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A Study on Prostitution and its Legality

SUBHA SREE E.¹

ABSTRACT

Prostitution is a business of engaging sexual activity in exchange for payment. In India prostitution is legal but no express provision is present stating it's legality but trafficking is illegal. Not only women but children as well as transgender people engage in prostitution. Sex workers in India have difficulty to access health care and face discrimination as in the society prostitution or anyone associated with prostitution is seen as a bad stigma to the society. People who engage in prostitution have to get proper health checkup on a regular basis without any barriers. The objective of the research are to examine the factors behind the women's entry into sex work, to identify the abuses faced by the sex workers, to examine the agreeability towards the implementation of government schemes made for sex workers, to study the opinion on the discrimination faced by the sex workers on day to day life and to study on the violation of the rights of sex workers by the people in society. The research was done as descriptive research and the data was collected through questionnaires and the sample size is 208. The collected data was studied through a convenience sampling method, the data was collected in and around Chennai. The independent variable of the research are age, educational qualifications, employment status, marital status and gender whereas the dependent variable of the research were examine the factors behind the women's entry into sex work, to identify the abuses faced by the sex workers, to examine the agreeability towards the implementation of government schemes made for sex workers, to study the opinion on the discrimination faced by the sex workers on day to day life and to study on the violation of the rights of sex workers by the people in society and the tools that were used for analysis are graphs, chi-square and anova. The important findings of the research are that poverty and illiteracy are the factors behind women entry into sex work and rape, physical abuse and inability to negotiate safe sex are strongly agreed by the respondents as the abuses faced by the sex workers.

Keywords: prostitution, abuses of sex workers, women entry to sex, bad stigma, poverty.

I. INTRODUCTION

Prostitution in India is a complex and controversial issue with historical, social, and legal dimensions. While sex work has been present throughout the country's history, its legal status has evolved over time. Prostitution itself is not explicitly illegal in India, but related activities

¹ Author is a student at Saveetha School of Law, Chennai, India.

such as soliciting, running brothels, or trafficking are subject to legal scrutiny. Various perspectives and debates surround the regulation and decriminalization of sex work, reflecting the broader societal attitudes and legal frameworks in India. The legal stance on prostitution in India has seen shifts over the years. The Immoral Traffic (Prevention) Act, 1956, criminalises certain activities related to prostitution, aiming to combat human trafficking and the exploitation of women. However, it does not explicitly outlaw sex work itself. Some argue for the decriminalisation or regulation of prostitution to ensure the safety and rights of sex workers. Others contend that such measures may inadvertently perpetuate exploitation. Public opinion, influenced by cultural, moral, and religious beliefs, significantly shapes the discourse around this issue. States in India have autonomy to formulate their own policies regarding prostitution, contributing to variations in enforcement and approaches. The subject remains a nuanced and debated aspect of Indian society, engaging with questions of individual rights, social morality, and gender dynamics. For the most current information, please refer to the latest legal updates and discussions on this matter. Efforts to address the complexities of prostitution in India extend beyond legal frameworks. Non-governmental organisations (NGOs) and advocacy groups play a crucial role in supporting sex workers, focusing on health, education, and empowerment. Initiatives aim to reduce stigma, improve working conditions, and provide access to healthcare services, recognizing the vulnerability of this marginalised group. Internationally, discussions on sex work often include perspectives from human rights advocates, feminists, and public health experts. India's approach is part of a global conversation about balancing individual liberties, public health, and social morality. The dynamics of this debate continue to evolve, reflecting the broader shifts in societal attitudes and legal paradigms. It's essential to stay updated on current developments and perspectives to understand the ongoing dialogue surrounding prostitution in India.

(A) Review of literature

Sotonye big Alabo (2023) did a study on various views on the conception of prostitution. The methodology that was used is a qualitative method of secondary sources such as text and journal articles. The findings of the research was that prostitution is neither coercive nor immoral if valid consent is given if any sex act takes place with freely consenting adults it is morally acceptable. **Janeen's Rafiq (2023)** did a study to trace the legal framework of prostitution and the prostitution status. In India. The methodology that was used in the research is an empirical and doctrinal research method: a survey of the public at large and 15 sex workers from Punjab were taken for data collection, qualitative data analysis from websites, books and law journals that were also taken into account. The findings of the research is that 30% of the prostitutes are

