

## **PROSTITUTION AND HIV TRANSMISSION**

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### **ABSTRACT**

This paper is about prostitution as a profession, rights and laws for the women in this profession and how prostitution plays a role in transmitting STDs.

There are many topics covered in this project and while researching on those topics many questions came up. Questions like- Are all sex workers prostitutes? Why a person who is paid to have sex with different partners is a prostitute but the person who pays to have sex with different partners is not a prostitute etc.

Prostitution means making a sexual contact with someone who is not their husband or friend in exchange of money or some other benefits. Prostitution is being carried on from ancient times till today but the difference is earlier it was a recognised profession but now it is no more considered respectful.

There are various ways in which prostitution is done and there are also various types of prostitution is done and there are also various types of prostitution for example Street prostitutes, window prostitutes, etc. Another type of prostitution which gained less public attention in Male prostitution.

There are various factors which lead women to practice prostitution such as social factors, poverty, rape, abduction etc. Women who opt prostitution as their profession willingly or forcefully are not socially accepted and become subject to harassment, domination, insult, humiliation etc.

Prostitutes face various sort of problems along with stigmatized life. They are the neglected part of the society. Socioeconomic situation of their neglected part of the society is very poor. Because of illiteracy their women also neglect the health problems.

In India laws directly do not make prostitution illegal but to make it difficult to practice prostitution without making it a crime certain laws are made for third parties who elevate the activities related to prostitution. In the Immoral Traffic Prevention Act, it is seen that the punishment is only for the third party but there must be certain laws for the punishment of the client.

There are certain punishments related to prostitutes in the IPC as well which are given under Section 366A, 366B, 372, 373. Prostitution also plays a vital role in transmitting the STDs and hence proper preventive measures should be taken for the same.

## **INTRODUCTION**

Prostitution is considered to be one of the oldest professions all over the world and also the profession which is hated the most. Hated in the sense that the people who visit the women who practice this profession, actually enjoy it, but in the society, they pretend otherwise. It is the business or practice of engaging in sexual human activity in exchange of payment in the form of wealth, goods or other benefits.<sup>1</sup>

A prostitute may be a male or a female or a transsexual, and prostitution includes both homosexual and heterosexual activity. But traditionally most customers have been men and most prostitutes' women.

Many sociologists also outline prostitution as systematic sexual violence and oppression in opposition to women and girls.

This system is institutionalized in the sex industry as strip shows, nude juice bars, massage parlours and saunas, brothels, adult book and video stores, peep shows, live sex shows, escort services, street walkers and pornography. Each of these types of prostitution furnish clients,

who are mostly men, with limitless sexual access to girls and women based completely on their ability to pay.

Based on the available studies, it is correct to say that female sex workers are often financially less privileged and lack in training and skills to assist themselves financially. Many are brought at a very early age into prostitution.

## **HISTORY OF PROSTITUTION**

The complicated history of prostitution round the world exhibits place and time when prostitutes offered way extra than sex. Across the centuries and the globe, there have been many location and instances in which both prostitutes themselves and their relationship with the society fluctuate sharply.

Italian courtesans were considered the best educated and most cultured women of their time, these women had been in a position to preserve philosophical conversation and discuss poetry with their clients, in addition to offering intercourse services. Their influence grew to become so remarkable that they were actually able to affect politics by the way of sharing their views with the politicians among their clientele.

Oiran had been the highest ranked prostitutes during Japan's Edo period (early 1600's-mid 1800's) during which time prostitution was allowed. Considered skilled and knowledgeable enough to entertain nobles, Oiran often used extremely formal language and utilized elaborate costuming for their entertainment.

Throughout history, prostitutes have not completely been women-as seen, for instance, in the Turkish bathhouse of the Ottoman Empire. With the upward job of the bathhouse in the fifteenth century, boys recognized as **Tellaks** would help to bathe and rub down their male clients, and even service them sexually.

