



PROSTITUTION: LEGALISING THE WHITE SLAVERY ABODE

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INTRODUCTION

Prostitution means performing sexual activities in exchange for money. It is not limited to a mere performance of sexual activities but also consists of running brothels, inviting customers, management of sex centers, agreement with prostitutes or sex worker, trafficking and similar activities to carry this trade with the aim to promote this industry and its growth.

According to the Ministry of Women and Child Development, 2008, the total number of sex workers involved in the prostitution is estimated to be 3 million which includes those who are forced and are targeted by human trafficking. These prostitutes are now part of this industry and the livelihood depends on this industry. The aim of this paper is to answer the legal problems that are rising as there is no law clarifying the legality of prostitution in India.

Sex trade has been providing bread and butter to almost 3 million people across the country and hence, it has to be legalized to provide a valid platform for these people to survive.

The sex trade is legal in India only if it is carried in a private place. Except this aspect any other activity carried under the sex trade is criminalized under the current laws of India. The legalization is hence very important for enabling the right to livelihood to the sex workers under Article 21 of the

Constitution of India. The legalization should be based upon partial criminalization of prostitution with the pro-work model necessary to facilitate sex trade. This will facilitate reduction in criminal activities surrounding the sex trade industry, and will also provide the sex workers with legal and human rights to protect them as per the international obligations. Since Prostitution is not legalized, the corruption and the trade facility is not adequate to protect sex workers from the malpractices surrounding this trade.¹

There are various reasons for not legalizing this trade which the Law Commission of India 1971 has derived from their findings. Prostitution is often construed as 'a social evil' and 'threat to marriage' because of the beliefs and the word of mouth which has made the process of legalizing the sex trade even more difficult. In addition to this, the low standard for the employment protection in India and continued discrimination with respect to the gender of the employee limits the possibility of providing a decent environment for sex workers to carry their trade.

India has drafted various laws to deal with the human trafficking issues. One such law is Immoral Traffic Prevention Act, 1956 which can trace its genesis in Constitution of India. There are various other law such as Indian Penal Code, 180 and Juvenile Justice [Care and Protection Act] 2000. However, none of them addresses the issue of Prostitution directly or indirectly. Also, there are sexual activities which are not considered illegal under the law except a few such as soliciting sex services in public places, carrying out sex trade in hotels, owning a brothel, pimping,

¹Weitzer, Ronald,(2010)“The Mythology of Prostitution: Advocacy Research and Public Policy,”

Sexuality Research and Social Policy, 7, 1 (March): 15-29



engaging in a sex trade by arranging sex worker or arrangement of a sexual activity with a customer. It is ironic that there is no law legalizing the act of prostitution yet, there is no law making it illegal as well. The said activities are punishable under the Indian Penal Code.²

STATEMENT OF PROBLEM

The root cause is still not targeted by the Legislature. The laws are focusing on the result of the activities like illegal trafficking of women and children into prostitution. Thus, the reformation of the existing law is as important as drafting another because the illegal activities which are unlawful under the law are existing in the society.

SCOPE OF RESEARCH

The scope of research is limited to the laws surrounding Prostitution and the need for legalization of Sex trade. The important aspects that needs to be analyzed by this paper are:

- Restriction on criminalizing of sex trade.
- Prohibition of human trafficking and the activity of forcing women into prostitution.
- Restriction of under aged sex worker into sex trade.
- Introducing a law which may regulate the sex trade with the aim to promote and legalization of prostitution along with punitive measures to ensure the human rights to the sex workers.

HYPOTHESIS

There exists a need for legalization of Prostitution in India.

RESEARCH OBJECTIVES

The object of the research is to analyze the current scenario prevailing in India regarding the Prostitution and what could change after the legalization of the same.

RESEARCH METHODOLOGY

The research methodology adopted for this research project is secondary i.e., the research will be conducted through the available law journal, articles, research papers and books available. This research will consist of information already available on the internet sources.