children and around 3 million of prostitutes are in India in which 200 females are from different age groups which enter into prostitution every day and 20% of the prostitutes belong to the age under 15. **Yukhta Suresh (2021)** examines the status of prostitution in India and the effects of legislation on sex workers. The methodology used was doctrinal research and analysis of qualitative data such as books, articles and judgements. It was found that in Indian prostitution, neither explicitly illegalised nor regulated and the laws related to prostitution ARE not clear. **Rashid Manzoor (2022)** explores the historical background of the prostitution in the ancient civilisation of the world and the status of women in India. Archival or primary research was done and diverse evidence from Indian and Iranian archival records, the findings was that out of 160 women who were interviewed by the all Bengal women's union through that 23 said they entered the sex trade on their own and 137 said that they were introduced by some agents. **Shukla Pallavi and Masood Jamal (2015)** conducted a study to know the knowledge level of sexually transmitted infection among the sex workers of Uttar Pradesh, a cross-sectional descriptive study conducted among the 288 female sex workers out of which 205 were home-based and 83 were Street based. The findings of the research was that the majority of the females had common knowledge on the sexually transmitted infection and the majority of them went for regular clinical checkup and some of them did not go for regular clinical checkup. **Anna Di Ronco (2020)** analysed, city base, prostitution, policy and practises as well as their effects on sex workers in the countries that adopted a partial criminalisation model, Belgium and Italy. Qualitative research was carried out in 17 interviews with local stakeholders that had a key role in the development of local prostitution policies. It was found that urban regeneration in which police control public order, immigration laws, suspension of sex trafficking, are factors that played a major role in shaping local prostitution policies. **Elena Argento and Shira Goldenberg (2020)** aimed to evaluate the impact of the protection of communities and exploited persons act (PCEDA) on sex workers and their access to health. Longitudinal data by drone from community-based cohort of 900 cis and trans woman sex workers in Vancouver, Canada. PCEDA is independently correlated with reduced odds of having access to health services when needed and community led services. **Marta Mendez and Jura Sandra Garcia (2023)** aim of research was to verify the characteristics of those in favour of banning prostitution. In Spain. The methodology used was a survey of 1200 of respondents conducted by the University of Burgos. Findings of the research was that 83% favoured in banning prostitution and 91.3 percent of female there in support of banning prostitution and 71.3% of male were in support of banning prostitution. **Lucy Platt and Pippa Grenfell (2018)** conducted a research to synthesised evidence on the extent to which sex work laws and policies

affect on the sex workers, safety and health. Bibliography database from 1 January 1990 to 9th May 2018 where used for qualitative and quantitative research. Majority identified police repression against sex workers and the experience. Physical form of violence by perpetrators' clients as well as Police. **Michael W. Firmin (2013)** aims to provide phenomenological perspectives of individuals who engaged in street level prostitution. Interview of 25 women who were incarcerated in jail for prostitution crime was done and the participant held that physical and emotional violence was experienced by the client and that the individuals did not describe themselves as sexually addicted. **John R. Belcher (2009)** examine the social problem of addiction and prostitution. A interview was conducted with 15 adult women who were also in the addiction treatment. A prostitution is the rite of passage for many women from poor communities and addiction to substances contributes to prostitution. **Tammy Heilemann and Janaki Santhiveeran (2011)** explore the hardships experience by female adolescent who were involved in prostitution. 31 studies which were published in peer reviewed journals were analysed. Teenage girls who belong to prostitution suffer from sexual physical PTSD problems and girls use drugs, alcohol, self mutilation for coping mechanisms for survival. **Joan A Reid (2011)** did a research on the structural equation modelling to explore girls vulnerability to commercial sexual exploitation in prostitution. The data collected from 174 African Americans women the finding of the research was that 12% indicated that involvement in prostitution while being a minor and experience in child maltreatment linked to running away and higher level of sexual denigration of cells or others. **Rana Q. Alzoubi (2018)** Sir examined the opinion of the Jordanian citizen living in the United States concerning the legalisation of prostitution, the data were collected through an online survey that consisted of 20 closed ended questions. Nearly all the respondent had negative attitude about prostitution, believing that sex work, exploits, vulnerable, women and the majority of the respondent dude prostitution as a moral weak and irreligious. **Lady Jorgensen (2018)** did a study to measure the police officers attitudes towards prostitution and its related offences. Sampling frames came from large metropolitan police departments and the survey was administered in survey money. The respondents believed that prostitution is a serious problem which leads to more serious crimes. **Ann cotton (2006)** investigated the relationship between prostitution myths acceptance and rape myth acceptance. Samples collected from university undergraduates from California, Texas. Rape myth acceptance positively correlated with prostitution myth acceptance among 783 university undergraduates. **Mary Dodge (2005)** presents participants field observations of how reverse prostitution operations conducted in aurora and Denver. Interview data from 25 female officers discuss experiences as prostitution decoys. **Stephanie Halter (2010)** examines how the police

