatakas, exhibit testimony to the presence of distinct categories of prostitutes such as Kanika, nagarasobhānī, vannadāsī, gamaniyo, veśī, itthī, etc. Courtesans were not just outcasts of society during the Mahabharata era. They occasionally received invitations from high-status individuals. They would wear red clothing, red garlands, and red gold decorations. Patliputra was a thriving prostitution hub during the reign of Chandra Gupta Maurya, and this was the first time the state paid attention to the prostitute colony to effectively govern it and subject it to the

requirements of a stable taxation system⁷. The female courtiers weren't your typical prostitutes. They were highly skilled courtesans and were seen as suitable companions for society's educated males. According to the Kama Sutra⁸, a Hindu treatise on sexuality, courtesans known as 'ganikas' who were skilled in dance, singing, and other arts existed in ancient India. Prostitutes served a variety of objectives, including entertainment and political activism, particularly in the field of espionage. The practice of affixing prostitutes to places of worship dates to antiquity, although it seems to have become more common during the early centuries when the temple ceremonies reached their most elaborate forms. Another socially accepted kind of prostitution in some regions of the nation was devadasi, a code word for temple prostitution⁹. Most of the parents give up their daughters to the temple's service because of their love and devotion to God. However, the clandestine priests and pundits made up this group of dancing girls. Children were devoted to the goddess Yellamma in her service under the devadasi system, and from that point on, they were referred to as devadasis or servants of God¹⁰. At the time of offering prayers, these dancing females were considered essential and were given a place of dignity. Gradually, because of individuals who abused the institution for immoral ends, most of these women were forced into covert prostitution under the guise of religion.

The Sultan and nobility used to have slaves, concubines, and prostitutes in their homes, both men and women. They had no qualms about violating the harem's sanctity and turning it into a private brothel. Several courtesan ladies remain reasonably independent while living under the patronage of a king or nawab during the Mughal dynasty. They have typically accomplished musicians, dancers, painters, or poets, and they spend most of their time pursuing various artistic endeavours. Prostitution was an accepted institution throughout the Mughal era. The legendary Mughal emperor Akbar kept a seraglio with 5000 females, and it had a pinnacle staff of woman officers who oversaw its administration. Hindu rajas that ruled in Rajasthan's Orchha kingdom, such as Raja Indrajit Singh and Baz Bahadur, were ardent supporters of prostitution.

⁷ Suvira Jaiswal, 'Female images in the Arthashastra of Kautilya' (2001) 29(3/4) *Social Scientist* <<https://www.jstor.org/stable/3518338>> accessed 12 August 2024

⁸ Rajendar Menen, *Karma sutra essays from the margin* (Saga Books 2007)

⁹ A.L. Basham, *The Wonder That Was India* (Grove Press 1959)

¹⁰ Arun Jaganathan V.R., 'Yellamma Cult and Divine Prostitution: Its Historical and Cultural Background' (2013) 3(4) *International Journal of Scientific and Research Publications* <<https://www.ijsrp.org/research-paper-0413.php?rp=P161051>> accessed 12 August 2024

The courtesans lost their former patrons' support when the colonial administration was established. The courtesan's complex existence was reduced to that of a commercial sex worker in the new political economy and things became worse. Prostitution thrived on a colossal commercial scale devoid of any regulation. Women's social limitations and financial struggles made them easy prey for gangsters in this line of work.¹¹ (Biswanath, 1984). However, attitudes about sex labour changed because of the British Empire, and it started to be seen as a social sin. The British Contagious Diseases Acts required sex workers to submit to medical examinations and prevented them from freely practising their field of employment.

Numerous tribal cultures, including the Bedias in northern India, have been identified as having prostitution as a familial business. Families' debt issues may have contributed to circumstances where the poor turned to prostitution to free themselves from debt slavery. Prostitution was practised by ethnic communities in numerous regions, acting as a powerful circuit to reduce the gap between tribal and non-tribal pastoral elites. Teenage girls were introduced into prostitution after puberty and began through ritual festivities known as the uterine or sar dhakwana. They were common initiation rites that symbolised the start of femininity and signaled the introduction of females to enter the business of sex work¹². In the states of Maharashtra, Manipur, West Bengal, Rajasthan, and Chhattisgarh, where such tribes are numerous, this practice is still common among the local tribes¹³. Other tribal communities have recently turned to prostitution to escape unemployment and poverty in Uttar Pradesh¹⁴, Uttarakhand, Bihar, and Odessa¹⁵.

