



## RECOGNIZING PROSTITUTION AS A PROFESSION IN INDIA

*By Arshita Agarwal*  
*LL.M. in Corporate Laws, Invertis*  
*University, Bareilly.*

### ABSTRACT:

Prostitutes all over the world face harassment and abuse, being a profession as old as human civilization still in India it is always seen as a bad or dark mark on the society. The term prostitute refers to, any woman, who for the sake of monetary consideration or remuneration, engaged in sexual activity or sells her body to a person who is not her spouse. Although India is a signatory to various international agreements on the rights of women and also has provision in the rule book of the country, i.e. the Constitution which prohibits discrimination and exploitation of gender, until 27<sup>th</sup> of May, 2022 it was failing to satisfactorily protect the human rights of women, particularly of the sex workers. On 27<sup>th</sup> of May, 2022 the apex court of the country announced the historical judgment, which legalize the prostitution... but, is this the same thing which the apex court pronounces...NO! to answer this, the apex court actually announces that prostitution is a “PROFESSION” by adding that “sex workers are entitled to dignity and equal protection under the law”.<sup>1</sup> Prostitution is not illegal in India per se, what was illegal was running a Brothel. The legislation penalizes acts such as- keeping a brothel, soliciting in a public place, living off the

earnings of sex work, living with or habitual being in the company of a sex worker.<sup>2</sup>

The oldest job in the world has now for a long time, been regarded as a hateful choice of work. Some countries choose to completely ban the practice, while other countries have tried regulating this job, providing prostitutes some benefits relating to health and social. Currently, New- Zealand, Austria, some states of Australia, Canada, Belgium, Columbia, Bangladesh, Denmark, Brazil, Netherland, Greece, Indonesia and Ecuador have legalized prostitution. In the today’s world not only females are practicing this profession but also Men and transgender are involved in the prostitution world, though in very less number as compared to women.

**KEYWORDS:** exploitation, prostitutes, prostitution, sex workers, ITPA

### ▪ RESEARCH QUESTIONS:

1. What are the laws for the prostitutes?
2. Is legalization the profession of prostitution is good?
3. What will be the effect of the judgment will it exploit or help the sex workers?

### ▪ RESEARCH OBJECTIVE:

The main objective of this study is to know about the history of prostitution in India, about the status of sex industry in India, benefits of legalizing the profession of prostitution and what all are the reasons that forced the sex workers to enter into prostitution.

<sup>1</sup> Budhadev karmaskar v. State of West Bengal (2011) 10 SCR 577

<sup>2</sup> The Immoral Traffic (Prevention) Act, 1956, No. 104, Acts of Parliament, 1956 (India).



### ▪ STATEMENT OF PROBLEM:

Recently the hon'ble Supreme Court recognizes the profession of sex work. There are different people and so are different opinions, many are of the opinion that legalization of prostitution is a favorable move while others opine the other side. The researcher here tries to analysis what all hardships the sex workers are facing and what good can the judgment do.

### ▪ RESEARCH HYPOTHESIS:

The recent judgment by the apex court will surely change the situation of the prostitutes of India. Their problems will not be let unheard and now they will also live their life with full dignity and equal protection under the law.

### PROSTITUTION: THE OLDEST PROFESSION

The concept of paid sex or prostitution isn't new or unique to India its roots can easily be traced from our age-old traditional prostitution systems prevalent in the country, like the *devadasi* and the *tawaiifs*. In the pre-colonial period, India experienced different types of prostitution which includes religious prostitution or the *devadasi* system where young girls entered in a symbolic marriage with the God but were considered sexually available to men and the *tawaiifs* where young girls were trained in classical dance and music but was also engage in sexual service

with their client.<sup>3</sup> Not only just the Vedas but also the Holy Bible mention about the prostitute, where Jesus Christ welcomes a woman in his kingdom knowing that she is a prostitute.

Prostitution is a profession which was in practice since ages, the very earliest mentioning of this profession can be found in the ancient text of India, the *Rigveda*, where the love outside wedlock was a familiar phenomenon and union promoted by mere lust are mentioned in quite an uninhibited manner.<sup>4</sup> A whole chapter has been devoted to it in Kautilya's Arthashastra written in circa 300 BC and Vatsayana's Kama Sutra written between the first and fourth centuries AD.<sup>5</sup> which contains rules for prostitutes and their activities and also gives an account of how prostitutes should behave and how their lives are ordered. A code of conduct was prescribed, for people seeking their favour and for them. They had certain definite prerogatives, rights and duties.