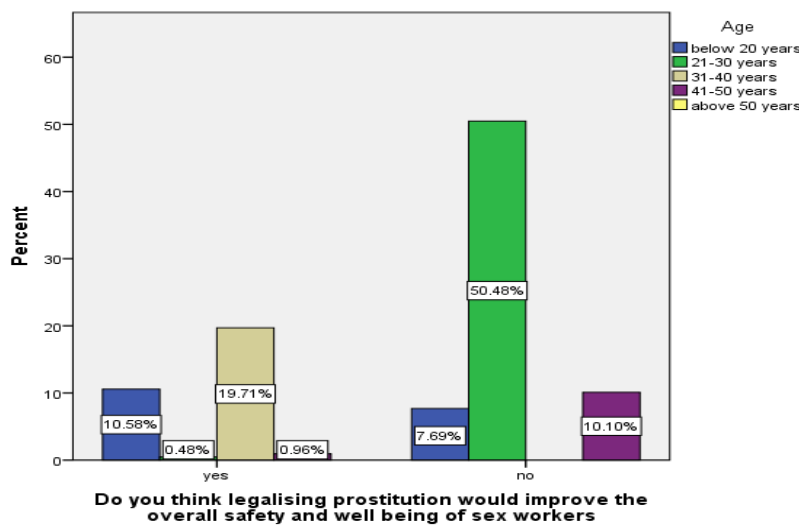
conceptualised juvenile involvement in prostitution victims of child abuse. 60% of the youth were conceptualised as victims by police. **Julia O'Connell Davidson (2009)** explores contemporary Euro-American feminist debate on prostitution. It argues that to develop analyses relevant to the experience of more than just a small minority of “First World” women, those who are concerned with prostitution as a form of work need to look beyond liberal discourse on property and contractual consent for ways of conceptualizing the rights and wrongs of “sex work.” **Janice. G. Raymond** addressing prostitution legally has become a subject of legislative action. It was found that they legally prohibit prostitution activities and enterprises but in reality tolerate brothels and the buying of women for commercial sexual exploitation, especially in its sex tourism industry.

(B) Methodology

The research method used is descriptive method, convenience sampling method was used to study the collected data and the sample size was 208. The data were collected through questionnaires and the data collected was in and around Chennai. The independent variables are gender, occupation, age, educational qualifications and place of residence. The dependent variables includes legalising prostitution would improve the overall safety and well being of sex workers, the factors behind women's entry into sex, the major abuse faced by sex workers, the implementation of government schemes made for the sex workers and the rights of sex workers are actually being violated by the people in society towards them.

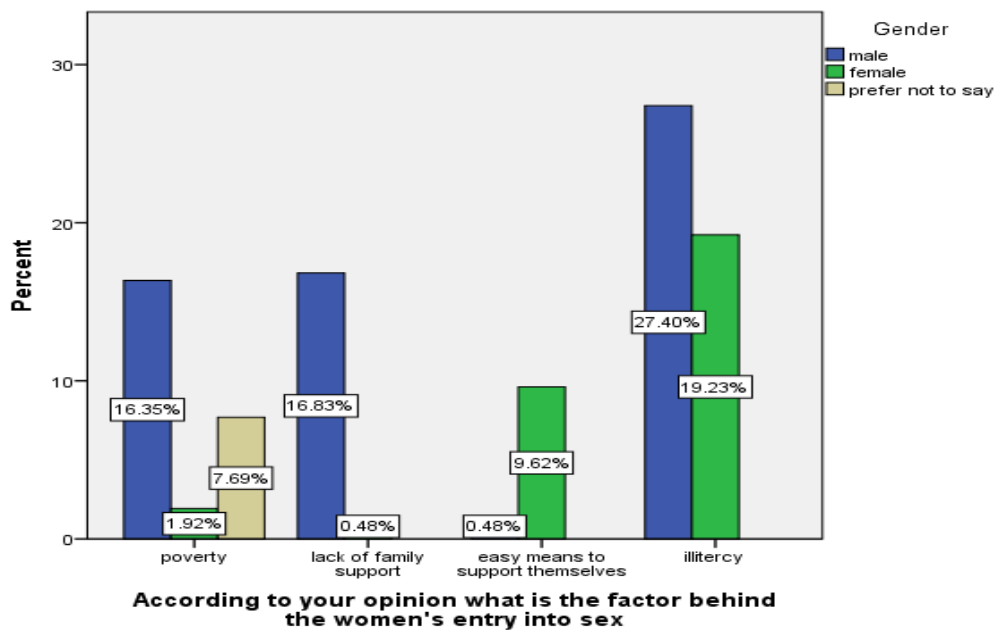
II. GRAPHICAL ANALYSIS

FIGURE 1:



