

“A Connive Suppression”

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“It isn't cruel to remember me by my profession but inhuman to differentiate me on that.”

Prostitution “A Profession” that is a taboo to our societal set up has nowadays appraised as a new institution for discrimination. In around the world it is an oldest profession that is deep rooted into the society where hypocrisy prevails in the name of ethics and morals, where people in the name of religion worship a female but disgrace her when she makes her first cry, where people never discriminate with a rapist “Being a Male” rather drive victim to commit suicide, where people consider it a matter of right and male prestige to force ones wife to have sexual intercourse against her volition but never drop any instance to take a toll on a female sex worker for selling her body to the lusty savages of our society.

Prostitution has a long history in India right from the ancient times¹ till the 19th Century² in British India and a widely recognized social reality today. This profession has no more been an untold story but an open ended aspect of a society that vary in the mindset of people with a constant angle of quarantine without heeding upon the reasons why they have to choose this profession. It is not a myth but a reality, not everyone get into the profession of being a sex worker by will. Prostitution in society has not been an unknown phenomenon... The victims of the trap are the poor, illiterate and ignorant sections of the society and are the target group in the flesh trade; rich communities exploit them and harvest at their misery and ignominy in an organized gangsterism, in particular, with police nexus.³

Labyrinth

The curse of this ill-starred profession doesn't ends with the sexual exploitation, it outstretch to another range of nightmare when a class of women under the labyrinth of prostitution is subject to an obnoxious phenomenon of discrimination in terms of health, livelihood, job opportunity and above all “Equality.”

¹ SUKUMARI BHATTACHARJI, PROSTITUTION IN ANCIENT INDIA, 15 (2) SOCIAL SCIENTIST 32 (1987).

² SUMANTA BANERJEE, THE 'BESHYA' AND THE 'BABU': PROSTITUTE AND HER CLIENTELE IN 19TH CENTURY BENGAL, 28 (45) ECONOMIC AND POLITICAL WEEKLY 2461 (1993).

³ Gaurav Jain v. Union of India and others, AIR 1997 SC 3021 (India).

The Constitution per se has conferred the basic fundamental rights to every individual with a vision to enable human machinery to work at par with dignity irrespective of their profession. This grundnorm even ensures the equality provision,⁴ freedom of association,⁵ right to life and personal liberty,⁶ and more importantly guarantees prohibition of trafficking of human beings and forced labour.⁷

Under Part IV of Directive Principles of State Policy: the State is required to direct its policies towards securing, inter alia, that both men and women have an equal right to an adequate means of livelihood,⁸ that health and strength of workers not be abused, and that citizens are not forced by necessity to enter avocations unsuited for their age and strength,⁹ promotion of the educational and economic interests of weaker sections of the society, ensuring their protection from social injustice and exploitation,¹⁰ requirement of fostering respect for international law and treaty obligations,¹¹ obligation on the state to raise the levels of standard of living¹² and the renunciation of practices by citizens that are derogatory to the dignity of women.¹³ The Andhra Pradesh High Court has also affirmed that these combined duties are placed on the state and a corresponding right is placed on citizens including sex workers.¹⁴

Despite these rights being conferred by the constitution there has been an unalterable treatment with female sex workers, none of their interest and right is being catered. It is more appalling and outrageous on the part of society, that the effort of a female sex worker who tries to get back into the main stream of life by switching over to a different profession is unacceptably unappreciated. It was even concurred in the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others¹⁵ that it has failed adequately to recognize the human rights of sex workers and that it is based on the promise that sex work should end and that all sex workers should be regarded as victims who must be saved from themselves and be rehabilitated.¹⁶ Justice Ramaswamy in the case of *Gaurav Jain v. Union of India and others*¹⁷ opined that “women found in flesh trade should be viewed more as victims of socio-economic

⁴ INDIA CONST. art. 14 & 15.

⁵ INDIA CONST. art.19(1).

⁶ INDIA CONST. art.21.

⁷ INDIA CONST. art.23.

⁸ INDIA CONST. art.39 (a).

⁹ INDIA CONST. art.39 (e).

¹⁰ INDIA CONST. art.46.

¹¹ INDIA CONST. art.51.

¹² INDIA CONST. art.47.

¹³ INDIA CONST. art.51 A (e).

¹⁴ P.N.Swamy, Labour Liberation Front, Mahaboobnagar v. Station House Officer, Hyderabad, 1998 (1) ALD 755 (India).

¹⁵ 96 U.N.T.S. 271 (1949) [hereinafter 1949 Trafficking Convention].

¹⁶ LAYA MEDHINI ET AL, 2 HIV/AIDS AND THE LAW (NEW DELHI: HUMAN RIGHTS LAW NETWORK, 2007) 715.

¹⁷ *Gaurav Jain v. Union of India and others*, AIR 1997 SC 3021 (India).

circumstances and not offender of the society, some police authorities have already set out the process of sensitization towards the sex workers and their treatment” but this all could be possible with a change in the active mindset of the people and their outlook towards female sex workers.

In India, with such diverse societal ingredients, sex work has survived in parallel with the society where it is looked down upon due to the degrading aspects of the profession. Sex Workers across the country, especially in major cities, have been largely limited to a particular area where thousands of sex workers live as a community. Prostitution exists because inequality exists. At the same time, prostitution embeds into society the very inequality it feeds on; thus perpetuating the subordination of women. For prostitution to exist as a monetary exchange, women must be commodified as products in the stream of commerce. In commercial terms, I have a problem with both supply (too many women live in poverty) and demand (too many men believe they have a right to sexual access). Both facts require that women be subordinate which is against the principle of Equality.

Pis Aller

“Soul” – one thinks I don’t have it, others believe I don’t deserve it. But none bothers to realize the other side of the same coin. It is always easier to look from the prospect of general frame of reference adhered by all but involves a whole lot of toil to conceive the same thing from the perspective of one it was actually made about and prostitution is one such thing.

Many women are forced into prostitution for economic, and indeed sheer survival, reasons; this does not constitute “consent.” The practice of prostitution brands all women as something that can be bought and sold; and therefore, just like slaves, less than full humans who deserve the complete panoply of human rights. To eradicate such prospect and an unacceptable reality of their lives the radical feminist position of abolition came into the picture of prostitution. Abolition is the only way to address the root cause of prostitution i.e. personal and structural inequality. We must both improve the lives of women around the world so that they can truly exercise choice and independence and teach men to understand that sexual access is not a right.

The answer to the poverty of women cannot be prostitution but must be the fair distribution of power and resources. Maintaining prostitution as the last refuge for poverty stricken women is exploitation and cannot lead to gender equality. So long as prostitution remains an “option” for poor women, there is no incentive to develop educational opportunities, job programs, or economic policies that could uplift the poor. Prostitution is not only discrimination, exploitation and abuse by an individual man or men, but also a structure reflecting and maintaining inequality between men and women, north and south, white and non-white. Prostitution is the sexualization

of power based on gender, class, and ethnicity and negatively impacts society's view of women. Abolition is the only solution.