### ***History of Prostitution in India<sup>ii</sup>***

In Indian literature (the Vedas<sup>iii</sup>), there are traces of prostitution as an established and organized institution. “In the mythology of India, there are many references to high category prostitution in the form of celestial demigods or *Apsaras* performing as prostitutes. They are described as best embodiment of female charms and surpassed beauty. They entertained the divinities and their guests in the court of Lord *Indra*. They have also been sent to take a look at actual depth of devotion of great saints.”

Aryan rulers of India followed the system of celestial court and enhanced the system of guest prostitution. They introduced nicely carried out maidens as token of friendship to kings.

In third century, AD, the system of holy prostitutes grew to be common. This class consisted of girls, who had been presented by their parents for the service of god and their religion. In South India, they were regarded as Devdasi and in North India as Mukhies. Slowly due to the slackness of morals among the priests, they misused the system for their immoral purposes. Underneath the cover of religions commitment of females to temples, clandestine prostitution developed.

Muslim rulers except Aurangzeb, recognized prostitution as a profession and it grew under royal support. After the breakdown of the Mughal Empire, a lot of singing and dancing ladies came out of the royal palaces. They were not educated or skilled enough for any profession and there were no jobs in the society for them. When confronted with monetary issues they had no alternative but to take way out to the laziest of all trades i.e. the sex trade.

Throughout British regime also there was no change in the vicinity and fame of women in India endured to worsen in the absence of regulation and state control, therefore prostitution increased on a massive rate. Hence it is seen that prostitution existed in India in one form or the other from time to time and this profession continued to exist.

## WHO ARE PROSTITUTES?

“A prostitute is any person who accepts money for sexual services, or sells their self-worth for an unworthy purpose.”<sup>iv</sup>

Prostitute can be: -

1. a woman who performs sexual activity for pay.
2. a man who performs any such activity, esp. homosexual acts, for pay

A Theory of Prostitution was proposed by Lena Adlund & Evelyn Korn according to them “Prostitution notwithstanding being recognized as the oldest profession, a plausible definition has proven elusive from a dictionary we learn that prostitution is the act or practice of engaging in sexual intercourse for money. But a prostitute cannot simply be a woman who sells her body, because such act is performed done by every woman who become wives in order to gain home and livelihood.”<sup>v</sup>

Medieval Canon Lawyer Johannes Teutonicus suggest that a girl who had sex with more than 2300 men as clients can be categorized as a prostitute.

To know who exactly is a prostitute, the definition has to be standardized. The main elements of prostitution are:-

1. Sexual contact
2. In exchange of some consideration

<sup>vi</sup>Now sexual contact needs to be defined

- ❖ Genital contact? So, a massage therapist isn't a prostitute, so a professional dominatrix who spans and humiliates, however does no longer contact genitals is not a prostitute.
- ❖ Genital contact for delight? So, a urologist isn't a prostitute, so an erotic masseur is a prostitute.
- ❖ Genital touch for pride that consists of penetration? So erotic masseurs aren't prostitutes.

- ❖ Genital touch for satisfaction that includes penetration in times wherein the company feels shame, fear, pain? So, escorts who are distinctly selective for their customers and revel in their paintings are not prostitutes.

There are nearly forty million prostitutes within the world. The operating of prostitution and the felony range guidelines varies all over the world, showing special opinions. Few critics view prostitution as a type of misuse of children and women that enables to create a supply of sufferers for human trafficking. Some of the critics of prostitution as a group, are supporters of “Nordic model, that decriminalizes the act of promoting sex, however makes the buying of intercourse illegal”. Nordic model technique has been adopted by Iceland, Canada, Norway, Ireland, Northern Ireland and France. Others view intercourse work as a legal profession where an individual exchanges or trades sexual acts for money.