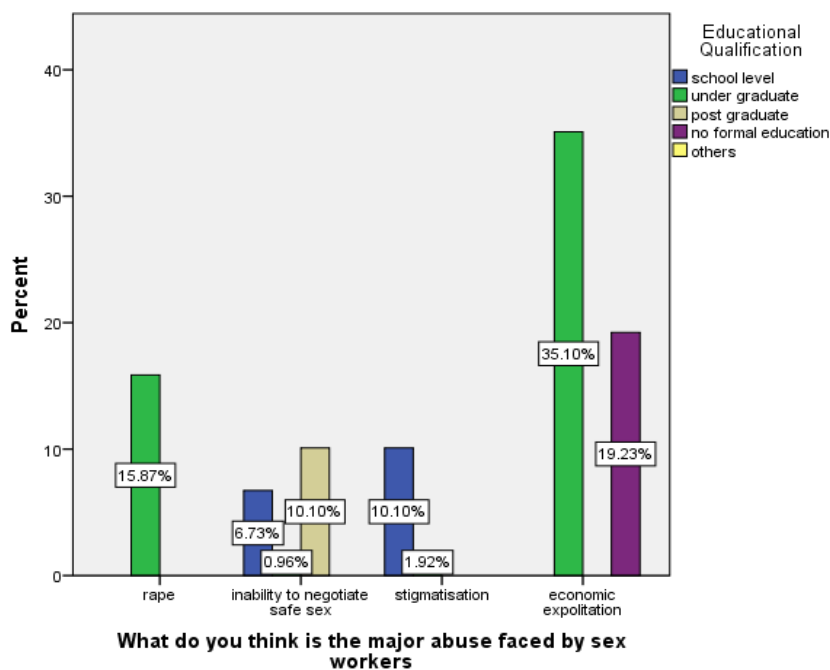
LEGEND: The figure represents the age of the respondents and the question, do you think legalising prostitution would improve the overall safety and well being of sex workers.

FIGURE 2:



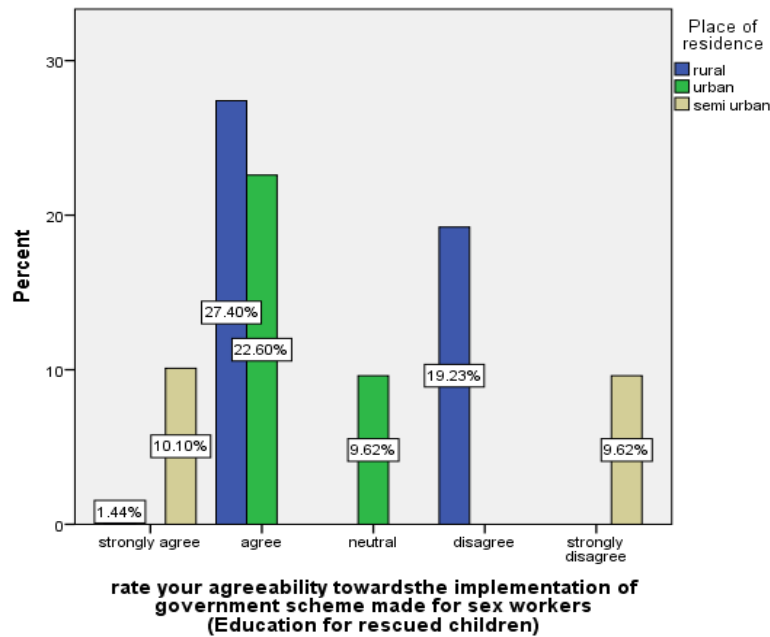
LEGEND: The figure represents the gender of the respondents and opinion what is the factor behind the women’s entry into sex.

FIGURE 3:



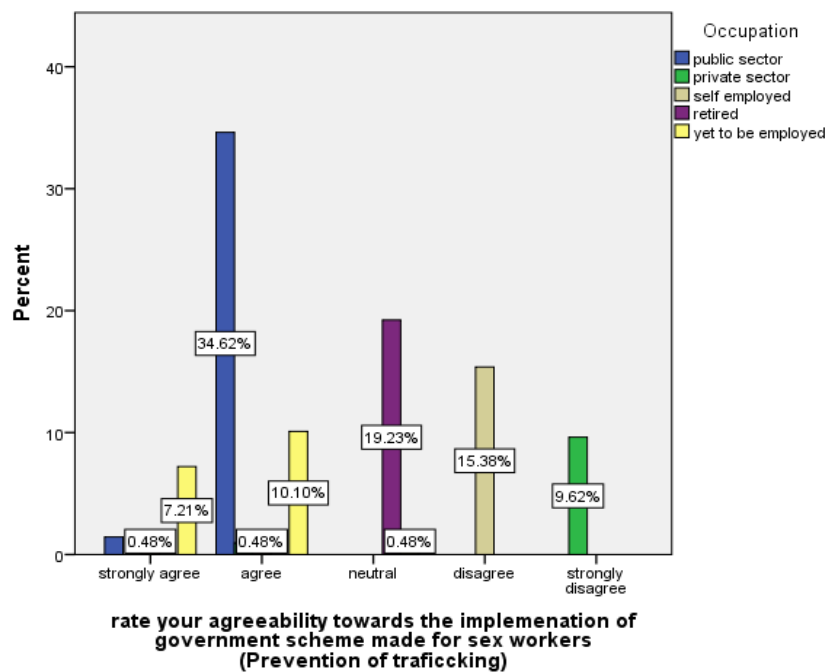
LEGEND: The figure represents the educational qualifications of the respondents and the major abuse faced by sex workers.