In the early years of the Sultanate period, (which is associated with the Delhi Sultanate that ruled much of North India between 1206 AD- 1526 AD), dancing girls were appointed in the Courts of the Sultans, who were prostitutes and the women were called as "*Tawaiifs*". The Sultans also kept these girls for the entertainment of the army personnel. By the reign of *Alauddin Khilji* in the 13th century, prostitution became a much regulated business, and prostitute-houses are

<sup>3</sup> Geetanjali Gangoli and Nicole Westmarland, International approaches to prostitution: Law and policy in Europe and Asia, pp115, the policy press (2006)

<https://books.google.co.in/books?hl=en&lr=&id=TXNoDwAAQBAJ&oi=fnd&pg=PA115&dq=research+paper+on+history+of+prostitution+in+india&ots=ekIh5k6pm&sig=J3fsKuPXPZDoXWJdeBZIZXH4M#v=onepage&q&f=false> (Accessed 12 Jun. 2022).

<sup>4</sup> Vol. 15, no. 2, Sukumari Bhattacharji, Prostitution in Ancient India, pp. 32–61, Social Scientist (1987) JSTOR, <https://doi.org/10.2307/3520437> (Accessed 12 Jun. 2022).

<sup>5</sup> Vol. 5, Moni Nag, Sexual behaviour in India with risk of HIV/AIDS transmission, pp 293–305, Health Transition Review (1995). <http://www.jstor.org/stable/40652174> (Accessed 12 Jun. 2022)



set-up as distinct cultural institutions in which the state was a direct stakeholder. In an effort to generate revenue, the state fixed scheduled rates for sexual services. A legal position was specified for the sex workers and they were classified into first, second and third categories for efficient regulation.

Coming to the colonial period, when the infamous “*red light areas*” were formed, but how this “red light areas” were formed. When the system goes into the hands of money-bags’ heaven, when these moneyed class crosses all limits in chase of super profits, and helplessness and defenselessness in the socially crosses all limits and oppressed the exploited classes; which begins to ingest up the entire society, when a large number of exploited and oppressed women and children are forced to die of hunger. In such dreadful times, some women are forced to light and hang the well-known RED-LANTERN on their doors (hence the area is known as “Red light” area), so that at least she and her children do not starve. This is how many women entered into the arena of streetwalking by selling their bodies and became sex workers. Prostitution was conceived of as a necessary evil to meet the sexual needs of young men.<sup>6</sup>

### **THE INDIAN SCENARIO**

In the Indian context, prostitution is not illegal per se but is partially legal. Though it is been pronounced as unethical by courts.<sup>7</sup>

<sup>6</sup> *Supra*, note 3

<sup>7</sup> Smt. Kaushailiya vs State AIR 1963 All 71, 1963 CriLJ 138

<sup>8</sup> Emeritus Professor of Criminology at Karunya Institute of Technology Sciences (KITS) in Coimbatore, Tamil Nadu.

<sup>9</sup> Divya A , Sex workers in India on the verge of debt bondage and slavery, says a study, December 24, 2020, available at

According to Mr. Beulah Shekhar<sup>8</sup> in India, 95 per cent of the trafficked victims are forced into prostitution, shows data by National Crime Records Bureau. However, these numbers are just a fraction of the actual reality as sex traffickers work in a clandestine way.<sup>9</sup>

According to the Victims Trafficked report by National Crime Records Bureau for the year 2020<sup>10</sup> close to 100% of trafficked persons were women, it is evident from the fact that the majority of the victims trafficked are for sexual exploitation or prostitution.

India also lays claim to having some of the world’s largest red light districts. Even though brothels are illegal per say, there is little effort made by the Government to track them down and bust the sex rackets. Some of them are:

1. **Sonagachi, Kolkata** which is populated by more than 11,000 sex workers.
2. **Kamathipura, Mumbai** Which is the India’s second largest red light district, and is a shelter house for a shocking number 5,000 of sex workers. The area also has a small beedi rolling industry that is run by women.
3. **Budhwar Peth, Pune** is the third largest red in India with around 5,000 commercial sex workers.

