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Courtesans to Prostitutes: The Transition of Saga from Working Women to Fallen Women

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ABSTRACT

This article examines the historical perspective of prostitution as a form of labour throughout various societies and time periods. This study examines the historical evolution of prostitution as a form of labor in the context of India. Prostitution, known as "devadasis" in ancient times, has a long and complex history in the Indian subcontinent. Prostitution, defined as the exchange of sexual services for money or goods, has been present in human societies for centuries. By exploring into the historical and cultural context, this paper aims to provide insights into the social, economic, and legal dimensions of prostitution as labor in India throughout different periods and shed light on the complex dynamics and social attitudes surrounding sex work. The study begins by delving into the ancient period, where evidence suggests the existence of sacred prostitution practices. It discusses the role of devadasis, who were temple dancers and courtesans, and analyzes their social status, economic conditions, and the cultural significance of their occupation. In these societies, prostitutes played distinct roles, ranging from religious rituals to fulfilling the sexual needs of the populace. This study analyzes the factors that influenced the acceptance or condemnation of prostitution within these cultural and historical contexts. Moving forward, the article examines the impact of religious and moral beliefs on the perception and treatment of sex workers, and the influence of foreign invasions and the Mughal Empire on the dynamics of prostitution in India. The intertwining of religious doctrines, socio-economic factors, and patriarchal power structures heavily influenced the legal and social treatment of prostitution. This paper explores the dichotomy between the vilification and simultaneous reliance on sex work in these periods. The article further delves into the colonial era, where the British East India Company and subsequent British colonial administration implemented policies to regulate prostitution. It explores the infamous "Contagious Diseases Acts" that targeted women engaged in prostitution and their impact on the lives of sex workers. This article also examines the intersecting dynamics of race, class, and gender, shedding light on the exploitation and marginalization of sex workers in these contexts. The article then addresses the post-independence period in India, examining the legal framework surrounding prostitution. It discusses the Immoral Traffic (Prevention)

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Act of 1956 and subsequent amendments, which aimed to eradicate prostitution. By examining the historical trajectory of prostitution as labor in India, this paper provides a nuanced understanding of the socio-cultural, economic, and legal aspects associated with sex work. It emphasizes the need for comprehensive policies and interventions that prioritize the rights, dignity, and empowerment of sex workers in India.

Keywords: *prostitution, labour, profession, ancient, colonial.*

I. INTRODUCTION

Labour is a fundamental pillar of society, representing the human effort and contribution that drives economic growth and societal progress. Throughout history, the nature of labour has continuously evolved, adapting to changing technological advancements, economic systems, and social dynamics. Today, as we stand on the cusp of the fourth industrial revolution, labour faces a new set of challenges and opportunities that require careful consideration and innovative solutions. Labour has been an essential component of human civilization since the dawn of time. It has shaped societies, fuelled economies, and driven social progress. From the ancient civilizations to the modern labour movements, the history of labour is a tale of struggle, resilience, and triumph. Examining the evolution of labour throughout history provides valuable insights into the rights, conditions, and advancements achieved by workers over time. In ancient civilizations such as Mesopotamia, Egypt, and China, labour was the foundation of societal structure. The majority of the population was engaged in agricultural work, providing sustenance and resources for their communities. Slavery was also prevalent, where enslaved individuals were forced into labour to serve the ruling classes. While these labour practices were often characterized by exploitation and unequal treatment, they formed the basis of early economic systems. During the medieval period, guilds emerged as important institutions that regulated labour. Guilds were associations of skilled craftsmen and artisans who protected their members' interests and ensured quality standards. They established apprenticeship systems, trained workers, and controlled the production and sale of goods. Guilds played a significant role in the urban economies of Europe, contributing to the growth of trade and specialization. The Industrial Revolution in the late 18th and early 19th centuries brought significant changes to labour practices. The advent of machinery and the shift from agrarian to industrial societies transformed the nature of work. Workers migrated from rural areas to cities, seeking employment in factories and mills. However, this era also witnessed harsh working conditions, long hours, low wages, and child labour.