FIGURE 4:



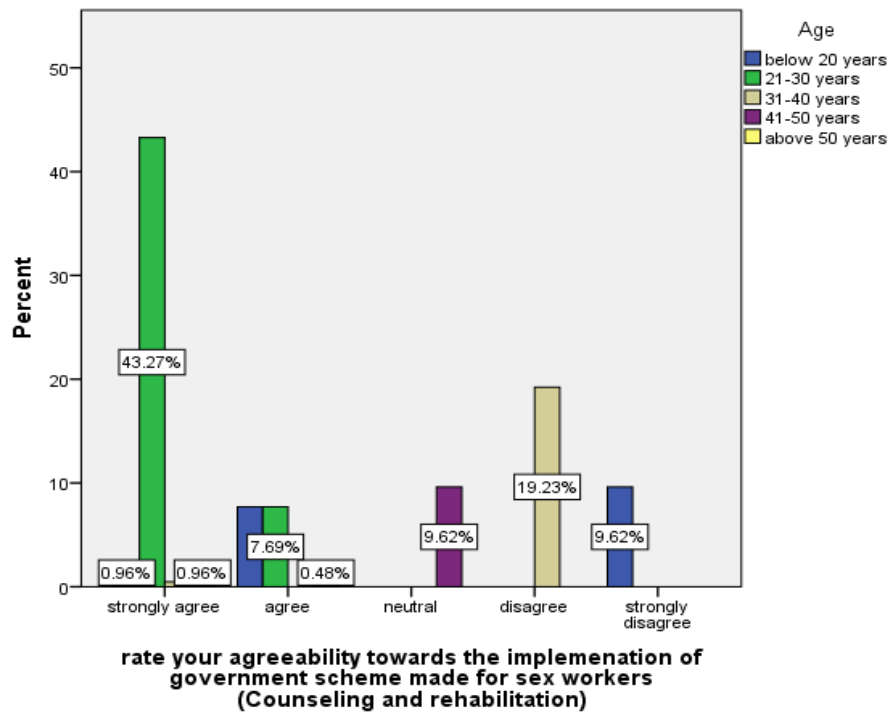
LEGEND: The figure represents the agreeability towards the implementation of government schemes made for sex workers (education for rescued children) and place of residence of the respondents.

FIGURE 5:



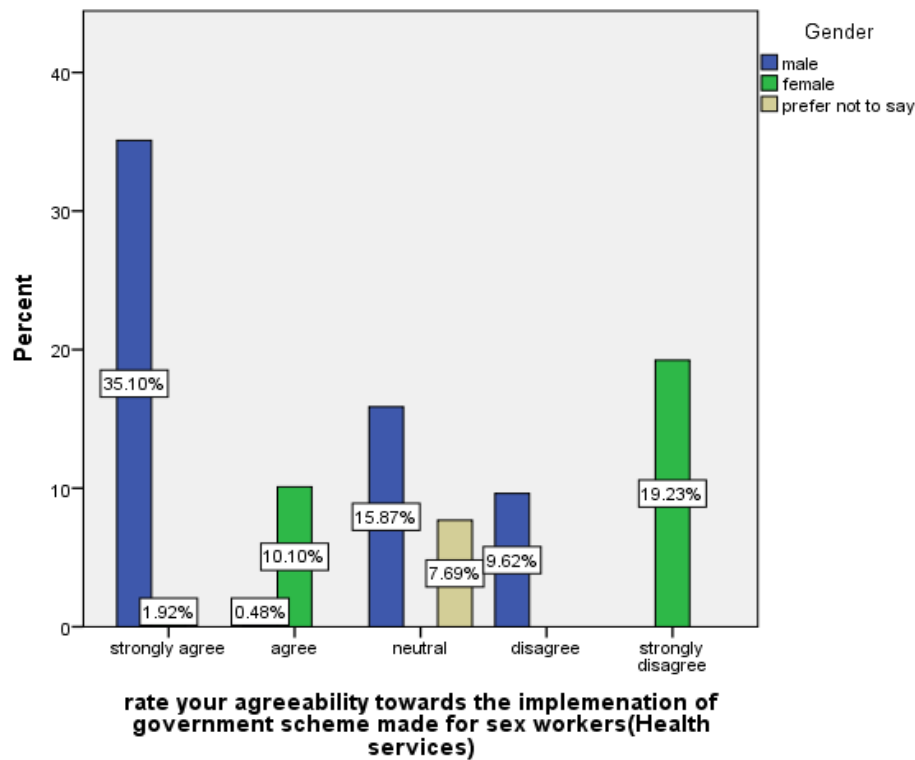
LEGEND: The figure represents the agreeability towards the implementation of government schemes made for sex workers (Prevention of trafficking) and occupation of the respondents.

