



# PROSTITUTION-AN OVERVIEW OF SOCIO-LEGAL PERSPECTIVE

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**Abstract-**Prostitution is the act of engaging oneself in the sexual activities for payment. The person who engages himself is Prostitute. An old profession which have account since the birth of the organized society. It was seen that women's indulging in this practices comes from poor background and who has no way of survival. When they come from the background from where they get less parental guidance, women's indulged into the work of Prostitution. The problem of prostitution was faced both in ancient as well as modern India.

Prostitution as an institution is evil. It doesn't matter if it is the 'world's oldest profession', it is still wrong. But on the other side Society proclaims prostitution is a necessary evil in order to avoid rapes and unwanted sexual coercion. And also there are various laws in place to protect people from unwanted sexual coercion once they have clearly said "NO!"

In 1956, Immoral Traffic (Suppression) Act was passed, which ban the practices of prostitution in public but allowed it in the private. Also, Section 372 of Indian Penal code prohibits the selling of minor for the purpose of prostitution and Section 373 of Indian Penal Code prohibits the buying of minor for the purpose of prostitution. Through these points it is clear that Indian Law doesn't illegalise the Prostitution, unlike United Kingdom, where it is illegal to pay for sex.

Keywords: Prostitution, Coercion, Immoral, Suppression

## 1. INTRODUCTION

The work of a Prostitute: the act of having sex in exchange for money.

Prostitution is the business or practice of engaging in sexual relations or sex acts in exchange for pay mentor some other benefit. Prostitution is sometimes described as commercial sex or hooking.

Ancient India gives the highlight of Sacred Prostitution or Religious Prostitution, a sexual intercourse or other sexual activity performed in the context of religious worship (Devadasi) and where payment for services was not involved. In India, the Vedas, the earliest literature had references to Prostitution. Rigveda mentions the word sadbarani, which refers to a woman who offers sex for payment. Extract from Arthashastra ,as stated by Kautilya "Women who lived by their beauty (rupajivas) could, however, entertain men as independent practitioners", gives account of Prostitution.

In India, prostitution (the exchange of sexual services for money) is legal, but a number of related activities, including soliciting in a public place, kerb crawling, owning or managing a brothel, prostitution in a hotel, child prostitution, pimping and pandering, are crimes. Prostitution is legal only if carried out in private residence of a prostitute or others. But many brothels illegally operate in many Indian cities including Mumbai, Delhi and Kolkata.

## 2. MEANING

The word Prostitute is derived from the Latin word PROSTITUTA. The verb is a composition of "Pro" which means "up front" or "forward" and "Situere", means "to offer up for sale". Another explanation is that Prostitution is a composition of pro and statuere (to cause to stand, to station, place erect). The translation is: "to put up front for sale" or "to place forward". It states, "The notion of 'sex for hire' is not inherent in the etymology, which rather suggests one 'exposed to lust' or sex 'indiscriminately offered'....."

The word "prostitution" can also be used metaphorically to mean debasing oneself or working towards an unworthy cause or "selling out".] In this sense, "prostituting oneself" or "whoring oneself" the services or acts performed are typically not sexual.

## 3. CAUSES

Indulgement of women in heinous crime is not due to "free will" their involves many factors behind the work of Prostitution.

### 3.1 Poverty

The most common reason why young girls go into prostitution. When a girl coming from the poor background has no way survival she likely turns to prostitute which look an easy way to escape from poverty.

### 3.2 Lack of Parental Care

Parental guidance influence the child which help him to be turn out. Children with no one to guide them on morals and other important subjects become open to accept anything taught outside.

### 3.3 Peer Pressure

Common cause of prostitution in the beginning. When women watched their indulgent peers return to campus night with cash, clothes and other expensive gifts.

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### 3.4 Luxury Lifestyle

When luxury lifestyle becomes their habit, Where they get payment and other desired things without any much hard work.

### 3.5 Deceit

Some girls who come from extremely poor backgrounds are deceived or forced into prostitution by criminals, pimps and sometimes their own family members. These girls are sold as sex slaves or held captive by prostitution rings and are often not even allowed to get any of the money that clients pay.

### 3.6 Heartbreak

Most heartbroken girls decide love doesn't exist anymore and the best way to get back at guys is to prostitute.

## 4. IMPACT

Prostitution had both Physical as well as Mental impact on women. Women's who are indulged in this activities have to suffer a lot. Some of them were forcefully pushed into this profession. As per the health consequences, women from prostitution have to suffer injuries as well as infection. The physical health consequences include: injury (bruises, broken bones, black eyes, concussions)

A 1994 study had found, from 68 women who had been prostituted for at least six months, that 1/2 the women had been physically assaulted by their purchasers, and 1/3 of these experienced purchaser assaults at least several times a year. 23% of those assaulted were beaten into a coma. 90% of the women experienced violence in their personal relationships resulting in miscarriage, stabbing, loss of consciousness, and head injuries.

The sex of prostitution is physically harmful to women in prostitution. STDs (including HIV/AIDS, Chlamydia, gonorrhoea, herpes, human papilloma virus, and syphilis) are found highly among women in Prostitution. It was seen rarely that women do not come in the contact of STD's, not including AIDS. Generally they suffered from gynaecological problems, chronic pelvic pain and pelvic inflammatory disease in Prostitution.