¹¹ Srishty Banerjee, 'Human Trafficking: Trade in Humans in the Era of Celebrated Human Rights' (2015) 6 Indian Journal of Law and Justice <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/ijlj6&div=4&id=&page=>> accessed 12 August 2024

¹² Christine Joffres et al., 'Sexual Slavery without Borders: Trafficking for Commercial Sexual Exploitation in India' (2008) 7(22) International Journal of Equity and Health <<https://doi.org/10.1186/1475-9276-7-22>> accessed 12 August 2024

¹³ 'India: The battle against fear and discrimination: The impact of violence against women in Uttar Pradesh and Rajasthan' (*Amnesty International*, 07 May 2001) <<https://www.amnesty.org/en/documents/asa20/016/2001/en/>> accessed 12 August 2024

¹⁴ Government of India Ministry of Women and Child Development, *A Study of Children Dependent on Prostitutes in Selected Areas of Uttar Pradesh* (2010)

¹⁵ Sonal Pandey, 'Trafficking of children for sex work in India: Prevalence, history, and vulnerability analysis' (2018) 2(1) E-journal of the Indian Sociological Society <https://www.researchgate.net/publication/327744199_Trafficking_of_children_for_Sex_Work_in_India_Prevalence_History_and_Vulnerability_Analysis> accessed 12 August 2024

CURRENT SCENARIO OF THE SEX INDUSTRY IN INDIA

For thousands of women living in certain marginalised communities in rural India, sex labour is a way of life. Due to the Indian caste structure and long-standing stereotypes that make it impossible for the family to escape poverty, for many people, it is their sole source of income.¹⁶ But there are winds of change blowing. The sex trade is kind of passed down through the generations in some Indian areas. Grandmothers and moms had both previously worked in the same industry. In the past, they mostly belonged to ethnic groups that worked mainly as performers. Since they were criminalised by the horrific British colonial power, it is still difficult for the men of these ethnic groups to obtain regular employment. As a result, the family's female members frequently provide the family's income. They are the ones who borrow money, construct homes, and make significant choices, which is unusual in India.

Due to migrant workers returning to their home villages during the national lockdown in 2020, the lives of sex workers were made much worse and there was a considerable decline in their revenue.¹⁷ In Sonagachi (Kolkata), the majority of prostitutes have been forced into debt repression because of the pandemic. They were susceptible to further exploitation since at least a quarter of them took out loans from the grey economy, like money lenders, brothel owners, and pimps. Even if the prostitutes planned to leave their sex business when the pandemic started, they have been powerless to do so because of the enormous loans they have taken to survive.

Prostitution is a socially stigmatised occupation that is forced upon women from lower classes. Numerous socially disadvantaged people are forced to work in this occupation because of long-standing cultural traditions (such as the Bachra Communities and Bedia of North India and Nats in Rajasthan). The trading of human flesh is the only substantial source of income for the nomadic Saraniyas women in Gujarat's Vadia hamlet. Most of the men are pimps who force girls as young as 12 into the sex trade, while the women are uneducated and helpless. On the other hand, prostitution progressively replaced agriculture as the Bedia community's main source of

¹⁶ Divyendu Jha and Tanya Sharma, 'Caste and prostitution in India: politics of shame and of exclusion' (2016) 4(1) Anthropology <<https://www.longdom.org/open-access/caste-and-prostitution-in-india-politics-of-shame-and-of-exclusion-2332-0915-1000160.pdf>> accessed 12 August 2024

¹⁷ 'Women who lost jobs during lockdown pushed into prostitution, says police' *The Indian Express* (Ludhiana, 07 March 2021) <<https://indianexpress.com/article/cities/chandigarh/women-who-lost-jobs-during-lockdown-pushed-into-prostitution-says-police-7217857/>> accessed 12 August 2024

revenue. The Bedia people live in numerous villages in central India and Madhya Pradesh. Women in this community are vulnerable targets due to the historical and cultural practices of the Bedia clan. Prostitution is considered unethical and stigmatising by other communities. They are, therefore, never accepted by other cultures because of their immoral professional practices. In Andhra Pradesh, the Jogini tradition, a contemporary version of Devadasi, women from subordinate castes are allowed to become joins.¹⁸ They are further exploited by both upper and lower-caste males for their pleasure interest.