FIGURE 6:



LEGEND: The figure represents the agreeability towards the implementation of government schemes made for sex workers (Counseling and rehabilitation) and age of the respondents.

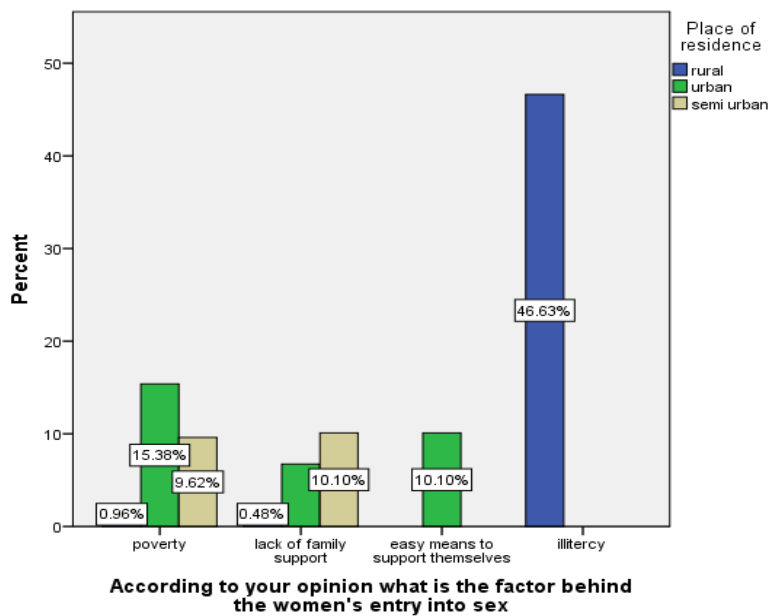
FIGURE 7:



LEGEND: The figure represents the agreeability towards the implementation of government

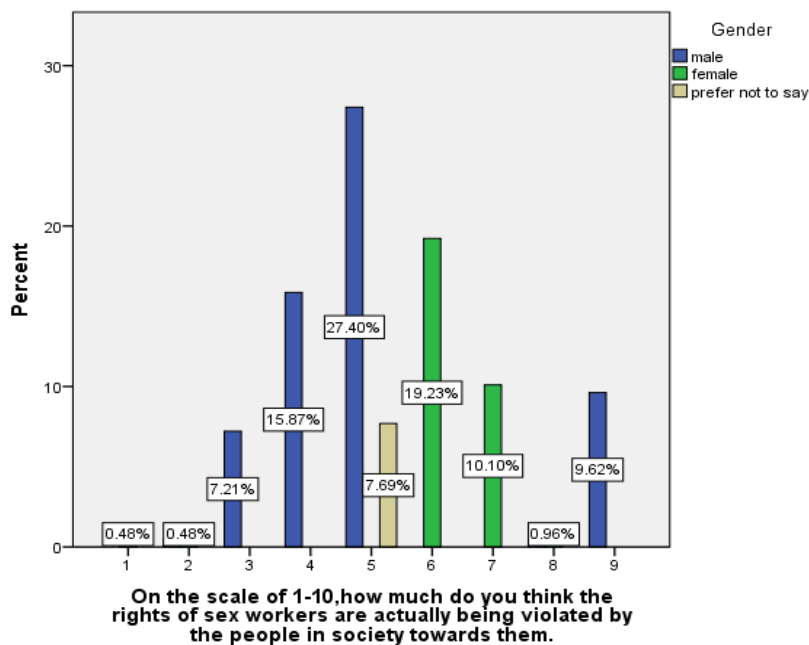
schemes made for sex workers (Health services) and gender of the respondents.