HISTORY OF LEGISLATION IN INDIA

The essential legislation regulating the sex work industry across India is the Immoral Traffic in Persons Prevention Act 1956 (already the Suppression of Immoral Traffic Act, 1956) enacted to a critical degree, in accord with the prohibition rationale of the UN International Convention for the Suppression of Traffic in Persons and of the Exploitation of Women, 1950 (the Convention) which, soon after independence, India sanctioned. The Convention approaches States gatherings to smother both trafficking and 'prostitution' paying little heed to the age or consent of the person involved. The introduction to the Convention expresses that Prostitution and the accompanying underhandedness of the traffic in persons for the reason for prostitution are incompatible with the pride and worth of the human person and imperil the government assistance of the individual, the family and the community

The Convention requires State gatherings to criminalize procuring for another (Article 1)

²SairaKurup (2006) "A Rajasthan village where prostitution is tradition"Times of India Newspaper.



and to criminalize the keeping or managing a brothel or renting knowingly a reason for prostitution (Article 2) paying little heed to the age or consent of the person involved. Notwithstanding, the Convention is quiet in relation to the criminality and regulation of the sex laborer and the customer, aside from prohibiting the registration of sex workers (Article 6). The Convention additionally requires States gatherings to take or to support, through their open and private educational, wellbeing, social, economic and other related administrations, measures for the prevention of prostitution and for the rehabilitation and social alteration of the casualties of prostitution (Article 16).

The superfluity of consent seems to help a prohibition model of regulation while the inability to require the criminalisation of the sex specialist or the customer could be interpreted as recognition of the autonomy of the laborer. It is likely this was an intentional equivocalness enabling states with different perspectives on the regulation of sex workers to receive their favored structure and therefore obtain the greatest conceivable ratification. Notwithstanding the ambiguities, the Convention is plainly essentially secured in the prohibition camp, given the prerequisite to criminalize most parts of the sex exchange.

The original enactment to direct sex work across India, the Suppression of Immoral Traffic Act, 1956, can be arranged within a prohibition 'open annoyance' system. To a limited extent the adoption of that system was driven by (conditional) financial help from the US to the Indian government, NGOs and government contractors contingent on India's duty to a prohibitionist position³ (Chuang,

2010). Additionally, notwithstanding, a prohibition position was in accord with ideological notions of the time. As expressed in the Law Reform Commission Report of 1975: 'prostitution is a danger to the family as an institution and as a methods for exploitation of females, prostitution is a social abhorrence which prompts social injustice' (Para 1.3). The Act has been revised twice, first in 1978 and then more broadly in 1986 when it was renamed the Immoral Traffic in Persons Prevention Act 1956. The corrected Act stretched out inclusion to guys who are misused sexually for business purposes, and the objective of suppressing traffic and prostitution was supplanted by the weightier objective of prevention. The focal point of the legislation moved therefore from a (prohibition) open irritation model towards a (prohibition) exploitative model, yet at the same time solidly secured in the general prohibition structure. In 2006, a Bill was submitted to Parliament proposing alterations that would grapple the legislation significantly more immovably in the prohibition 'exploitative' model. The Bill canceled provisions that criminalize soliciting and inserted new provisions that punished any person visiting a brothel for the motivation behind sexual exploitation of trafficked casualties. A Select Committee examined the Bill and interviewed various sex workers and organizations representing sex workers who expressed that criminalizing customers would undermine their very job and muddle efforts to forestall HIV/AIDS (Standing Committee on Human Resources

³Chuang, J. (2010). Rescuing trafficking from ideological capture: Prostitution reform and anti-

trafficking law and policy. University of Pennsylvania Law Review, 158(6), 1655–1666.



Development, 2006)⁴. The Bill has consequently passed.

Sex workers are additionally directed and criminalized outside of the Immoral Traffic in Persons Prevention Act 1956 by many state-level police and municipal laws and rules identified with beggary, railroads, open fairness, wellbeing and open disturbance⁵ (Goyal and Ramanujan, 2014). The Penal Code additionally has various offenses which are routinely used in relation to the sex industry (as a rule sex workers). Section XIV contains offenses identified with general wellbeing, security, convenience, conventionality, ethics and open aggravation which are comprehensively defined offenses that police routinely use to intimidate and annoy sex workers often to abuse or blackmail money. Sections 269 and 270 make offenses for spreading of infectious malady, which brings a sex specialist under its domain, regularly when there is an increase in sexually transmitted illnesses in the community.

EXISTING LEGISLATION FOR PROSTITUTION

Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as “the Act”) is one of the Act that was introduced with the aim to control human trafficking. It was also enacted to manage and control sex work. The Act focuses on making pimping and other similar activities culpable, which enables prostitution a trading point which ultimately leads to abuse and exploitation of sex worker. Only the unfair practices related to the

Prostitution are restricted and not the prostitution per se. In order to prove prostitution, the sexual activities are offered by woman or a girl for hiring purposes is required to be shown.