<https://indianexpress.com/article/lifestyle/life-style/sex-workers-in-india-on-the-verge-of-debt-bondage-and-slavery-says-a-study-7117938/> (Accessed on 14<sup>th</sup> June, 2022)

<sup>10</sup> Victims Trafficked report-2022 by National Crime Records Bureau, Available at [https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/Table%2014.2\\_7.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2014.2_7.pdf) (accessed on 14<sup>th</sup> June, 2022)



4. **Meergunj, Allahabad** this red light district has also a record for illegal trafficking and forced prostitution.

5. **G.B. Road, Delhi**, is another big red light area, the place is known for the hundreds of brothels along the streets. There are markets for machinery and vehicle parts on the ground floors and brothels above them.

6. **Itwari, Nagpur** the area in Itwari known as Ganga Jamuna is a hotspot of sex workers, along with other criminal activity.

7. **Shivdaspur, Varanasi** this red light village is situated on the edge of Varanasi city and is known for the cheap brothels being run from homes in the village.

### CAUSES OF PROSTITUTION

There exist several reasons which induce a woman to enter into the dark and painful world of prostitution such as lack of sex education, poverty, unemployment, ill treatment by parents, bad company, family prostitutes, social customs, inability to arrange marriage, lack of sex education, media, prior incest and rape, early marriage and desertion, lack of recreational facilities, ignorance, and acceptance of prostitution, kidnapping and abduction. Economic causes include poverty and economic distress. Psychological causes include desire for physical pleasure, greed, and dejection most of the prostitutes have experienced at least one of the above problems or have experienced them in combination too.<sup>11</sup>

Out of them poverty and unemployment are two major significant factors that causes women to engage in commercial sex. A very common scenario is often seen that poor

women of the village or remote areas fall prey to deceitful intermediaries who gives them assurance of a decent job opportunity and then sells them as sex workers. The most important reason which drives these needy and helpless women towards the world of prostitution undoubtedly is poverty. It is an accepted fact that among all other components answerable for prostitution, poverty is supposed to be the significant explanation that brings individuals into prostitution. The accelerated rate of poverty has driven numerous individuals especially the young people into the urban territories where they consider prostitution to be a brisk method of addressing their necessities and those of their families. As unemployment and poverty moves hand-in-hand so the second main reason for entering into this dark world is unemployment. The lack of job opportunities had compelled women to desperately resort to these deals as a way of generating income.

It will be a shock to know that around 6 percent of women entered prostitution after the occurrence of rape because in certain cases not only the society but also their own family members deny accepting them and when they find no roof for shelter, they discover the route of prostitution.

### LAWS RELATING TO PROSTITUTION

“Prostitution” in most general sense may be defined as common lewdness of a woman for gain; whoredom; the act or practice of a woman who permits any man who will pay her price to have sexual intercourse with

<sup>11</sup> K. K. Mukhopadhyay, Girl prostitution in India, Social change, 25(2-3), 143–153. Available at

<https://pubmed.ncbi.nlm.nih.gov/12158002/> (accessed on 23rd June, 2022)



her.<sup>12</sup> The word ‘prostitution’ is not confined to acts of natural sexual intercourse, but includes any act of lewdness. It means surrender of a girl’s chastity for money.<sup>13</sup> In the case of *People v. Rice*<sup>14</sup> prostitution was defined as, the act or practice of a female of prostituting or offering her body to an indiscriminate intercourse with men for money or its equivalent. In the case of, *Carpenter v. People*<sup>15</sup>, it was held that, the word “prostitute” in its most general sense means the act of setting one’s self to sale, or of devoting to infamous purposes; it also means, what is in one’s power that is: the prostitution of talents or abilities; the prostitution of the press.

Laws relating to prostitution are ITPA, the Indian Penal Code, 1860 (hereinafter referred to as IPC), the Constitution of India, 1950, the Juvenile Justice (Care and Protection of Children) Act, 2015 ((hereinafter referred to as JJA) and various state legislations also have been enacted to deal with the prostitution and trafficking. Again all these Acts does not make prostitution illegal per se but it makes certain acts an offence punishable under the Act.

According to the **IPC**, prostitution in its broader sense is not really illegal per se but there are certain activities which constitute a major part of prostitution are punishable under certain provisions of the Act child prostitution, namely selling and buying of minors for the purpose of prostitution. **Section 372** of the Code awards imprisonment of at least ten years and fine for a person selling a minor for the purpose of

prostitution another provision under **section 373** of the Code awards imprisonment of ten years and fine for buying a minor person for the purpose of prostitution. The explanations to these sections indicate only the trade of minor girls and not boys.