As industrialization progressed, workers began to organize and demand better treatment.

Labour movements and trade unions emerged, advocating for improved working conditions, fair wages, and the right to collective bargaining. Strikes and protests became powerful tools to challenge exploitative practices and bring about social change. The late 19th and early 20th centuries saw significant advancements in labour rights and social reforms. Influential figures such as Karl Marx, Friedrich Engels, and labour leaders like Eugene V. Debs and Samuel Gompers shaped the discourse on workers' rights and class struggle. The fight for the eight-hour workday, safer working conditions, and the right to organize gained momentum. Labour laws and regulations were gradually implemented to protect workers' rights. Measures such as minimum wage laws, child labor restrictions, and workplace safety regulations aimed to address the exploitative practices of the past. Social movements, such as the Suffragette movement, further advanced the cause of labour rights, fighting for gender equality and women's participation in the workforce. The history of labour is a tapestry woven with the struggles, achievements, and aspirations of countless workers throughout time. From ancient agricultural societies to the industrial revolution and the modern labour movements, the journey of labour has been characterized by resilience and the quest for social justice.

In this paper we will discuss history of sexual labour which is also one of the forms of labour. Sexual labour, also known as sex work, is a multifaceted and controversial topic that encompasses a range of activities involving the exchange of sexual services for money or goods. It evokes strong and varied opinions, often reflecting differing societal, cultural, and legal frameworks. Understanding the complexities of sexual labor requires a nuanced examination of its impact on individuals, communities, and society at large. Sexual labor has a long and complex history in India, deeply intertwined with societal norms, cultural practices, and historical developments. Throughout different periods, sexual labor took various forms, including temple prostitution, the courtesan tradition, and contemporary sex work. Understanding the historical context of sexual labor in India provides insights into its evolution and the challenges faced by individuals involved in this form of labor. In ancient and medieval India, the practice of temple prostitution, known as Devadasi or Jogini, was prevalent. Devadasis were women who were dedicated to serving deities in temples and often engaged in sexual relationships with patrons or priests as part of religious rituals. While the exact nature of these relationships varied, they were considered socially acceptable within the religious context. During the Mughal era, the courtesan tradition emerged. Courtesans, known as Tawaifs or Nagarvadhuis, were highly skilled in music, dance, and poetry. They entertained wealthy patrons, including nobles and royals, and often engaged in sexual relationships. The courtesan culture flourished as a sophisticated art form, but many courtesans faced exploitation and lived

in a state of marginalization. With the advent of British colonial rule in India, attitudes towards sexual labor underwent significant changes. The British, influenced by Victorian morality and their own cultural norms, condemned and sought to suppress practices like temple prostitution and the courtesan tradition. The British introduced legal measures such as the Cantonment Act (1864) and the Contagious Diseases Act (1868), which aimed to regulate and control prostitution.

However, these measures often targeted and stigmatized women involved in sex work rather than addressing the systemic issues of poverty, inequality, and social marginalization that led to their participation in the trade. The British approach contributed to further marginalization and the creation of red-light districts in urban areas. After India gained independence in 1947, the legal framework around sexual labor underwent changes. The Immoral Traffic (Prevention) Act (ITPA) was enacted in 1956 to regulate and address the issue of sex work. The act criminalized certain activities related to commercial sex, such as solicitation and running brothels, but did not criminalize sex work itself.

Over the years, debates and discussions surrounding the decriminalization and regulation of sex work have continued. Advocacy groups argue that decriminalization and regulation would improve the safety, health, and rights of sex workers, while opponents express concerns about the moral and social implications. The history of sexual labor in India reflects a complex interplay between cultural practices, colonial influences, and modern-day challenges. Understanding the historical context helps shed light on the factors that have shaped the current situation and the diverse perspectives surrounding sexual labor. Addressing the issues faced by individuals engaged in sex work requires a comprehensive approach that includes destigmatization, providing support services, and addressing the root causes of vulnerability and exploitation. It is essential to prioritize the rights, safety, and well-being of individuals involved in sexual labor while working towards creating a more inclusive and equitable society.