Section 3 of the Act states that no person shall be allowed to offer the property of his own or the one that the person is in charge of for any sexual activity that is related to sex trade which are prohibited under the act. In other words, no person is allowed to use their property for brothel purposes to carry out restricted activities under the act. Each activity is sufficient enough to prove that the prostitution was being carried out and facilitated in a particular place. Section 3 to 9 of the Act covers all the offenses under the act which cannot be performed under the Act.

The High Court explained in a judgment that the Act aims at eliminating the commercializing of the trafficking of women and children leading to forced prostitution.⁶ The Gujarat High Court has also considered that Prostitution cannot come under the ambit of legitimate means of earning or making a living.⁷ The ratio behind such a finding was that if recognized by law, it would lead to further human trafficking of women and children resulting in recognizing such activities to be a fundamental right. It was also held that the restriction imposed by Section 7 of the Act are not discriminatory. This Act provides Magistrate a right to remove or replace prostitute from anywhere under the purview of public good. This is one of the major causes of the difficulty in sex

⁴Standing Committee on Human Resource Development (2006). 182nd Report on ‘The Immoral Traffic (Prevention) Amendment Bill, 2006. New Delhi: Parliament of India.

⁵Goyal, Y., Ramanujan, P. (2014). Ill-conceived laws and exploitative state: Toward decriminalising

prostitution in India. *Akron Law Review*, 47(4), 1071–1121.

⁶Ratnamala and Another v. Respondent AIR 1962 Mad 31.

⁷SahyogMahila Mandal v. State of Gujarat (2002) 2 GRL 1764.



trade and prostitution are shifted on a daily basis.

The customer, under the Act is not liable to be punished whatsoever the conditions. As stated earlier, this act allows prostitute to carry the sex trade at private place yet, it does not permit them to offer their services or invitation to services in the open.

One of the Articles in BBC stated that sex trade is considered illicit in India. The laws are also an addition to make the sex trade difficult in India. Per the law, the customer can be detained in case they indulge in any kind sex trade in public place. The laws also prohibit the sex trade in private place if the place is located within 200 yards of a public place and the sex workers or prostitutes do not fall within the ambit of ordinary labor laws. Thus, whether the prostitution being legal or not, the sex workers have no remedy if they are cheated in the trading activity. However, the right of citizen are vested in these sex workers and if they are willing to rehabilitate and rescued they are entitled for it. In any case, these remedies to forced sex workers are just stated and none of these remedies actually work when it comes to enforcing of these laws. The law fails miserably and since, there is no checks and balances been put by enforcement of a specific law addressing the issue has made it further difficult to get a hold of the problem.⁸

PROPOSED AMENDMENT

In the year 2006, a proposal was made to amend the Act and it is still not enforced. The amendment was aimed at invalidating the provision under the Act which penalizes the act of prostitution by soliciting customers.

The proposal recommended enhanced punishment and imposition of increased fine amount. It stated the punishment for sexual exploitation of victims of human trafficking to be 3 month or fine if INR 20,000 or both which is not covered under the ambit of the Act. The Act does not state the term “trafficking in persons” and the proposal defined it as any person who is liable for the offence of trafficking in person for sex trade.

PROTECTION OF SEX WORKERS

The question arises in this position is whether the sex workers have adequate protection or any law providing them any kind of protection? This question was answered in the case of *Budhadev Karmaskar v State of West Bengal*⁹ and it was held that the Article 21 of the Constitution enables the sex workers right to life. It recognized prostitutes as human beings and they are to be treated equally before law which means that they have the right to life and livelihood and no one possesses the right to assault or inflict harm on these individuals. This judgement helped to identify the reason why these sex workers are engaged in these activities and that is for earning purposes and not for pleasure. It directed the Central and State Governments to provide the rehabilitation facilities and reformation to the victims of human trafficking so that they can learn new ways to earn livelihood by learning technical and vocational skills.

On the basis of this judgement, the Section 21 of the Act laid down the rule for the State Government to facilitate protection homes which shall be regulated through issued licenses. These licenses are to be issued by State Government itself. Further, there shall

⁸Anushka Ambli. *LEGALIZATION OF PROSTITUTION IN INDIA*. The Law Brigade (Publishing) Group. Pg 66-67.

⁹ (2011) 10 SCC 283



be appointment of appropriate authority to investigate and inspect the license for protection homes. The licenses are issued for a specified term and are non-transferable. The Government also holds power to make rules for license, facilitation and maintenance of these rehabilitation centers under the Section 23 of the Act.