The daughters of the Nath community belonging to the lower caste, who perform sex acts and dance in bars in Mumbai, had numerous challenges during COVID-19.¹⁹ The outbreak, in addition to continuous stigmatisation of their line of work as an ‘impure occupation’. Their predicament was made worse by the lockdown because they lacked the funds to cover their rent and travel expenses. This demonstrates how the pandemic has worsened the historically marginalised group in society.

In India, several human rights violations against sex workers occur every day. Many sex workers experience physical abuse and harassment from both customers and law enforcement personnel. The vulnerability of sex workers is further exacerbated by this lack of legal protection, which puts them at risk of exploitation. The criminalisation of prostitutes also makes it challenging for these individuals to seek justice when their rights are violated. Many people are reluctant to report abuse or exploitation because they are afraid of being arrested or deported. Sex employment is an intricate and taboo issue in India, where different Indian states have different laws controlling it that have an impact on how sex workers are treated and how their rights are safeguarded. One of the most pervasive types of violence and prejudice that has an impact on the sex business is police brutality. It is illegal and dangerous for police to use their position of power to detain or threaten sex workers.

For several reasons, the rights of the Indian sex business must be safeguarded. Prostitutes, be they women or children, have the same core human rights as everyone else, including autonomy, safety, and dignity.²⁰ Regardless of the profession they have chosen, treating people properly

¹⁸ Jha (n 16)

¹⁹ Raksha Kumar, ‘From debt to depression, the pandemic has hit India’s sex workers hard’ *The Hindu* (04 July 2021) <<https://www.thehindu.com/society/from-debt-to-depression-the-pandemic-has-hit-indias-sex-workers-hard/article35113988.ece>> accessed 12 August 2024

²⁰ Joseph Gathia, *Child prostitution in India* (Concept Publishing Co 1999)

and with respect requires that their rights be respected. By upholding the rights of sex workers, the focus is switched from criminalising their line of work to going after those who exploit and mistreat them. This contributes to the reduction of forced or child sex trade participation as well as human trafficking. Sexual workers commonly suffer greater risks of STIs and HIV as it is a dangerous working condition and there is limited access to healthcare. By acknowledging their rights and supporting them, such as access to healthcare services, education about safe practices, and regular screenings, we can enhance the general well-being and health of prostitutes. This empowerment enables them to live independently and make informed decisions about their employment. The social structure and local groups of sex workers are essential. They can become more involved in community activities, have access to education, and make contributions to society if their rights are upheld.

NGOs and civil society organisations are essential in bringing the government and the general public's attention to issues that are frequently disregarded by them. The fundamental and human rights of the prostitutes were recognised by the Maharashtra government, which determined to incorporate them into state aid starting in 2020 through the diligent works of NGOs like SANGRAM. Many regional NGOs have been working to recognise the human rights of sex workers.²¹ In India, including Kranti in Mumbai, Durbar Mahila Samanwaya Committee in Kolkata, and Kat-Katha in Delhi. All those working in this sector of the economy must continue to have their human rights respected and safeguarded. Only then can we truly tackle the universal issues facing those implicated in sex work and guarantee that everyone is treated with dignity and respect regardless of their occupation. To safeguard the fundamental human rights of prostitutes, various NGOs, sex worker associations, and civil society organisations are making great efforts. Although worried authorities hold most of the world's power, their inaction is further marginalising this group of people.

PROTECTION OF VULNERABLE SECTIONS THROUGH LEGAL FRAMEWORK

Laws and regulations related to sex workers are incorporated in the Indian Penal Code 1860²², the Immoral Trafficking (Prevention) Act 1956 and the Juvenile Justice Act²³ Etc. Moreover, the

²¹ Jatin Anand, 'Night and weekend curfews spell trouble for sex workers' *The Hindu* (18 April 2021) <<https://www.thehindu.com/news/cities/Delhi/night-and-weekend-curfews-spell-trouble-for-sex-workers/article34347247.ece>> accessed 12 August 2024

²² Indian Penal Code 1860

²³ Juvenile Justice Act 2015

recently formed United Nations Convention for the Suppression of Traffic in Persons and of the Exploitation of Others' Prostitution (1949) laid the foundation for post-independence India legislation to deal with the issue of sex workers, namely the Suppression of Immoral Traffic (Prevention) Act of 1956²⁴ (SITA), which was later amended in 1986 and became the Immoral Traffic Prevention Act (ITPA) (Ministry of External Affairs).