II. TRACING THE HISTORY

(A) Pre-Colonial Times

Prostitution as a profession holds its factual ground in the history of India. In general sense to understand and analyze any concept, it's important to hunt its historical background. Prostitution word or the term, we can say came with the emergence of colonial era. Before that in ancient courtesans were pronounced by different names The Rigveda knows the *hasra*, a frivolous woman and the *agru* and *sadharani*. The Atharvaveda knows the *pumscali* she who walks among men, the *mahanagnii*, she of great nakedness(i.e. who bares herself to many) is

mentioned in the atharveda, *Atiskadvari* and *apaskadvari* women with fancy dress and bare bosoms are mentioned in Tattiriya Brahmana². *Rajayitri*, she who entertains and is given to sensuality, figures in some texts. *Samanya* and *sadharani* are terms used for common woman. The Kamasutra in the second or first century B.C. mentions the kumbhadasi and paricarika maidservants who could also be enjoyed at will. *Kulata* and *svarini* are wanton women, *nati* the actress, *silpakarika*, she who is engaged in arts and crafts, *rupajiva* and *ganika* are courtesans of different ranks. The Jatakas mention *vannadasi*, *vesi*, *nariyo*, *gamaniyo* and *nagarsobhani itthi*; *muhuttia* and *jan* Buddhist texts in the sense of the most beautiful woman who can be enjoyed by an entire *janpada*. Explanation of synonyms cannot be done by only regional variations, it also signifies social and financial status of various categories of courtesans. *Rupajiva* were not mastered in arts like *ganika* and as the name suggests trade of her was only related to her beauty and charm.

Starting from the Rigveda, we can assume it's the earliest mention of the prostitution, which is an ancient literary work of India. But, it was the hint in the form of illicit lover, which is not same as clients in prostitution. In extra marital affair there is no exchange of services for the kind in form of money. Extra marital love is voluntary and unpaid but there is possibility of it being regarded by the male partner as a form a service. It's crystal clear concept of extra marital love and relations that arise by mere lust but are mentioned in quite an inhibited manner. The later Pali term *muhtittia* (lasting for an instant), or its Sanskrit equivalent *muhturtika* signified such purely temporary unions with no lasting relationship or obligation³. Emergence of prostitution as a profession appears in the literature. of a few centuries after the Vedas although it must have been common in society much earlier.

Evolution of prostitution was assumed to be evolved by the emergence of a section of women who are either unmarried as they couldn't find suitable partner or early widowhood women, unsatisfactory married life or other social pressures like if they had been abducted or forcibly enjoyed and due to these tags to their lives, they were not considered and denied an honorable status in society. Some evidences in the history speaks for it, as they had been given away as gifts in religious or secular events and these women were also forced frequently to choose prostitution as a profession. The evolution of prostitution do not exhibit the strong power or upper hand of the women but do the contrary. Although after choosing it as a profession may be in a forced masteredway but still after practising it they realized and found themselves exceptionally financially independent and they challenge the very idea of patriarchal society in

² Sukumari Bhattacharji, 'prostitution In ancient india'

³ ibid

a way. They change the notion that a woman is a commodity of one man who own her as a property as they were not dependent on any man for their livelihood. They were the only section of women who are working and doing labour in form of performing art and other services and were their own bread winners and guardians. If prostitution is a profession as we observed in ancient times then undoubtedly there is labour evolved in it and it will not be wrong to say in some extent that prostitutes were a working class women in that era. It's also a fact that there is not clear way of knowing when prostitution arose as a profession or how much the prostitutes received by way of payments. It emerged from the customary practices but one thing which is clear and assured that prostitution was a profession in history of India.