In the case of, *Emperor v. Vithabai Sukha*<sup>16</sup> it was held that, where a brothel keeper allowed a girl under 18 years of age to visit the brothel for two or three hours in the night, and allowed her to prostitute herself to customers for money, it was held that the brothel-keeper was guilty of an offence under Section 373 of the Indian Penal Code, 1860.

**Article 23 of the Constitution of India** provides for prohibition of human trafficking and other form of forced labour. Clause (2) of the article provides right to the state that it can impose compulsory service for the welfare of the general public provided with a condition that the State will not discriminate anyone on the ground of religion, caste, creed, color, sex, etc. In *Raj Bahadur v. Legal Remembrancer*<sup>17</sup>, it was held that Traffic in human beings means selling and buying men and women like goods and involved immoral traffic in women and children for immoral or other purposes. **Article 21** of the Constitution also applies to a prostitute. A prostitute has the right to life. It was stated in another celebrated case *Budhadev Karmaskar v. State of West Bengal*<sup>18</sup> In this case, it was held by the Supreme Court, that the sex workers are human beings and should be treated with humanity and dignity. Nobody is entitled to physically assault them, court is of the view

<sup>12</sup> State v. Anderson, 284 Mo. 657, 225 S.W. 896 (Mo. 1920)

<sup>13</sup> Ratanlal & Dhirajlal, the Indian Penal Code, Chapter XVI: Criminal Force & Assault, Wadhwa & Company (Nagpur), 30th Edition (2006), p. 675

<sup>14</sup> 383 Ill. 584, 50 N.E.2d 711 (Ill. 1943)

<sup>15</sup> 8 Barb. 603 (1850)

<sup>16</sup> (1928) 30 BOMLR 613

<sup>17</sup> AIR 1953 Cal 522

<sup>18</sup> *Supra*, note 1



that these women are compelled to indulge in prostitution not out of choice or pleasure but merely out of economic and social causes.<sup>19</sup> the judgment also highlighted the problems faced by the sex workers and their plight

The **JJA** legislation provides for the rehabilitation of young children who have fallen in the grip of flesh trade, according to the Act, child in need of care and protection means a child, who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts.<sup>20</sup> Further the JJA, 2015 also states that, any person who sells/buys a child for any purpose shall be punishable with rigorous imprisonment for a term of 5 years and fine of Rs. 100,000/- however, where such an offence is committed by a person having actual charge of the child, including employees of a hospital or nursing home or maternity home, the term of imprisonment shall be 3 years and may extend up to 7 years.<sup>21</sup>

Also, Juvenile Justice (Care and Protection of Children) Rules, 2007 provides for the rehabilitation and social reintegration of the juveniles. It is stated the primary aim of rehabilitation and social reintegration is to help children in restoring their dignity and self-worth and mainstream them through rehabilitation within the family where possible or otherwise through alternate care programme and long-term institutional care shall be of last resort.<sup>22</sup>

The very first Act proposed for prostitutes was Suppression of Immoral Traffic in Women and Children Act, 1956 (SITA) which was introduced by the government of India because of ratification in International Convention for the Suppression of Immoral Traffic in Person and the Exploitation of the Prostitution in the year 1950, Subsequent amendments in the year 1986 changed the name and also the preamble of the Act to The **Immoral Traffic (Prevention) Act, 1956** (hereinafter referred to as ITPA) and an Act made “for the prevention of immoral traffic” respectively. The act came into force on 30th December, 1956; according to the Act section 2(f) prostitution means the sexual exploitation or abuse of persons for commercial purposes. In the case of *In re: Deva Kumar*<sup>23</sup> it was held that, prostitution involves indiscriminate employment of a woman’s body for hire.

Under the Act keeping a brothel or allowing premises to be used as a brothel is punished under section 3, As per ITPA, “brothel” includes any house, room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes.<sup>24</sup> In the case of *Krishnamurthy v. Public Prosecutor*<sup>25</sup> the Supreme Court held that, a place used once for the purposes of prostitution may not be a “brothel”. In the case of, *State of Rajasthan v. Mst. Wahida*<sup>26</sup> it was held that, any person who keeps or maintains or acts or assists in the keeping and management of a brothel in India, is liable to

<sup>19</sup> Available at <https://thedailyguardian.com/prostitution-law-analysis/> (accessed on 23rd June, 2022)