## **TYPES OF PROSTITUTES**

Classification of Prostitutes can be done on the basis of their ‘modes of operations’ which are as follows:

1. Street prostitutes: This type solicits customer on the street while waiting at the corners. They usually dress in provocative clothing, in every weather. The term used for servicing the clients is ‘turning tricks’, because their clients are called as tricks.
2. Brothel prostitutes: Their operations takes place in a house known as brothel which is owned by an ex-prostitute. The prostitutes get commission based on her sexual service from the brothel manager.
3. Call girl prostitutes: They generally do not operate under the surveillance of a head and work independently from their place. They may be available directly or get customers through middlemen.
4. Sex tourism: The travel for sexual intercourse with prostitutes or to engage in different sexual activities is known as sex tourism. As opposed to regular sex tourism, which is often legal, a tourist who has sex with child prostitute will usually be committing a crime in the host country, under the laws of his own country and against international law.

5. Virtual sex: It is the sexual act conveyed by massages or calls rather than physically. From a long time, Commercial phone sex services are being provided by many people. The way of internet has made other forms of virtual sex available in form of money, which includes computer mediated cyber-sex, in which all kind of services are provided in form text, by way of chat rooms or instant messaging, or audio visually through a web cam.

## **MALE PROSTITUTION**

Male prostitution has been given less attention by the public almost all the cultures. Heterosexual male prostitution in which males are hired by or for female is very less. Homosexual male prostitution has existed in most of the societies, but in the twentieth century only it was recognized as a major event, and its widespread presence increased at some stage during the late twentieth and early twenty first century.

Male prostitution is specified by three major taboos. First, getting money for intercourse is generally not accepted. Second, homosexuality is nonetheless labelled. And third, men are not assumed to be the victims of sexual abuse or prostitution, which leads to them not seeking professional assistance whenever needed.<sup>vii</sup>

Internet plays a significant structural role in broadening the range of male prostitution. While a few men offer their services in gay bars and clubs, the great majority are searching for clients via the internet, including men who work in illegal brothels.

On websites, one can effortlessly discover men who wants to have a pay date. The majority of this group are not in this profession forcefully, and are not entirely dependent on this income from these practices. Even those forced to work in unlawful brothels, later on began to work on a voluntary basis.

Though, it is practiced willingly however many male prostitutes say that it is not all fun and games. Just as female sex workers, male prostitutes also face violence and get cheated. They often do not get paid by clients, and when they protest, the clients threaten them by saying that they will accuse them of rape.

## **DIFFERENCE BETWEEN A SEX WORKER, A PROSTITUTE AND AN ESCORT**

A sex worker and a prostitute are almost similar, yet different from each other.

Both sell their body to earn their livelihood. But an actress in a pornographic film, who is a sex worker cannot be considered as a prostitute. While a lady working in a brothel is a prostitute. Services provided by both of them is same, the consideration they get is same the actress is not paid by her co actor, with whom she performs intercourse.

All prostitutes can be called sex workers but not all sex workers are prostitutes.

While the prostitute's primary goal is to acquire money for sex, the escort provides time for payment. In many circumstances, an escort is either an entertainer or a companion for someone who hires his or her services. The escort does not need to have sex available for payment. The entertainment is usually through time and companionship.

## **FACTORS CONDUCTIVE TO PROSTITUTION<sup>viii</sup>**

It is rather difficult to generalize all the factors that leads a woman into prostitution because it is often argued that prostitution has its roots deep in the functioning of the society. Some research studies suggested the following factors to be conducive to prostitution: -

- ❖ **Abduction-** Young girls are kidnapped from their native places or villages on some or the other pretext, exploiting their innocence. Opposite to general beliefs, most of the kidnappers are couples or females.
- ❖ **Rape-** Nearly six per cent of the girls who entered prostitution are raped in their past which eventually led them to this profession. Rape on the girls is a great social stigma and the society in general refuse to accept the victim and rather blames the victim for whatever happened to them. In few cases, victims of rape are not even accepted by their own families. When the victims don't foresee any better future perspective, they find their ways in the brothels.

About eight per cent entered prostitution following incidents of incest. In most of the cases, rapist is a family member or someone who is familiar to the victim. When the young victims of incest are exploited at home, she doesn't foresee safety anywhere in the society and slowly ends up in prostitution.