The wheel of emergence of prostitution vary from region to region and era to era. In later Vedic age we can trace its emergence in more regularized form and recognition of it as a social institution. Early Buddhist literature, especially the Jatakas, bear testimony to the existence of different categories of prostitutes, and incidentally provides some information about their fees as also of their financial position. In a sixth century Jain work we have an exhaustive list of the prostitute's attainments writing, arithmetic, the arts, singing, playing on musical instruments, drums, chess, dice, eight board chess, instant verse-making, Prakrit and Apabhramsa poetry, proficiency in the science of perfume making, jewellery, dressing up, knowledge of the signs of good or bad men and women, horses, elephants, cooks, rams, umbrellas, rods, swords, jewels, gems which antidote poison, architecture, camps and canopies, phalanx arrangement, fighting, fencing, shooting arrows, ability to interpret omens, etc. altogether seventy-two arts and sciences were to be mastered by her⁴. Professional prostitution worked on the pre-assumption of certain things like economic surplus produced apart from the trade and commerce and emergence of idea of belonging of woman whether unmarried or widowed or married belonged to some man and own it as a property, so no one can approach without trespassing owner's property rights and hence pleasure outside home became paid. Undoubtedly it wasn't a pleasant experience for women and it must be horrifying and a long process too.

Buddhist literature and texts drops highlight that there are different kind of prostitutes and also mentioned that they see prostitutes first as professionals. Various myths like Mahabharata and MatsyaPurana were the fictitious account for origin of prostitution. There were various channels through which women came into prostitution. One of the old channel of supply was young virgins given away as gifts on religious and secular occasions, sometimes as sacrificial fees to Brahmins. Kautilya says that prostitutes were recruited from four sources: either they were born

⁴ Punyavijayaji, Bhavnayar, Brhatkalpabha, (ed.)

as prostitutes' daughters, or they were purchased, or captured in war, or they were women who had been punished for adultery⁵.

Temple prostitution arose as a tradition after AD, however earlier temple dancers were not associated it and were only known as professional dancers. Evidences claims it's existence from the sixth century AD. Some devadasis received substantial income from revenues of temple, again with the sanction of government. As the trade increased and the towns and cities were flourishing. These cities or towns invited travelers, merchants, soldiers and men of various trades which paved the way for courtesans to practice their trades and made money from travelers. Celebrated Courtesans like Amrapali whose name is engraved in the history in magnificent way. In general sense, if we observe courtesans were professionals who were paid and they had mastered the art of entertaining, advising the state as sometimes they were also send as spies to enemy states to seduce and collect the information and they also get engaged with people. If we say in a broader sense, then we can state that courtesan in Hindu culture leaves the impression in the form of devdasi and in Muslim culture they were known as "kothewali". Courtesans practiced their profession in erotic and artistry both and were specialised in 64 arts. They were not for mere sexual pleasure, they were skilled practitioner and it was must to master in the art to be courtesan. Courtesans were also skilled in Kamasutra of Vatsayanna and holds in depth knowledge about it. Some of the courtesans in ancient times were also the composer of free verse and masters in literary art too.

Courtesans had the seducing quality which they portrayed as "Nakhras" to manipulate earning from the male patrons to allow them and invest their wealth in them. They also had retirement about the age of 35. As we have discussed earlier that they showed the challenge to patriarchal society and they were also tax payers in the state. Veena Talwar Oldenberg⁶ explored the record in colonial past of Lucknow in Uttar Pradesh and found that record shows that in the Nazul office area, where there were 100 taxpayers and out of those sixty were women. They were designated under the profession as being 'singing and dancing girls'⁷. If we see the regulation of state, then it will not be wrong to state that it was more of patronised rather than regulated.