LEGALISING PROSTITUTION

There is no denying to the fact that prostitution has always been in our society and will continue to be a part of it. No matter how much we deny the existence of the same it will still exist despite our ignorance. We have always made regulations for regulating any and every aspect of human behaviour or conduct in society. the society is ever-evolving and we always have to keep up with their upcoming changes and as an amendment in the laws for regulation will eventually help as and workers in a better manner. Thus, we should also try to legalize or regulate prostitution in our country for the benefit of the sex worker as well as the community.

Through the studies and statistics conducted by various organisations such as WHO we have understood that prostitution does exist in India. Through news articles and other relevant information we have also seen that mainly the minors are in huge number and their involvement has consistently increased in the recent past. As a part of the sex worker community, every minor and major who is involved in prosecution is highly prone to HIV / AIDS and moreover there access to gain medical help is very limited due to the

taboo of this profession. The sex industry is a part of every City, sometimes having a defined red light area and sometimes hiding in the common sight.¹⁰

After African continent, India is said to have the most number of HIV / AIDS positive cases and the area of prostitution is said to be associated as one of the main reasons for the spread of this incurable disease. Legalization of prostitution could help in curbing the spread of this disease through the sexual workers and their clients. By legalizing this practice, there can be a detailed information regarding the sex workers for example registration number, medical history, etc. and likewise the government would be much more efficient in providing medical help to this community.¹¹ For instance if a sex worker is HIV positive then he/she would be prohibited to continue their profession and rehabilitated two other government run programs or schemes by which they can earn their livelihoods. Such a detail and scrutinized plan will only be effective when there is a law in place to regulate the same. In cases of women / girls who were trafficked and forced into this profession, they will get an access to a better life and living standards. It will boost their confidence and will be a true step towards women empowerment.

We can borrow legislations and ideas from other countries where in this practice is legalized and has been running successfully with the help of government and laws. Some of the countries where prostitution has been legalized are Netherlands, Switzerland, Denmark, Austria and Germany.

¹⁰AnumehaSinghai& Jyoti Parmar,Legalization of Prostitution in India: Need of the hour (2016). Legaldesire.com [Accessed on 27 May 2020].

<https://legaldesire.com/legalization-of-prostitution-in-india-need-of-the-hour/>.

¹¹*Ibid.*



In Netherlands, Amsterdam is one of the tourist's favorite place and is also popular worldwide for its red light area. It is also among the largest red light areas of the world wherein the profession of prostitution is governed by the state laws. One of the positive effect of legalizing prostitution was that proper rules and regulations were introduced and followed which had also lead to control the spread of HIV / AIDS or any other sexually transmitted diseases. The government there has introduced minimum age to practice this profession as 18 years and it is also mandatory for the prostitution to register themselves with the government. The government then keeps a well maintained track of the past criminal record and medical history of the registered personnel. The government also conducts health checkups at regular intervals to keep a check on spread of sexually transmitted diseases.¹²

Taking help from the Netherlands model of regulation, India can also take a step towards legalizing prostitution. We can also set a minimum age bar for sex workers to get involved in the business which will eventually reduce the role of mirrors from prostitution. A system of valid license or registration of prostitution can be introduced to maintain reliable record with the government. Through maintaining record of the prostitution the government will be able to conduct health checkups, provide medical aid and eventually rehabilitate some of the sex workers.

As long as prostitution will remain criminalized activity, the people who are part

of this activity will be abused. These prostitution and sex workers will never rise above the current living standards which are contrary to the human rights which should be available to every man and woman. These people will never walk out of the shadows of those dungy lanes and claim their rights and will be ashamed of their profession. We as a society will not be able to stop people from being forced into this profession but what we can do is try to help them by regulating this profession through laws so they can at least have some support.

PROS AND CONS OF LEGALISING PROSTITUTION

By legalizing the Prostitution there can be various benefits and challenges to the government which can be categorized as Pros and Cons of the Legalizing Prostitution.¹³

PROS

The legalization of prostitution will lead to a major change in the sex trade and the regulation by the State. This can help the state to keep a track on the brothels and manage the trade. Further, the licenses can be issued by the state for carrying out the sexual activities for commercial purposes. This will help the government to keep a track on these activities being carried out legally which shall help the government to issue rules and bye-laws that will govern this trade. These guidelines can contain the age of sex worker and other details of the trade such as the clientele, ensuring appropriate remuneration and other aids to the sex workers. Through this the right to life under Article 21 of the Constitution can be enforced.