- ❖ **Devadasi system-** The system of prostitution with religious sanction still continues to flourish in our country. Each year many girls are dedicated to goddess and after a quick time of donating themselves, they become accessible for prostitution.
- ❖ **Children of women in prostitution** – Female children of the women in prostitution end up in prostitution as there is no safe place for the children and there is no program for them till date, to bring them out of these areas as to provide them with a better living.
- ❖ **Social factors** – In any circumstance when a woman is not accepted in a society whether she is divorced, widow, raped, an acid attack victim or not a virgin and due to lack of education and training is not able to earn her livelihood, she is left with no choice except to be a prostitute.
- ❖ **Poverty's role in Indian prostitution** – In India nearly 40 per cent of its total population lives in poverty. This means that 40 per cent of India's population is deprived of basic facilities education, proper diet, health care facilities etc.

The determined poverty is regularly mentioned as the route of India's developing prostitution hassle. But it's far taken into consideration that in many nations with affluent economy, high requirements of living, time honoured education, full equality between men and women, the problem of prostitution remains unsolved. This suggests that trade in human flesh goes on without any disturbance not only because of illiteracy, ignorance and poverty but also because human beings consciously select this occupation and are willing to be manipulated through others.

## **FACTORS CONDUCTIVE FOR MEN TO GO TO PROSTITUTES<sup>ix</sup>**

The basic formula which leads to prostitution is increase in demand leads to increase in supply. Prostitution will automatically decrease if men will stop visiting them. But when asked in a survey, men prefer going to prostitutes for following reasons: -

1. Believing they are ugly and unable to have sex without paying for it.
2. Wanting casual sex with no obligations attached.
3. Being convinced that their genitalia is too small and that any woman would laugh at and reject them; insecurity.
4. No time for dating and romance due to busy life.
5. Not sexually satisfied by their female partners.

## **MISERIES AND SUFFERINGS OF PROSTITUTES**

Prostitution is one of the most disrespected professions all over the world and so are the people who practice it. They are deprived of their basic fundamental rights like they cannot live and practice their profession in a society where people of respected professions live. They are considered to be dreadful for a society. There are separate areas where the prostitutes live. People need to understand that prostitution is not a choice. Helplessness makes women sell her body to strangers.

Women are sufferers of an unequal system. They are not sex-deprived females or lethargic people who are not interested to work. They are not crazy ladies who permit their own rape because they want to buy bags, lipsticks, shoes etc.

In reality they work harder. They are subject to intense physical invasion, stigma, violence, betrayal and dehumanization. And their income reduces with gain of experience. The system simply chews them up and spits them out when they are no longer commercially valuable. They are thrown out with a number of diseases and a lot of debt.

It is estimated that there are 4 million sex workers in India. Many of them are not only HIV infected but are suffering from many other diseases. They don't have proper access to medical facilities.<sup>x</sup>

## LEGALITY OF PROSTITUTION

The position of prostitution varies worldwide from country to country, reflecting differing opinions on victim hood, inequality, ethics and morality, exploitation, freedom of selection, gender roles, and social norms.

“Prostitution is considered a form of exploitation of women in countries like Norway, Sweden, and Iceland, where buying sex is illegal but selling it is not i.e. crime is committed by the customer and not by prostitute. In countries like Germany and Netherlands, prostitution is a legitimate occupation where it is regulated as normal proportion. In many Muslim countries, prostitution is a crime and the women who practice it, face severe penalties.”<sup>xi</sup>

Prostitution is illegal in all states of United States of America except in Nevada, where it is regulated by very strict laws.

In India prostitution is not prohibited, but the activities typically associated with it, such as operating a brothel, soliciting in a public place, pimping, advertising for prostitution etc. are banned, which means it difficult to engage in prostitution without breaking any law.

## CRIMES RELATED TO PROSTITUTION

The business of sex trade industry is widely spread. Apart from offering and receiving sexual services for payment there is a wide range of activities that facilitate or foster the crimes of prostitution. Prostitution laws also prohibit these activities. Such crime includes: -

1. Operating or residing in a house which is used for the purpose of prostitution.<sup>xii</sup>
2. Renting a house or other premise for purpose of prostitution.<sup>xiii</sup>
3. Procuring a person to travel for prostitution purposes.<sup>xiv</sup>
4. Transporting and leading a individual to place used for prostitution.<sup>xv</sup>
5. Allowing a minor to enter, or sending a minor to a house used for prostitution.<sup>xvi</sup>
6. Forcing or coercing a person to engage in prostitution against his or her will.