The emotional health include severe trauma, stress, depression, anxiety, self-medication through alcohol and drug abuse, and eating disorders. Crack cocaine and alcohol were used most frequently. Women in prostitution are also at special risk for self-mutilation, suicide, and homicide.

### 4.1 Is prostitution Legal in India?

As far as laws are concerned, prostitution in India is not illegal per se.

### 4.2 Laws Related to Prostitution

The most basic law regarding the sex workers' status The Immoral Traffic (Suppression) Act was passed in 1956. It is also referred to as SITA. This law states that prostitutes are allowed to work their trade in private but they cannot carry out their business in the open. Indian laws however do not regard sex in exchange of money as prostitution. As per laws, clients can be arrested if they indulge in any sexual activity in public. Different sections of the IPC are employed to bring charges of supposed-criminal acts like public indecency against sex workers. They can also be accused of being public nuisance.

Section 372 of Indian Penal Code. Selling minor for purposes of Prostitution,etc''

Whoever sells, lets to hire, or otherwise disposes of any 1[person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine. 2[Explanation I.—When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution. Explanation II.—For the purposes of this section “illicit intercourse” means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.]

Section 373 of Indian Penal Code. Buying minor for purposes of Prostitution,etc''

Whoever buys, hires or otherwise obtains possession of any 1[person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of knowing it to be likely that such person will at any age be] employed or used for any purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. 2[Explanation I.—Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution. Explanation II.—“Illicit intercourse” has the same meaning as in section 372.]

#### 4.2 Immoral Traffic (Prevention) Act – ITPA

The Immoral Traffic (Prevention) Act was passed in 1986 and is an amendment of the SITA. As per this law prostitutes will be arrested for soliciting their services or seducing others.

Clients who consort with prostitutes or indulge in such activities within 200 yards of a designated area can be imprisoned for a maximum of 3 months and they need to pay fines for the same as well. In case, someone indulges in such activities with someone under 18 years old, he or she can be jailed for 7-10 years. If an adult man lives with a prostitute he can be regarded as guilty. If he cannot prove himself to be innocent, he can face imprisonment between 2-4 years.

People who run businesses such as brothel-keepers and landlords are liable to be prosecuted as well as they are considered to be illegal. In case of the first offence they will be imprisoned for a maximum of 3 years. In case they forcibly keep someone in their brothel to be used as a prostitute or exploited for sexual purposes, they can be jailed for a minimum of 7 years.

This law also forbids prostitution in hotels. People involved in human trafficking or trying to recruit someone either forcibly or willingly are liable to be jailed between 3-7 years.

#### CONCLUSION

An old profession which have account since the birth of the organized society. It was seen that women's indulging in this practices are from poor background and who has no way of survival.

It is very likely that this activity will not be illegalized from the country as it was noticed steady increase in incidents of sex trafficking since 2008. 3,554 cases of human trafficking were reported in 2012, an increase of 17% from 3,029 cases reported in 2008. West Bengal and Maharashtra register large number of cases but convictions have only been about 4% & 5%, respectively.

But, It is the legal responsibility of the government to rescue and rehabilitate such women and place them in protective homes. Prostitution is always going to be a pressing issue. It is also the responsibility of Government that they have to check and look that this heinous crime is not taking place in the public areas involving hostels, hotels, institutions etc. The laws which were implemented must regulate in straight form. Immoral Traffic (Suppression) Act was passed in 1956, which ban the practices of prostitution in public but allowed it in the private.

Not only the Government it is also the responsibility of particular women. As, These practices affect them emotionally as well as physically. Becoming Prostitute at very young age cause many health problem to the girl. Many a times it leads to HIV/AIDS. It is very important that women must understand the value of their life. They have to understand that their life can never weigh with money. The amount they are receiving from this profession is far less than their life. The practice is injuring their own health, they are depriving physically along with mental ability. 1/2 women's get assaulted by the purchaser.

It is hard to prohibit the practice following from the later times. Prostitution is the practise or we can say tradition which has been traced from back Vedic period. For government it causes a big problem to prohibit sexual behaviour which is as old as the human species.

Also it is clear that Indian Law doesn't illegalise the work of Prostitution. Law allows the practise to be carried in private places. But it is necessary that the practice must be illegal not in public but also in private. Women's who are forced to involve in these practices have to raise their voice against it rather than suffering and those who are doing in "free will" have to understand that there are many other ways by which they can earn money. This is not the only way by which they get the luxury life.

It is needed that women's must fight for themselves as their own voice will lead to change.....

#### REFERENCES

- [1] <http://www.aaptaxlaw.com/IPC/section-372-373-ipc-selling-buying-minor-for-the-purpose-of-prostitution-sec-372-373-of-indian-penal-code-1860.html>
- [2] <https://en.wikipedia.org/wiki/Prostitution>
- [3] [https://en.wikipedia.org/wiki/Prostitution\\_in\\_India](https://en.wikipedia.org/wiki/Prostitution_in_India)
- [4] <http://www.indiaspend.com/>
- [5] <http://prostitutionhlth412.blogspot.in>