FIGURE 8:



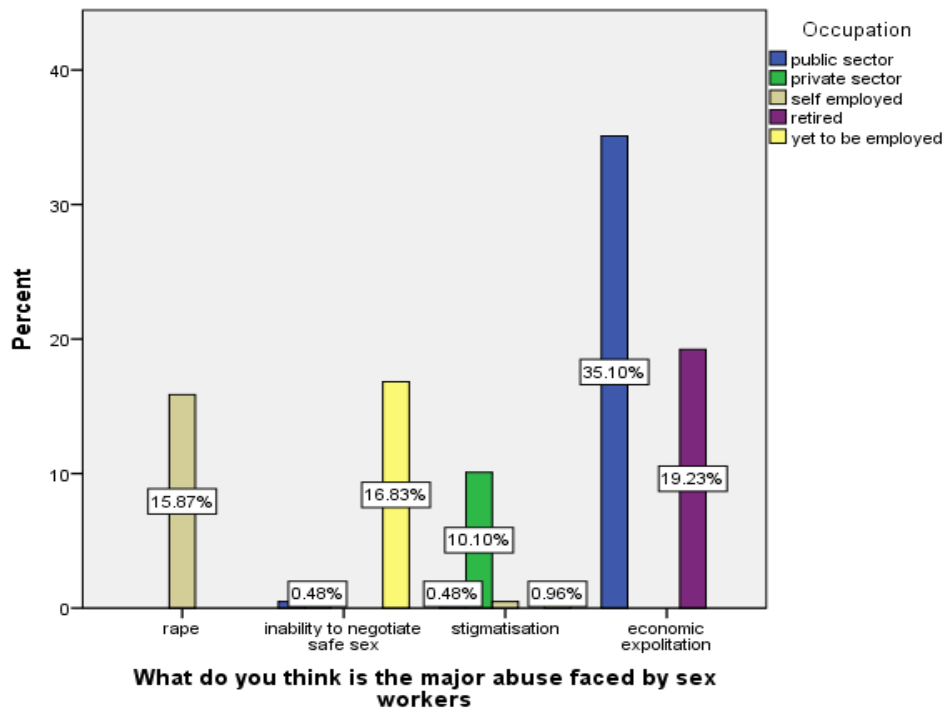
LEGEND: The figure represents the place of respondents and opinion on factors behind the women's entry into sex.

FIGURE 9:



LEGEND: The figure represents the rate of the scale on 1-10, how much do you think the rights of sex workers are actually being violated by the people in society towards them and gender of the respondents.

FIGURE 10:



LEGEND: The figure represents the major abuse faced by sex workers and occupation of the respondents.

III. RESULTS

Figure 1: The figure represents the age of the respondents and the question, do you think legalising prostitution would improve the overall safety and well being of sex workers? Most of them are in the 21-30 years of age category with 50.48% saying no to it. **Figure 2:** The figure represents the gender of the respondents and what is the factor behind the women’s entry into sex and most of the respondents are male and female, saying illiteracy with 27.40% and 19.23%. **Figure 3:** The figure represents the educational qualifications of the respondents and the major abuse faced by sex workers and most of the respondents are undergraduate and no formal education 35.10% and 19.23% saying economic exploitation. **Figure 4:**The figure represents the agreeability towards the implementation of government schemes made for sex workers (education for rescued children) and place of residence of the respondents most of the respondents are in rural and urban with 27.40% and 22.60% saying agree with it. **Figure 5:** The figure represents the agreeability towards the implementation of government schemes made for sex workers (Prevention of trafficking) and occupation of the respondents most of the respondents are in public sector and retired with 34.62% and 19.23% saying agree and neutral with it. **Figure 6:**The figure represents the agreeability towards the implementation of government schemes made for sex workers (Counselling and rehabilitation) and age of the

respondents, most of the respondents are 21-30 years and 31-40 years of age category with 43.27% and 19.23% saying strongly agree and disagree with it. **Figure 7:** The figure represents the agreeability towards the implementation of government schemes made for sex workers (Health services) and gender of the respondents most of the respondents are male and female saying strongly agree with 35.10% and strongly disagree with 19.23%. **Figure 8:** The figure represents the place of respondents and opinion on factors behind the women's entry into sex most of the respondents are in rural and urban with 46.63% are saying illiteracy and 15.38% are saying poverty. **Figure 9:** The figure represents the rate of the scale on 1-10, how much do you think the rights of sex workers are actually being violated by the people in society towards them and gender of the respondents most of them are male and female saying 5 at 27.40% and 6 at 19.23%. **Figure 10:** The figure represents the major abuse faced by sex workers and occupation of the respondents most of them are in public sector and retired saying economic exploitation with 35.10% and 19.23%.