## **LAWS RELATED TO PROSTITUTION IN INDIA**

Prostitution laws specify that offering, agreeing to, or engaging in sexual act, in exchange of consideration is illegal.

To charge an individual with a crime which relates to prostitution, it is not necessary for money to actually change hands, or to provide sexual services. For a successful prosecution of prostitution charges, the prosecutor only needs to prove that there was an intention to engage in criminal sexual activities.

**Article 23** of the Constitution of India, prohibits trafficking of human flesh in any form including commercial sexual exploitation of female.

Besides IPC (Indian Penal Code), there are special legislation like Immoral Traffic Prevention Act (ITPA) and local legislation like Goa Children's Act etc.

### ***Immoral Traffic Prevention Act***

The main purpose of the Immoral Traffic Prevention Act, 1956 is to deal with work related to sex in India.

This act does not criminalize or put a ban on prostitution or prostitutes but criminalizes and punishes the act done by the third parties enhancing prostitution like keeping brothel, living off earnings and procuring, even where such work is not caused.

**Section 3<sup>xvii</sup>** of ITPA states the punishment for keeping a brothel or allowing premises to be used as a brothel.

Anyone who keeps or head a brothel shall be punishable with imprisonment for a term of not less than 1 year which may extend to not more than 3 years with a fine which may extend to two thousand rupees.

And any person who gives his place on lease to the manager or keeper of the brothel shall be punishable with imprisonment for a term which may extend up to two years with a fine which may extend up to three thousand rupees.

**Section 5<sup>xviii</sup>** of Immoral Trafficking Prevention Act, 1956 talks about procuring, inducing or taking a person for the sake of prostitution.

According to this section, any person who: -

- ❖ Procures or attempts to procure any person with or without his or her consent,
  - ❖ Induces a person to go from any place with the intention that he or she may become and inmate,
  - ❖ Takes or attempts to take a person from one place to another,
- For the purpose of prostitution; shall be punishable with imprisonment not less than three years and not more than seven years with a maximum fine of rupees two thousand.

Provided that if the person in respect of whom an offence is committed under this section: -

1. Is a child, the punishment shall extend to imprisonment for seven years and may further extend to lifetime.
2. Is a minor, the punishment shall extend to imprisonment of not less than seven years and not more than fourteen years.

### ***Penalties for Prostitution***

Prostitution itself, whether paying for sexual acts or offering sexual acts, is generally characterized a misdemeanour. Although, most acts that promote prostitution, including pandering and pimping, are mostly charged with fines. Prostitution that involves minor and children include much harsh penalties as compared to those involving only adults.

Penalties for prostitution vary depending on many factors, including whether the offender has a criminal history or not. Mostly, the penalties for engaging in prostitution include fines and imprisonment for a year or more in a country jail. Since prostitution is closely related with drug use and other kinds, the defendant may also order by the court to enter a rehabilitative program. The penalties become even more harsh if a person is arrested multiple times for prostitution or other sex trade offenses.

Indian Penal Code states the penalties for such offenses: -

- ❖ Section 366A- Procurement of minor girls  
Offender shall be punishable with imprisonment which may extend to 10 years and shall also be liable to fine.

- ❖ Section 366B- Importation of girls  
Offender shall be punishable with imprisonment which may extend to 10 years and shall also be liable to fine.
- ❖ Section 372- Selling of girls for prostitution  
Offender shall be punished with imprisonment for a term which may extend to 10 years and shall also be liable to fine.
- ❖ Section 373- Buying of girls for prostitution  
Offender shall be punishable with imprisonment for a term which may extend to 10 years and shall also be liable to fine.