(B) Colonial Times

British colonial rule brought end to the courtesans in various initiatives and it's saved in the history that greatest harm was done by the British political propaganda. Their pseudo liberalism regarding profession and in the guise of bringing modernity, they dismantled the way of living

⁵ Sukumari Bhattacharji, 'prostitution in ancient india'

⁶ Oldenburg and Talwar, *Lifestyle as Resistance*

⁷ Mekhala Sen Gupta, 'Courtesan culture in india'

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When British rule emerged in India they took control over prostitution in two forms i.e. direct and indirect. The early patronage continued in the emergence and prostitute complex were allotted to courtesans

which shaped their identity from courtesans to prostitutes. They were an outcast group and ostracized from the society in this way. Homogenisation was attempted by the Britishers to erode the regional differences like Devadasis which was prominent in southern regions and famous for their art were classified by Europeans in the generic category “Nautch” (pronunciation of Hindi term *naach* by Europeans) which was sexually suggestive entertainment. But in the colonial rule through the homogenisation they erased the line of regional differences, specification and introduced internal class hierarchies. By outcasting and homogenisation, they isolated Indian prostitutes and made them morally inferior. This separation of prostitutes from their milieu (as courtesans) was a successful attempt to give stigmatized stamp to them in the garb of ushering in modernity and justified their steps in way of rule and rage in discipline.

However, patronage was continued and it also led to the emergence of the new patrons. The era of courtesans was moving towards the ending phase as the Britishers initiatives was all concentrated towards pan identity as prostitutes. But in the past courtesans were the chief exponents of *thumri* and *ghazal*. And there was also a fashionable trend in cities like Lucknow to get associated with courtesans. Courtesan used to attract men by their performing arts. Burchakart and Khureshi⁷ mentioned about “Sarangi” and its connection with the courtesans y quoting senior *tawaif* story on *sarangi*,; how, therefore, the *sarangi* became a *badnaam saaz* (an instrument of disrepute). In Bengal, “Babus” who were *Zamindars* were new patrons involved with courtesans moulded them according to their whims and fancies. Involvement of state or state engagement with prostitutes can be seen by the medium of wealthy class. As in Andhra, District Magistrates and police officials sponsored courtesans (*melam*) and the gift (*osagulu*) which was received by courtesans from the clients, out of which 1% of it goes directly to the sponsoring officers. Sponsorship here means that the person who gets in business with DM and Police officials, were expected to attend such performances allure or made the way for those people to the courtesans. Not only, this wealthy class were the representative of the engagement of state. The real front was the soldiers who were omnipresent across the country. New space was created for soldiers in the colonial era known as „Hayams“ or regimental brothels which served to the soldiers exclusively. There were also spaces “Kothas” were supplemented with Lal Bazar and they were the agglomerative centres of prostitution. In colonial rule, they started

from segregation and toleration and reached to abolition and suppression. This trend of Britishers not only harmed the reputation of courtesans but degraded their status from working women to fallen women. In the colonial urban centres of Bombay in 1880, they made the bifurcation into dancing girls and scarlet women, also allocated areas accordingly. Dancing girls in Khetwadi and Byculla whereas scarlet women in Kamathipura. This division or bifurcation dismantled the whole concept of courtesans. Courtesans were specialised in performing art as well as Kamasutra but by this differentiation Britishers marked their territory and labelled scarlet women who will only be available for sexual pleasures and dancing girls for performing dance which may be erotic artistry.

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Civil and military authorised also took the liberty and classified the brothel trade into first, second and third class. This budding head of state in regulating prostitution emerged in this form. This classification formed its basis in definite, racial and central way. First class is the group of prostitutes who will only serve white clientele exclusively. Second class of prostitutes involved European women who worked as prostitutes and vendors are also often of European origin. Third class of prostitutes comprised of the prostitutes of local origin who will serve the local clients. This new hierarchy depends on the variables like race, special occupancy and clientele. Broadly, the surveillance over the prostitutes was done by the state. In 19th century shifting took place from socio religious interpretations to colonial socio-legal codification and eventually described it as a crime later. Bengal in 19th century reconstructed its prostitution

⁸ Burckhart-Qureshi, *The Indian Sarangi*

through the introduction of Bengal suppression of immoral traffic act of 1933.