<sup>20</sup> Juvenile Justice (Care and Protection of Children) Act, 2015 Section 2(14) (viii), no. 2 of 2016, 2015

<sup>21</sup> Juvenile Justice (Care and Protection of Children) Act, 2015 Section 81 no. 2 of 2016, 2015

<sup>22</sup> Rule 32 of the Juvenile Justice (Care and Protection of Children) Rules, 2007

<sup>23</sup> 1972 MLJ (Cr.) 150

<sup>24</sup> Immoral Traffic (Prevention) Act, 1956 Section 2(a)

<sup>25</sup> 1967 AIR 567, 1967 SCR (1) 586

<sup>26</sup> 1981 RCC 42



be punished under the provisions of the ITPA. Seducing or soliciting for purpose of prostitution in a public place is punished under section 8, living off the earnings of sex work is punished under section 4, Procuring, inducing or taking person for the sake of prostitution is punished under section 5 but nowhere prostitution is illegal under the Act, certain acts that facilitate prostitution are regarded as illegal, acts like managing a brothel, living off the money procured by means of prostitution, soliciting or luring a person into prostitution, traffic of children and women for the purpose of prostitution, etc. are made explicitly illegal by the ITPA. Section 16 of ITPA, provides for the rescue of persons living or carrying on, or made to carry on prostitution, in a brothel. Section 16 provides that, a Magistrate (that is, Metropolitan Magistrate, Judicial Magistrate of First Class, District Magistrate or Sub Divisional Magistrate) may direct a police officer not below the rank of a sub-inspector to enter any brothel and remove any person there from; after removing the person, the police officer must forthwith produce him before the Magistrate. Rehabilitation of sex-workers has been an issue of considerable importance qua which substantial amount of time and efforts have been invested by the Apex Court since the very commencement of the Immoral Traffic (Prevention) Act, 1956.

### LEGALIZING THE PROSTITUTION: THE JOURNEY

As stated above also that no Act, legislation does not criminalize prostitution or

prostitutes per se; but punish acts of third-party facilitation of prostitution, like brothel-keeping, living on the earnings of prostitutes or procuring a person for the sake of prostitution. Taking note on the status of sex industry in India, there are currently 1.8 million sex workers in India, among which 10% are male (known as escorts) and the rest are females (known as prostitutes)<sup>27</sup> and in a study it is stated that 75% of these sex workers face physical and psychological abuse. Prostitution exists globally and it is not limited to India and rather is a global phenomenon. The sex industry of India amounts to \$8.4 billion so to criminalize prostitution and to assume that this, \$8.4 billion industry evaporate is an unbelievable thought.

The First National Conference of Sex Workers in India (14th to 16th November, 1997) in Calcutta was the main step trying to put forward, the difficulties and misfortunes of the sex-workers in India. The theme of the conference was:

Can a sex-worker insist on having safe-sex? Can sex-work be termed as an occupation? Is it justified to see sex-work as morally sinful? Is it possible to rehabilitate prostitutes? Do men and women have equal claims to sexuality? Is prostitution a means to promote 'free-sex'?<sup>28</sup>

Then The All India Network of Sex Workers (AINSW) released a charter of demands, in their election manifestos before the Parliamentary elections held in May 2019.<sup>29</sup> which they are seeking political parties to

<sup>27</sup> Sanjana Ganguli, 10 Facts about Prostitution in India, November 26, 2020, available at <https://youthdeck.com/10-facts-about-prostitution-in-india/> (accessed on 23rd June, 2022)

<sup>28</sup> Sex Workers' Manifesto <http://www.sacw.net/Wmov/sexworkmanifesto97.html> (accessed on 24th June, 2022)

<sup>29</sup> All India Networks of Sex Workers (AINSW) <https://d8dev.nswp.org/featured/all-india-network-sex-workers-ainsw> (accessed on 24th June, 2022)



include in their political manifestos. The charter includes a total of seven demands which includes: access to basic services, pension at the age of 45 years, participation in policy making bodies and in programme implementation, decriminalizes sex work, recognition of Self-Regulatory Board (SRB), and to accept sex work like any other work. This programme helped the sex workers' community to a great extent by the help of this programme their voices were heard by the policy makers in the country.