## CASE LAWS RELATED TO PROSTITUTION

### *Case law 1- Paramjeet Kaur and another vs. State of Punjab<sup>xix</sup>*

Paramjeet Kaur who is the wife of Harjinder Singh and daughter in law of Charanjeet Kaur (accused), and Manpreet Kaur who is the daughter of Charanjeet Kaur, filed a petition against the accused Charanjeet Kaur.

Charanjeet Kaur was running a brothel at her residence along with her son Harjinder Singh and another daughter Harpreet Kaur (non petitioner). To expose the sex racket headed by Charanjeet Kaur, the petitioner filed a complaint for the same to the Senior Superintendent of Police, Ludhiana.

On this basis, the premises were raided by the CIA staff and a number of girls were recovered, who were the part sex racket. On the basis of the outcome of raid, the SSP made a report and registered the case under **Section 3, 4, 5 and 6** of Immoral Traffic Prevention Act, 1956 on an allegation that she was running a brothel from her residential house along with her son and another daughter.

### *Case law 2-Vittalkumar Vs. State of Karnataka<sup>xx</sup>*

A petition was filed in Karnataka high court by a man who was a customer in brothel in Bengaluru and was arrested after a police raid in the brothel.

The petition was filed under Section 482 of Criminal Procedure Code in order to dismiss the complete case filed against him under **Section 370 of Indian Penal Code and Section 3, 4, 5 and 7 of Immoral Traffic Prevention Act.**

The judge passed judgement which stated that there is not provision in the ITP Act that held the customer guilty and hence there is no penalty for a customer who uses the services of a prostitute.

***Case law 3- Gaurav Jain vs. Union of India<sup>xxi</sup>***

A Public Interest Litigation (PIL) was filed by an advocate before the Supreme Court of India to establish separate educational institutions for the children of prostitutes<sup>xxii</sup>.

The Supreme Court in its judgement stated that "Segregating children of prostitutes by locating separate schools and providing separate hostels would not be in the interest of children and society at large" in its judgement, the Supreme Court courted the Fundamental Rights of women and children from the Constitution of India which includes **Article 14, 15, 16, 21,23, 24, 38, 39, 45 and 46.**

## **SEXUALLY TRANSMITTED DISEASES**

Sexually transmitted disease (STD) is a condition passed from one person to another through sexual contact. STDs can be transmitted by having oral, vaginal, or anal sex without protection with a person who is already infected with STD.

STDs can also be transmitted by sharing the needles from an infected person and breast feeding.

***Types of Sexually Transmitted Diseases<sup>xxiii</sup>***

- 1. Chlamydia-** It is the most commonly reported STD and is caused by a certain type of bacteria.

Its symptoms are: pain in the lower the abdomen, yellow or green discharge from the vagina or penis, pain or discomfort during irrigation or sex.

Chlamydia can lead to pelvic inflammatory disease, infertility and infections of the urethra, prostate gland or testicles if left untreated.

Chlamydia can be easily treated with the help of antibiotics.

- 2. Human Papilloma virus (HPV)**- This virus can be passed from one person to another by the means of sexual contact or intimate skin to skin contact.

Warts on the throat, genitals, or mouth are the most HPV.

HPV can cause cancer which includes oral cancer, valvular cancer, rectal cancer, cervical cancer or penile cancer.

HPV infections may clear up on their own but there is no particular treatment for it.

- 3. Gonorrhoea**- It is another bacterial sexually transmitted disease. It is also known as "the clap". Its symptoms include pain or discomfort during urination or sex, itching around the genitals, a white, beige, yellow, or green colored discharge from the vagina or penis, more frequent urination than usual and sore throat.

Gonorrhoea can be transmitted from a mother to her new born baby during birth of the child.

It can usually be treated with the help of antibiotics.

- 4. Human Immunodeficiency Virus (HIV)** -It is a virus which damages the immune system of a person and raises the risk of contracting other viruses or bacteria and certain cancers. It can also lead to AIDS (Acquired Immune Deficiency Syndrome) if left untreated.

The symptoms of HIV are similar as that of a flu, which includes the symptoms like chills, fever, swollen lymph nodes, aches and pains, headache, sore throat, rashes and nausea.