IV. DISCUSSION

Figure 1: The figure represents the age of the respondents and the question, do you think legalising prostitution would improve the overall safety and well being of sex workers. Most of them are in the 21-30 years of age category with 50.48% saying no to it. Some individuals may have strong moral reservations against prostitution, regardless of its potential benefits for safety and well-being. **Figure 2:** The figure represents the gender of the respondents and what is the factor behind the women's entry into sex and most of the respondents are male and female, saying illiteracy with 27.40% and 19.23%. Unfortunately, a significant portion of women in sex work are victims of trafficking or coercion, highlighting the need for strong anti-trafficking measures. **Figure 3:** The figure represents the educational qualifications of the respondents and the major abuse faced by sex workers and most of the respondents are undergraduate and no formal education 35.10% and 19.23% saying economic exploitation regardless of educational background. Economic exploitation rarely exists in isolation. Educational background likely intersects with other factors like gender, socioeconomic status, and social stigma, contributing to individuals' vulnerabilities within the sex work industry. **Figure 4:** The figure represents the agreeability towards the implementation of government schemes made for sex workers (education for rescued children) and place of residence of the respondents most of the respondents are in rural and urban with 27.40% and 22.60% saying agree with it Education plays a crucial role in the healing and empowerment of children rescued from sexual harassment. Research and highlight existing successful programs or models for educating children rescued from sexual harassment. Learn from their experiences and identify best

practices that can be replicated and adapted. **Figure 5:** The figure represents the agreeability towards the implementation of government schemes made for sex workers (Prevention of trafficking) and occupation of the respondents most of the respondents are in public sector and retired with 34.62% and 19.23% saying agree and neutral with it because it prevents sex workers from forced labour, debt bondage, physical and mental violence, and other forms of abuse. Sex workers, like any individual, deserve protection from human trafficking, which involves exploitation and various forms of abuse. Government schemes aiming to prevent trafficking within the sex work industry can potentially safeguard against these violations. **Figure 6:** The figure represents the agreeability towards the implementation of government schemes made for sex workers (Counselling and rehabilitation) and age of the respondents, most of the respondents are 21-30 years and 31-40 years of age category with 43.27% and 19.23% saying strongly agree and disagree with it. Exploring the reasons behind the strong disagreement within these age groups is crucial. Concerns about program effectiveness, fears of reinforcing the sex work industry, or personal values and beliefs could contribute to negative views. **Figure 7:** The figure represents the agreeability towards the implementation of government schemes made for sex workers (Health services) and gender of the respondents most of the respondents are male and female saying they strongly agree with 35.10% and strongly disagree with 19.23%. Regardless of societal views on sex work, sex workers face unique health risks due to occupational hazards and potential lack of access to regular healthcare. **Figure 8:** The figure represents the place of respondents and opinion on factors behind the women's entry into sex most of the respondents are in rural and urban with 46.63% are saying illiteracy and 15.38% are saying poverty. Factors like economic hardship, limited educational opportunities, social marginalization, gender discrimination, and lack of family support often intersect and contribute to a woman's vulnerability to entering sex work. **Figure 9:** The figure represents the rate of the scale on 1-10, how much do you think the rights of sex workers are actually being violated by the people in society towards them and gender of the respondents most of them are male and female saying 5 at 27.40% and 6 at 19.23% Interestingly, the data doesn't specify the exact percentages for male and female respondents who chose 5 or 6. This makes it difficult to draw specific conclusions about gender differences in perception.. **Figure 10:** The figure represents the major abuse faced by sex workers and occupation of the respondents. Most of them are in the public sector and retired, saying economic exploitation with 35.10% and 19.23%. The high percentage of public sector and retired workers experiencing economic exploitation is surprising.

V. CONCLUSION

Prostitution is a business of engaging sexual activity in exchange for payment. In India prostitution is legal but no express provision is present stating its legality but trafficking is illegal. Not only women but children as well as transgender people engage in prostitution. Sex workers in India have difficulty to access health care and face discrimination as in the society prostitution or anyone associated with prostitution is seen as a bad stigma to the society. People who engage in prostitution have to get proper health checkup on a regular basis without any barriers. The objective of the research are to examine the factors behind the women's entry into sex work, to identify the abuses faced by the sex workers, to examine the agreeability towards the implementation of government schemes made for sex workers, to study the opinion on the discrimination faced by the sex workers on day to day life and to study on the violation of the rights of sex workers by the people in society. The important findings of the research are that poverty and illiteracy are the factors behind women entry into sex work and rape, physical abuse and inability to negotiate safe sex are strongly agreed by the respondents as the abuses faced by the sex workers. In India the government or the legal system should try to explain on the legalisation of prostitution more clearly since many people in the society are still confused and we should stop discriminating against the sex workers and the government should try to create more employment opportunities for the victims of this sector as well as some special provisions in education for this sector of victims.

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