¹²Steven D. Levitt and Sudhir Alladi Venkatesh (2008) "An Empirical Analysis of Street-Level Prostitution" UCLA International Institute 22(8).

¹³Prachi Darji (Prostitution in India). MyAdvo.in [Accessed on 27 May 2020]

(<https://www.myadvo.in/blog/prostitution-in-india-read-its-causes-legality-and-law/>)



By this strategy, the prostitutes can get a few rights, for example, the privilege to clinical consideration, the privilege directly against abuse and assault, and so forth. This strategy can encourage the destruction of sex racket tasks, covered up and road prostitution, maltreatment of whore, and so forth. There will be assurance houses built up for those prostitutes who have lost their vocation, or the individuals who were constrained into prostitution however don't need that way of life any longer. Likewise, the government can bestow preparing and fundamental training to these prostitutes with the goal that they find different intends to win cash and support their job.

CONS

On the other hand, sanctioning of prostitution could be misjudged as the proclamation of prostitution. This could prepare for income sans work for prostitutes and could urge more ladies to rehearse prostitution. There is an incredible chance this could be an income producing industry for the Government. In this way leads must be tough to control this industry with the goal that it isn't legitimized and that is the least the government can do to address this issue.¹⁴

WHY IMMORAL TRAFFICKING (PREVENTION) ACT IS NOT SUCCESSFUL

The biggest loophole of the act was during the enforcement of the act and not the provisions of the Act. The bribery and actual social evil present in the society hindered the

procedure and measures enabled by the law. The outreach of the Act was limited by the factor that the authority which was designed to look after the welfare of the society focused on personal gains. The judiciary and the police still have the same perspective whenever the issue is raised.¹⁵

Through assaults, the police capture the whores rather than the massage parlor proprietors. Degenerate officials in law requirement offices are broad. Another issue is the reformative and recovery homes which are accommodated these whores are deficient. These homes are deficient and can't oblige huge number of whores who are a survivor of violations.¹⁶ There are deficiencies of number of homes and the casualties are enormous in number. Henceforth, this makes an issue and doesn't give homes to a large number of them, driving them again to a similar action and them being a survivor of such exercises. One of the arrangements is that they should build the quantity of homes and give preparing and improvement to such casualties. They should deal with directing them and giving occupations. The point of decriminalization is that rather than the sex laborers, massage parlor proprietors would be held responsible.¹⁷

Through an examination made it was discovered that the number violations enlisted are less whenever contrasted with the genuine wrongdoings submitted. In basic words, the quantities of violations are more in number however such wrongdoings

¹⁴Raymond, Janice G. (2004) "Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution" *Journal of Trauma Practice*.

¹⁵Parul Sabharwal (2009) "The Big Debate: Should Prostitution Be Legalized In India" *Youth ki Awaaz editorials*.

¹⁶Sheila Jeffrey (2003) "The legalisation of prostitution: a failed social experiment" *Sisyphus* 4(6).

¹⁷Mellisa Farely, "BAD FOR THE BODY, BAD FOR THE HEART"; *Prostitution Harms Women even if legalized or discriminalized*, 10(10) *VOILENECE AGAINST WOMEN* 1087, 1090(2004).



detailed are not many. This is on the grounds that a considerable lot of them are uninformed of the rights and laws which exist in our nation. Despite the fact that a portion of these are accounted for, because of high degenerate officials they are not been recorded. (Around 60 percent). For this, refinement of the police is an unquestionable requirement.

As opined by Justice Ramaswamy on account of *Gaurav Jain v. Union of India*¹⁸ and others that "ladies found in substance exchange ought to be seen more as survivors of financial conditions and not offender of the general public, some police specialists have just set out the procedure of sharpening towards the sex laborers and their treatment."

CURRENT SCENARIO OF PROSTITUTION IN INDIA

The Supreme Court in 2009 case at last recommended rehabilitative measures for those in constrained prostitution. Be that as it may, no viable measure was attempted.