There is no cure for HIV yet but early treatment can help to increase the life span of the infected person for as long as of a non-infected person.

### ***HIV transmission through Prostitution***

Attitude towards prostitution has changed since the 1980's through to major developments. Worldwide spread of AIDS has increased the concern about the health problems of public. It is said to believe that prostitution a vital role in the spread of HIV and AIDS. In India 85 per cent of HIV transmission occurs through heterosexual contact.

Women are estimated to be at 2-3 higher risk than men. A large number of female sex workers already are infected with sexually transmitted infections. In India, illiteracy and unawareness about STDs is also reason for the HIV transmission. Low condom use makes a potent combination for the explosive growth of the HIV epidemic.<sup>xxiv</sup>

Prostitutes can acquire and transmit the STDs in two ways. First, if a man having an STD sexually indulges with a prostitute without any protection, transmits the disease to her and she without knowing that she has acquired an STD transmits the disease to various other men with whom he engages in unprotected intercourse so on the chain continues. Most of the prostitutes are also drug addicts and due to less income and cheap rates of used needles to consume certain drugs, may acquire the STDs and further transmit them to their clients.

The transmission of HIV through prostitutes can be regulated and controlled by conducting regular health check-ups of the prostitutes and isolate them so that they cannot further maintain any kind of physical relation with anyone. Prostitutes should also be aware that sexual intercourse should not be performed without any protection so that their health as well as health of their clients is maintained.

## CONCLUSION

The sex trade industry is a market that is spread across the globe. It is present in various forms and types. Most of the women who are a part of this industry have been subject to constant, humiliation, harassment, assault, domination etc. Although there are women who enjoy this profession and are willingly into it but most of them are forced by the situations and circumstances sell themselves and their integrity.

I truly believe that prostitution should not be legalized in India and Nordic model of prostitution should be followed which decriminalized the selling of sex but make it is purchase illegal.

Prostitution is harmful for the individuals involved, and to society as whole. Studies show that neither legalization nor decriminalization improves the health, safety or human rights of women rather, prostitution increases inequality race, caste and class status.

In Nevada, though prostitution is legal but Nevada has the highest rate of domestic violence in the United States of America. Sexual assault and rape cases are also on hype. Nevada's women are raped at the rates that are twice those of New York and 25 per cent more than the average cases in USA. Youth of Nevada tends to justify sexual exploitation and agree to the situation that their future sons would use the women in prostitution and if needed their future daughter might become prostitutes.<sup>xxv</sup>

“The occupational safety and health codes guarantee the rights of whole workers not to have health put at risk while carrying out the ordinary requirements of their work. Therefore, to protect sex workers from health risks of STDs and HIVs, the customers should also have health checks prior to any contact”.<sup>xxvi</sup>

After finishing my research on the topic ‘Prostitution and HIV Transmission’ I conclude that though prostitution should not be legalized as it will increase human trafficking and other crimes against women but it should also not be completely ban or abolished. This is because, if it gets completely ban or abolished, rape cases will increase uncontrollably.

In case if prostitution becomes a normal profession and gets accepted in the society then there are chances that women will start engaging themselves more in this profession thinking of it to be an easy way of earning.

Hence, in India there is a need to regulate this profession on urgent basis.

### ***Possible Solutions***

Since prostitution has its roots deep in the society it becomes a complex problem.

It needs to be handled from to possible angles:

1. Rehabilitating women who already in prostitution
2. Preventing new incumbents from entering prostitution

### ***Preventive Programs***

Counselling and guiding programs with a view to teach public about the causes and issues of prostitution along with sex education is need of the hour.

More and more economic opportunities ought to be made available for the women in this profession. Police should be directed to register cases associated with abduction or abuse of woman on priority basis. Following steps should even be taken to confirm effective prevention:

- **Community Policing:** The conception of Community Policing ought to be created in style, so that involvement of civilians and NGO's in policing is done, so as to stop and combat prostitution.