After that regulation of prostitution by the Britishers, attempt was made in a way of “One rule fits all” basis and prostitution was abolished and suppressed. But as usual hypocrisy lies in the regulation of prostitution by Britishers. Because even after abolition or suppression still there were special provisions which provide for the legitimate clients which involve soldiers especially British soldiers. So the abolition was not done totally as there was the class of legitimate clients mentioned by the British who can avail the services of prostitutes. These legitimate clients which involved soldiers basically white soldiers were treated different from the other population and hence their demands have to be met. Abolition was done through various provisions of IPC like section 268 which states Section 268 dealt with soliciting in a public place; Section 269-270 dealt with transmission of diseases through pro wilfully or otherwise; Section 372-373 prohibited buying or selling of minors for prostitution; Section 377 criminalised unnatural offences' and referred to homosexual practices. Separate Acts were enacted w was identified as being rooted in specific customs and communities, as in the case of devdasis in the south or 'naik' girls in the north⁹. More specific regulation like the cantonment act, contagious act was passed which was warranted with population of immediate concern especially for the soldiers. These regulations have continued in post colonial times. Although the abolition was not done in totality but they succeeded in transplanting English law and morality which had its roots in Victorian law and led to the abolition of prostitution as a profession on legal and moral grounds.

(C) Post Colonial Times

This era witnessed the major setback in India after independence in the form of partisan. Segregation of India and Pakistan led to the distribution of red light areas. Areas like Hyderabad, Lucknow, Pune which were pre colonial sites and Mumbai, Kolkata which belong to colonial sites, they all are parts of India after independence. But red light area like Lahore gone under Pakistan. After independence, prostitution related law is more tolerant in India as compared to laws in Pakistan. In post colonial times this whole trade started running with anonymity as it was abolished by law and it all went underground. Hence it was hard to find clients and prostitutes. But in the year 1990 when there was outbreak of HIV Aids both the clients and prostitutes came in focus as they were the high risk group and also bridge population which posed threat in spreading HIV. State do shifted their focus to prostitution but still only for the health concern and state had very little to do with the clients and their links with

⁹ V.Kalyan Shankar & Rohini Sahni, 'State of affairs,affairs of the state'

prostitution. Creation of sites in post colonial era was different from previous version in colonial and pre colonial times. India followed the international agreements and was a signatory member to United Nations International Convention for Suppression of Traffic in Persons and the Exploitation of women. omen (1950), India enacted the Suppression of Immoral Traffic in Women and Girls (SITA) which was eventually supplemented by the immoral traffic in women and children(Prevention)act, 1986(PITA) and emphasis shifted from suppression to prevention of prostitution.

Trafficking of persons bill in 2016 was introduced in Parliament proposed, which places trafficking for sex as part of a wider gamut of trafficking and proposes to implement ameliorative measures for those trafficked¹⁰. But the laws need to differentiate on the ground that there was no distinction between voluntary and forced prostitution. Prostitutes as a victim persist as a concept in law but no labour rights and their agency is recognised till now. Forced prostitutes are victims but voluntary prostitutes are workers and they do sexual labour which make them eligible to claim labour rights. States engagement is demanded in this arena but till now it's limited to the public health concern as sex workers are integral part of national aids control program in 1994 to 2004.

III. CONCLUSION

So, history has witnessed the major shift from pre colonial to post colonial era, from being willing, complicit intervention, role of market to regulating and suppressing it. In general sense what is for individual in state of governed or governable nature depends on the rationality of government in deciding deviance parameters and in case of female prostitutes establishing her deviance from institution of family. So, in order to provide privilege to family of prostitutes to protect them from social gaze, victimisation of prostitutes was necessary. Overall colonial gaze alienated, tolerated, abuse the prostitutes and dismantled the whole culture of courtesans which led to the degrading the value and concept of it in a whole as profession.

¹⁰ V.Kalyan Shankar & Rohini Sahni, 'state of affairs,affairs of the state'

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