As of late in August 2012, The Supreme Court, while settling an appeal for restoration of sex laborers explained on a last request that gave a feeling that it tries to sanction prostitution. Mollifying the Center's feelings of trepidation that it was giving its seal of endorsement to prostitution, an exceptional seat of justices Altamas Kabir and Gyan Sudha Misra changed its previous request, saying "the alteration will not be understood that by this request any consolation is being given to prostitution."¹⁹ Modifying its prior request, the seat explained that it would just inspect the "conditions favorable for sex laborers to work with poise as per

arrangements of Article 21 of the Constitution."It included it was sharp that sex laborers ought to be offered chance to profit recovery proportions of the government and different offices for them. The seat named a Panel including Senior Counsel Pradip Ghosh as administrator, to direct studies in different states in the nation and submit proposals to set up recovery focuses. Justice Sudha likewise saw that, the sex laborers have option to live with nobility. There must be aggregate undertakings by courts and sex laborers to surrender substance exchange case they are given elective stage on employment."²⁰ Therefore, the board is relied upon to present the powerful rehabilitative measures. The government has in the past thought of a few such plans however none was viable. The Supreme Court most recent request has an extremely wide viewpoint, the sex laborers who wish to leave the exchange ought to be given an elective stage. However, for the general public it is hard to acknowledge them as a section yet at the same time by giving some elective work alternatives in casual part they could be restored. Prior plans by government needed execution, as per a whore who wished to be anonymous, her co-sex specialist was restored by a government conspire and was placed in the Tihar Jail, she took in some weaving work and after her discharge she was unable to get work and being unaccepted by society she again returned to the exchange. The rehabilitative measures in the past have wretchedly fizzled. The whores gain sufficient in this calling henceforth; it is their need to proceed with this calling. As per

¹⁸ 1990 AIR 292.

¹⁹Shobhs Saxena, Crimes against women and Protective laws, 259-261.

²⁰Dharanjay Mahapatra, Not encouraging prostitution: SC, Times of India, July 27, 2012.



them, the measures won't gain them as much as they acquire in prostitution.

CONCLUSION AND SUGGESTIONS

India is a country with different moral standards and prostitution is generally frowned upon when it comes to make it a part of the society. Legalization of Prostitution is still a challenge when it comes to implementation of the same. Prostitutes have formed their own space in the Indian society and they are surrounded by the community consisting of sex workers. The legalizing of prostitution would definitely benefit the state and the sex workers. It will also enable to make the lives sex workers better and will provide them with the appropriate remedies and rights. Various countries have legalized sex trade and they are benefitted from it. It will also help lowering down the rate of crime as the government can keep track of the brothels and the sex trade. The work environment for Prostitutes will also improve with all this.²¹

The crime of human trafficking will be eliminated to a great extent since the check and balances would remain with the government. This will also help the government to identify the individuals who are been forced into this trade and who can be reformed so as to bring them back to the society. It will result in distinguishing the professionals who are willing to work in sex trade and who are being forced to this. Sex workers will also get the general benefits which are considered by a common man. The

life of sex workers will have access to legal aid, health benefits, and insurance access after the legalization.²² The general perspective for the sex trade will also change and slowly, the societal norms may be able to adopt the Prostitution as a party of society. It is established that Prostitution has and always will be a part of society regardless of the emotions and sentiments of the people. If the same is not legalized within a limited time, the crime cannot be eliminated that is taking a big part of the society to indulge in the trade. The sex workers who are unwilling can also be identified and rehabilitated by the state after tracing the brothels and trading in sexual activities. Reallocation and to be a part of society are dreams of various people who are helpless at the present.²³

Further, there will always be loopholes in the law and there are big loopholes in the existing law. With the legalization of Prostitution, a reformation of law is needed on a periodical basis so as to ensure the proper enforcement of law. As this profession cannot be eliminated from the society, it is better to legalize the same which will help the economy as well. The tax benefits will be contributed to the state fund. Though Prostitution might always be frowned upon. But, the legalization of the same will help the numerous people who are not able to pull themselves out of this trade. The authorities and the other bodies that might be created by the legislation of these activities can be controlled through a mechanism created under this Act. Right to a dignified life under

²¹Masselot, A. (2015). Reframing the EU concept of worker: Can sex-workers be workers? Retrieved from <https://ces.confex.com/ces/2015/webprogram/Paper8879.html>

²²Poonam Pradhan Saxena, (2002) "Immoral Traffic in Women and Girls: Need for Tougher Laws and Sincere Implementation", 44 JILI 504.

²³Md Rahaman (2015) "Human Trafficking in South Asia (Special Preferences on Bangladesh, India and Nepal): A Human Rights Perspective" IOSR Journal of Humanities and Social Science, Vol. 20, Issue 3.



Article 21 of the Constitution is the right of every citizen in the country which should be enabled to the sex workers as well. Hence, the hypothesis is proved that there exists a need to legalize sex trade in India and there should be reformation of the existing laws.

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