- **Second Generation Prevention:** If the children of the prostitute's area are given respectable future, the problem of prostitution would be solved. A starting has been created by Prajwala; Associate in nursing anti-trafficking organization of Andhra Pradesh. Efforts are being created by the organization to explore education and self-employment alternatives for the survivors.

- **natural process :** The UNODC ( United Nations workplace on medicine and Crime), New Delhi, in partnership with Government of India and regime agencies still as civil society partners has found out Anti-Human Trafficking Units (AHTU) at Andhra Pradesh, Goa, & West Bengal. These units with the assistance of trained men are creating tremendous impact in enforcement situation of India. The AHTUs in Andhra Pradesh have saved more than 700 victims of which one hundred are youngsters below 18 years of age in an exceedingly span of six months. <sup>xxvii</sup>

### **REFERENCES**

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<sup>i</sup> Available at <https://en.m.wikipedia.org/wiki/Prostitution>

<sup>ii</sup>Jordar Biwanath (1984): Prostitution in Historical and Modern Perspectives, Inter India Publication, N.Delhi.

<sup>iii</sup>Verses from Rig Veda 6.75.4, 9.96.23 and 9.101.14

<sup>iv</sup>Definition from Webster's dictionary

<sup>v</sup>From the Journal of Political Economy, vol. 110, The University of Chicago

<sup>vi</sup> Available at <https://prostitution.procon.org/questions/what-is-prostitution/>

<sup>vii</sup> Available at [https://en.m.wikipedia.org/wiki/Male\\_prostitution](https://en.m.wikipedia.org/wiki/Male_prostitution)

<sup>viii</sup>The research paper written by DR. Tulsi Sonwani on the topic Prostitution in Indian society: issues, trends and rehabilitation.

<sup>ix</sup>Dr. Schwartz weblog by Allan Schwartz, LCSW, PhD

<sup>x</sup> Referred from [www.ugc.ac.in](http://www.ugc.ac.in)

<sup>xi</sup> Available at [https://en.m.wikipedia.org/wiki/Prostitution\\_law](https://en.m.wikipedia.org/wiki/Prostitution_law)

<sup>xii</sup>Section 3 of the ITP act, 1956

<sup>xiii</sup>Section 3 of the ITP Act, 1956

<sup>xiv</sup>Section 3 of the ITP Act, 1956

<sup>xv</sup>Section 5 of the ITP Act, 1956

<sup>xvi</sup>Proviso of section 5 of the ITP Act, 1956

<sup>xvii</sup>Section 3 of the Immoral Traffic Prevention Act, 1956

<sup>xviii</sup>Section 5 of the Immoral Traffic Prevention Act, 1956

<sup>xix</sup>Judgement by justice S.D Anan, CITATION: 1996 SCC(7) 20, JT 1995(8) 418, 1995 SCALE(6) 376

<sup>xx</sup>Judgement by justice KN Phaneendra, this criminal petition is filed under Section 482 Cr.P.C praying to quash the order dated 28.03.2014 IN C.C no. 27697/2014

<sup>xxi</sup>PIL was filed based on an article “A red light Tape: Society gives no chance to prostitutes offspring”, citation: 1997(8) SCC 114, AIR 1997 SC 3021

<sup>xxii</sup> ‘fallen women’ was the term used in the complete judgement for prostitutes

<sup>xxiii</sup> Indian journal of sexually transmitted diseases and AIDS by Devinder Mohan Thappa, Nidhi Singh and Sowmya Kaimwal; Year : 2007, Volume : 28, Issue : 2, Page : 69-75

<sup>xxiv</sup>Venkataramana CB, Sarada PV. Extent and speed of spread of HIV infection in India through the commercial sex networks: A perspective. Trop Med Int Health 2001;6:1040-61.

<sup>xxv</sup>Available at <https://thenevadaindependent.com/article/legal-prostitution-isnt-the-problem>

<sup>xxvi</sup>The Occupational Safety, Health and Working Conditions Code, 2019

<sup>xxvii</sup>The research paper written by DR. Tulsi Sonwani on the topic Prostitution in Indian society: issues, trends and rehabilitation.