

LEGALIZATION OF PROSTITUTION

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This article talks about prostitution, legalization of prostitution and its pros and cons. It talks about how legalization of prostitution will help the society and the people involved in this. It talks about how legalizing this will help the woman involved in this profession.

Prostitution is the exchange of sexual services for money or any other services but it is illegal in India. Globally it is legal in Canada, Wales, Denmark, Holland, most of South America (including Mexico), Israel, Australia and many other countries. Australia has a sex-service company whose stocks are traded on the stock exchange.

Legalization of prostitution has always been a burning topic in India. Prostitution is one of the world's oldest trades. There have been several debates on its legalization in India because due to its illegal status women who have entered this trade find it very hard to report abuse, which is very common.

According to an estimate, there are around 2.8 million prostitutes in the country. There are three Acts that govern this trade, Suppression of Immoral Traffic in Women and Girl Act -1956, Prevention of Immoral Traffic Act-1956 and the Immoral Traffic (Prevention) Act-1956.

The article mentions that, ***“The Immoral Trafficking Prevention Act, 1956 (“ITPA”), the main statute dealing with sex-work in India, does not criminalize prostitution or prostitutes per se, but mostly punishes acts by third parties facilitating prostitution like brothel keeping, living off earnings and procuring, even where sex-work is not coerced.”***

If a person is found guilty of assisting or managing prostitution, he can be jailed for a term of not less than one year and not more than three years. It also attracts a fine of up to Rs 2,000. In case of second or subsequent convictions, the punishment increases with a rigorous imprisonment of not less than two years and not more than five years. He may also be fined up to Rs 2,000. If a

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person is found guilty of forcing a person to carry on as a prostitute, he can be punished with a term ranging from three years to seven years and also a fine of Rs 2,000. For second or subsequent conviction, the punishment can go up to a term of fourteen years.

The Immoral Trafficking Act makes it legal for a woman to voluntarily use her body to earn money, but criminalizes the organized form of prostitution.

This basically means that a sex worker cannot publicize and organize her profession. This has been done to avoid encouraging prostitution, but in practice, it puts the prostitutes at a disadvantage since they have to depend on pimps and madams for a sustained operation.

The law also prohibits using the services of a sex worker below 18 years of age. Trafficking was announced as a penal offense in April 2013.

In most Asian countries, it is illegal on paper, but is often tolerated as a practice. Like in Thailand for instance, sex tourism is a major revenue earner, and even undergoes some official regulation.

Pros

1. It should be made legal so that girls and women are not forced into this profession via human trafficking and should only go for this with consent so that under aged girls i.e., under 18 are not forced into this profession.
2. It should be made legal to keep a check on the spread of sexually transmitted diseases like HIV by providing safe sex counselling and providing safety guidelines etc. After all it is no secret that prostitutes are one of the greatest sufferers and sources of STDs.
3. Most prostitutes are in the business due to financial crisis or personal crisis of other sorts. If they are registered then they can be assisted in recovering from the unfortunate situation in their life by providing financial assistance and counselling.
4. Prostitution can help bring down sexual violence and rape. Though it may not be true but if it is then it would be one big reason.
5. It can protect them from persecution by unscrupulous persons in position of power. For example, police men who use them under threat of legal actions etc.

Cons

1. Prostitution turns women into object of men's sexual use. They can be bought (prostitution) or stolen (rape). Promoting a culture where women can be bought, is the one where rape flourishes.
2. One can reasonably guess that people consider it as a last choice and a large portion of prostitutes are actually forced into prostitution. Legalizing it would encourage pimps to deceive impressionable youth into this business. Our newspapers are filled with stories of how people 'sold' their female family members. If this is happening when prostitution is illegal, think what will happen when it is made legal.
3. When a pimp compels a prostitute to submit to sexual demands as a condition of employment, it is exploitation, sexual harassment, or rape acts that are based on the prostitute's compliance rather than her consent. It does not matter whether she gets financial reimbursements for it. Moreover, think about what the clients will carry about image of women after their routine encounters with prostitutes.
4. Amsterdam where prostitution has been legalized has become the center of world's largest human trafficking and money laundering schemes. Normalization of prostitution has increased the occurrence of rape in places like Nevada. Turning women into commodity, because of failure to protect them against rapes, is the ultimate failure of state machinery.

I think that the greatest obstacle that legalization of prostitution faces is the moral outrage people tend to show on bringing up the subject. I tend to view the subject amorally and rationally, hence my conclusion. The real debate I think shouldn't be on whether it should be legalized but the form of the legalization. What should be the form of in which prostitution should be legalized? That if you ask me is the real difficult question.

In my opinion it will make sense to legalize prostitution while making consumption of prostitution an illegal activity. Also all other activities related to prostitution such as soliciting, pimping etc. should be made illegal.

This will give the unfortunate women a right to reach out to law enforcement agencies whenever she wants without the fear of getting arrested.

As a society I think we should not bother about the consumers of prostitution but bother about those unfortunate women who get pulled into this business unwillingly and get exploited in multiple ways.

Say a prostitute is beaten up badly by her customer, she cannot go to police because she will get arrested immediately. But with a more sensible legal system she can get legal protection.

Thus, to prevent rapes and other cases of sexual harassment, a changing mindset towards gender equality is what is required through education. Such an education should also engender respect for women and consensual behavior (will be a necessary consequence if the former is engendered).



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