Despite of the very fact that prostitution is not illegal in India, the rights of the sex workers are very poorly defined as a result of this, sex workers are unable to enjoy the rights that ordinary citizens expect to. The harassment comes from and at all levels be it from society, authorities and even those who are paying for these services. In 2011, *Budhadev Karmaskar v State of West Bengal*<sup>30</sup> led the apex court to hold that sex workers have a right to dignity under Article 21 of the Constitution. In 2019, the Calcutta High Court stated that under ITPA, no sex worker exploited for commercial sex can be tried as an accused unless there is substantial evidence that she was a 'co-conspirator' in the crime.<sup>31</sup> In September 2020, the Bombay High Court ordered the immediate release of three women sex workers jailed at a state correctional institution, stating that sex work was not a criminal offence under the law and that an adult woman had the right to choose her profession.<sup>32</sup>

<sup>30</sup> *Supra*, note 1

<sup>31</sup> Anubhuti Jain, Supreme Court order on sex work historic, but execution will be the real hurdle, 8th June, 2022 available at [https://theprint.in/campus-voice/supreme-court-order-on-sex-work-historic-but-](https://theprint.in/campus-voice/supreme-court-order-on-sex-work-historic-but-execution-will-be-the-real-hurdle/988049/)

## LEGALISING OF PROSTITUTION: THE SOLUTION

In 2022, a three-judge bench of the Supreme Court comprises of Justices of L Nageswara Rao, BR Gavai, and AS Bopanna issued a historic order that recognized sex work as A PROFESSION and said that sex workers and their children are included and protected under the protections of the Article 21 of the Constitution of India like every other profession and person. Sex workers are entitled to live a life of dignity and equal protection under the law. The apex court explained that 'voluntary sex' work was not at all illegal. Also the hon'ble Supreme Court issued commendable guidelines, by stating that.<sup>33</sup>

“Whenever a sex worker makes a complaint of an offence, the police must take it seriously and act in accordance with law; also that when a brothel is raided, since voluntary sex work is not illegal and only running the brothel is unlawful, the sex workers concerned should not be arrested; that no child of a sex worker should be separated from the mother merely on the ground that she is in the sex trade; that the police should treat all sex workers with dignity and should not abuse them; and more other positive directions...”

Sex workers in India face multiple traumas be it, sexual violence, emotional abuse, and physical assaults from clients. Their living conditions are terrible, congested lanes, small rooms, smelly localities are the ultimate cause for affecting their health badly as a result of which health problems are also

execution-will-be-the-real-hurdle/988049/(accessed on 24th, June 2022)

<sup>32</sup> Kajal Mukesh Singh & Ors v. State of Maharashtra, 2020 SCC OnLine Bom 954

<sup>33</sup> *Supra*, note 1



rising diseases like cervical cancer, and HIV and STD are most common amongst them. They also face discrimination that erodes their ability to protect their health and well-being. In light of their terrible condition, the Supreme Court's decision comes as a ray of hope for them. The order dictates that the police take the complaint of a sex worker seriously. Previously it was argued by the sex workers that their complaints of rape aren't taken seriously and they are being ignored by the police authorities. In many cases sex workers, also argues that it is the police that victimize them by arresting them or harassing them. However, the court has directed that this be stopped. The court has also instructed that any sex worker who is a victim of sexual assault will be given all of the same services as a survivor of sexual assault, including immediate medical attention. The court's direction is a step in the right direction in the battle for equality. According to the order of the court following are the guidelines:

### CONCLUSION

Prostitution is the profession that has been considered shameful by the society, while the prostitutes are considered impure and shameless individuals but ironically in Navratre, a nine day festival devoted to Goddess Durga, one the most important festival in India, the people worship the deity of Goddess Durga, made of eighteen soils, taken from eighteen different places, one of which is from a prostitute's door. The irony is that the soil from a prostitutes door step is called 'punyamati', meaning the pure soil, but they themselves are called sinister. In India, laws related to prostitution were undoubtedly inadequate and was not having a clear approach. Since sex work was and is not illegal per se in any of the legislation so the question relating to weather prostitution

legal in India was and is irrelevant. Prostitution is legal in India and now it is also being recognized as a profession. Prostitution is a profession that can bring violence and exploitation in certain cases and for the same guidelines are provided. However, for some individuals, it may help in running a family. Additionally, the people must be sensible enough with respect to problems relating to women so that they do not commit such inhumane acts against them. Considering these aspects, the researcher feels that recognizing prostitution as a profession is a favorable step by the apex court as it will ensure protection of sex workers and children, and their rights but the real challenge lies in the execution and implementation of these directions.

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