Provisions of the Indian Penal Code 1860 regulating Prostitution in India:

Numerous provisions govern acts that are not directly related to prostitution but are nonetheless indirectly related to those activities that are related to the Act of Prostitution. Section 354²⁵ states Assaulting or hitting a woman to insult her modesty. Section 366 A²⁶ deals with the procurement of a minor girl - Someone who, by any means, coerces a minor girl under the age of eighteen to leave a place or take any action with the intent that she might be coerced or seduced into having illicit relations with another person is subject to a punishment that could last up to ten years and a fine. In the **Ramesh v State of Maharashtra** case, according to the Apex Court, a person who encourages and helps a woman under the age of 18 years as she pursues her profession as a prostitute is not guilty of an offence under this section if the girl regularly engages in promiscuous sexual activity for payment while pursuing her profession with the knowledge or intent that she will be coerced or seduced into illicit sexual activity. Section 366-B²⁷ of the Indian Penal Code states that "*Whoever imports into India from any country outside of India or from the state of Jammu and Kashmir, any girl under the age of twenty-one years with the intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to pay fine*". Section 372²⁸ talks about Trading, employing, or other obtaining possession of any girl below the age of 18 years. Section 373²⁹ focuses on brothel owners and anybody else who benefits financially from the widespread prostitution of girls. In **Emperor v Bhagchand Jasraj Marwadi**³⁰, the Bombay High Court ruled that it is not necessary for the act of purchasing, hiring, or otherwise abstaining from possessing a person to be done through a third party or individual. Once custody of the victim is achieved with the

²⁴ Suppression of Immoral Traffic (Prevention) Act 1956

²⁵ Indian Penal Code 1860, s 354

²⁶ Indian Penal Code 1860, s 366 A

²⁷ Indian Penal Code 1860, s 366 B

²⁸ Indian Penal Code 1860, s 372

²⁹ Indian Penal Code 1860, s 373

³⁰ *Emperor v Bhagchand Jasraj Marwadi* (1934) 36 BOMLR 379

necessary understanding of the use as described by the section, the offence is finished. Section 375³¹ explicitly states that sexual intercourse with a person under the age of 16 was considered rape.

The Suppression of Immoral Traffic Act 1956: India ratified the *International Convention for the Abolition of human trafficking and the Exploitation of Prostitution by Others* in 1949 and India was one of its founding members. Indian Constitution forbids the trade in human flesh. Article 23³² has declared *the right to be free from exploitation as a fundamental right of every person*. Through the Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA), which was later amended and renamed the Immoral Traffic (Prevention) Act of 1986 (ITPA), this treaty was eventually incorporated into domestic laws³³. Immoral Trafficking (Prevention) Act amendments have been made numerous times, but they have not yet improved the law's efficacy. There is no mechanism for consoling kids who are victims of this horrible act.

Article 21³⁴ asserts that not a single person may have their life or personal freedom eradicated away from them unless a lawful method is followed. This freedom is exercisable by citizens and non-citizens alike. Sex workers shouldn't be arrested, punished, harassed, or victimised when a brothel is raided because only operating the brothel is unlawful; voluntary prostitution is not illegal. The media must take the utmost caution to avoid exposing the identities of prostitutes during raid, detention, and rescue operations, whether as victims or suspects and to abstain from printing or airing any images that would do so. The Justice Verma (2012–2013) Commission also concurred that there is a difference between females who are trafficked for the intention of commercial sexual operation and adult, consenting women who take part in sex work of their own free will. Along with all other statutes, the Information Technology Act of 2000 must also be mentioned. This is due to the use of child pornography as a new method for the trafficking of minors. Section 67³⁵ declares the practice of the same to be unlawful and criminal. Many things are done in this world of digitalisation without the impacted person knowing much about them.

³¹ Indian Penal Code 1860, s 375

³² Constitution of India 1950, art 23

³³ Rukmini Sen, 'Stay home, stay safe: interrogating violence in the domestic sphere' (2020) 55(25) Economic and Political Weekly <<https://www.epw.in/index.php/engage/article/stay-home-stay-unsafe-rethinking-domestic-we>> accessed 15 August 2024

³⁴ Constitution of India 1950, art 21

³⁵ Information Technology Act 2000, s 67

It will be challenging to receive compensation for such an infraction if the same is being done to children of brothels; hence, the application of such an Act is crucial.

LANDMARK JUDGEMENTS

The Supreme Court panel comprised of Justices L. Nageswar Rao, A.S. Bopanna, and B.R. Gavai issued a verdict on May 19, 2022, that incorporated specific recommendations for stopping human trafficking, acclimatising prostitutes who want to stop their work and creating conditions that would allow prostitutes who want to continue their work to live with dignity by Article 21³⁶. These directions were based on the 2011 recommendations of a panel appointed by the Court. The Union administration's Draught Bill on Sex Work was supposed to include the recommendations, but since receiving them in 2016, the administration has taken its time introducing legislation. The Supreme Court's guidelines have the notable effect of elevating the dignity, independence, and consent of sex workers to the forefront of discussions on sex work, setting a significant precedent for any ensuing legislation. The Bombay High Court in 2021 stated that *prostitution is not an offense, a woman has a right to choose her vocation* in *Kajal Mukesh Singh v State of Maharashtra*.³⁷ Prostitutes should be handled as victims of offense rather than as suspects, the Calcutta High Court stated in *Manoj Shaw v State of West Bengal*.³⁸ (2003). In 2011, in *Budhadev Karmaskar v State of West Bengal*³⁹, the Supreme Court gave the verdict that sex workers had a right to a dignified life. The courts have been arguing that it is past time for society to recognise sex workers for what they do and accept them for who they are.

A WAY FORWARD

These girls and women routinely encounter violence in many forms, and most of them describe having gone through numerous traumatic events both when they were growing up and while working in the sector. Effective social media initiatives that raise awareness of prostitution's negative effects can influence people's perspectives and ways of thinking. Mass hiring initiatives for young people and the unemployed will aid in the diversion of individuals from such unethical behaviour. Government-owned banks may temporarily grant special funding to these

³⁶ Constitution of India 1950, art 21

³⁷ *Kajal Mukesh Singh v State of Maharashtra* (2020) Crim WP No 6065/2020

³⁸ *Manoj Shaw v State of West Bengal* (2003)

³⁹ *Budhadev Karmaskar v State of West Bengal* (2022) Crim App No 135/2010

individuals to assist mothers working in this profession in paying for their children's education. It is challenging for a woman who is completely immersed in prostitution to adjust to normal life. She would be afraid of the expectations and demands placed on her and her family by society. The problem gets worse because people are afraid of being rejected by society. Therefore, they can initially be housed for a few months at rehabilitation centres, which should be established under the auspices of government oversight. There, they can be taught spiritual means of healing themselves, yoga and meditation to entirely change them.

CONCLUSION

The contemporary prostitute may live in diverse circumstances than those of the past; she may be a citizen of the state of India, a member of the democratic process, qualified to vote, and subject to civil court proceedings; nonetheless, this has little bearing on her social standing. Prostitution and sex work have long been stigmatised, and people who participate in these activities frequently bear the brunt of this stigma.⁴⁰ Today's sex workers⁴¹ are consumed by a constant state of disappointment, uncertainty, fears, challenges, optimism, and desires. Article 21⁴² The Indian Constitution guarantees people the right to live with decency and dignity, regardless of whether their profession of sex work is socially recognised or not, or even if it is lawful. The directives of the Supreme Court conveyed under Article 14⁴³ of The Constitution are a step in this direction, safeguarding the fundamental rights of sex workers and their children. Sex workers must be treated with normal decency and administrative authorities and society must be sensitive to this issue. They should also be made aware of their complete entitlement to the fundamental rights guaranteed by the Constitution. The draft bill and the ITPA, two of the current anti-trafficking measures, sometimes combine sex work with immigration and other professions. It is critical to introduce legislation that specifically addresses the legality of sex work in India, given the number of female sex workers who have experienced verbal abuse, physical assault, harassment, and sexual violence at the hands of clients and police authorities. It is expected that the government will set up technical and vocational programs to assist sex

⁴⁰ Smith Chandra and Devina Awasthi, 'Is India Ready for Prostitution?' (2011) SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1777035> accessed 15 August 2024

⁴¹ Sameena Azhar et al., 'Diversity in sex work in India: challenging stereotypes regarding sex workers' (2020) 24(7) Sexuality and Culture <<https://link.springer.com/article/10.1007/s12119-020-09719-3>> accessed 15 August 2024

⁴² Constitution of India 1950, art 21

⁴³ Constitution of India 1950, art 142

workers in learning skills that can be used to generate revenue, such as knitting, sewing, painting, and weaving. Considering the aforementioned, it is imperative to understand that, though sex work cannot immediately be outlawed, the protection and provision of fundamental human rights to those involved may be a step towards de-stigmatizing it and reducing the amount of violence that the state permits.