**Prostitution: Should it be legalised?**

**Introduction:**

In India, there exists a lot of taboos and stigma either with people or with other dimensions. One such stigma pertains to the profession of Prostitution. In India, it is even very hard to accept the fact that “prostitution” is merely a profession and the women involved into it are human beings. The women involved into this profession face various forms of hardships and sexual embarrassment and they are even not accepted by this so called “civilised society”. So, the question that arises is what should be done to guarantee these women the basic right to earn their livelihood with respect? Ultimately, any woman who is into prostitution is doing it for a living but what she faces is humiliation at the hands of the society.

In this regard, this article pertains to answer many such similar questions in the light of “Should Prostitution be legalised?” The article beneath shall discuss the following dimensions: definition and nature of the term “prostitution”, the kind of negative repercussions this profession brings along for the women involved and thirdly can legalising prostitution solve the problems? The last and the final section would be a conclusion summarising the analysis.

**Background: Prostitution and its Definition**

Prostitution is considered to be a practice of engaging in indiscriminate sexual activity with someone in exchange for money. The most important thing is a prostitute can be a woman, a man, a transgender who is involved into heterosexual or homosexual activity but especially in case of India, women are the ones involved into prostitution and males have been their clients.According to the statistics, there are around 42 million prostitutes worldwide and there have been varied experiences associated with this profession from place to place and region to region. Prostitution and its impact on the society is one aspect and societal impact upon this profession is another aspect. Both have created different dimensions to look at and both have been varying from place to place.

In this context, the next part shall focus on highlighting the stigma, consequences and impact of prostitution and also of those women involved into it.

**Prostitution: Causes, Consequences and Impact**

Considering the causes behind women entering into prostitution are many. The most important is for earning the means of livelihood. There are many women in India who are not educated enough resort to prostitution owing to pressures of sustaining their livelihood. The terminology **“Survival Sex”** is used in this context which implies a condition where women enter into prostitution for the sake of food and shelter. It is believed that such form of prostitution is common among women who are homeless. It is also a common term used in sex trade. There is a common saying by women involved into this profession, **“Women do not choose prostitution, it chooses us”.** This in itself describes a situation that in India, most women do it not by choice but by helplessness.

There are various consequences for these women who are into prostitution, particularly in India. Some of the major ones include Illegal immigration. However, this problem of illegal immigration of prostitutes is not just restricted to India but worldwide. They are illegally migrated from one place to another and sometimes they are not even aware about it. Due to the migrant status, they are an illegal residence in any country they are deported to and hence they cannot claim any legal rights in case of any violation of human rights or in case they face any violent or non-violent situation. There health and safety is at great risk.

There is another concept of **“street prostitutes”** where they solicit clients on streets, in parks or benches and they are highly prone to violent forms of crimes. They are at much higher risks than brothel prostitutes and bar prostitutes.

The impact of “prostitution industry” on the society is huge. Some believe it to be a stigma while others (particularly men) consider it to be a pleasure industry. Some social rights activists and non-governmental organisations believe that legalising prostitution could solve the problem as there would be legal mechanisms to protect the rights and life of those women who face adverse conditions in their profession. On the other hand, there have been views that legalising prostitution would not solve the issue as it would lead greater corruption in the sex trade by running a parallel illegal industry. The next significant part talks about the same.

**Should Prostitution be legalised?**

Answering this question, one can say that there are both pros and cons of legalising prostitution. In this regard, many claim that prostitution should be made legal in licensed places like Brothel. By doing this, the worst forms of prostitution like child prostitution, slavery, trafficking and others can be easily prevented. And legal aspects would ensure these workers better access to health care and other facilities. Making it legal makes it more successfully controlled. Some are of the opinion that wherever there are legal brothels, women do not have access to any basic rights because all these brothels are concerned is about the money they receive from their clients and not about women’s safety or security because for them, if she leaves, there are many others who will join this industry.

Some say that legalising prostitution would better save these women from violence. Although violence should in no way be related to sex trade but then there are cases happening even leading to death of the prostitute. In such cases having legal mechanism can ensure stringent measures against the culprit thereby protecting the women in this industry. There is a flip side to it as many feel that even at places where it’s legal, many workers do not register their cases owing to the fear of they themselves getting arrested and no action is taken against the clients and they even tend to lose their jobs.

In this regard, there is another dimension. Some believe that decriminalisation of sex trade would in itself ensure better safety and security for the workers involved. More than legalisation, decriminalisation is important as it would lead to removing the stigma associated with the sex industry.

The other aspect of legalising prostitution is an increased rate of human trafficking and slavery by the increased demand of sexual exploitation of women and girls. When the law are strong and stringent, the illegal activities and corruption follows in the background and that is the reason that legalising has its own negative repercussions. Legalising would lead to an increased expansion of prostitution market and therefore leading to an increase of more cases of violence, trafficking and slavery against these women workers.

At last, after listing the both pros and cons, what is the solution to this problem of prostitution industry? The next and the last section summarises the key findings and aspects of this dimension.

**Conclusion:**

After the above analysis, the one thing that is clear is the fact that legalising prostitution has its own advantages and disadvantages. Neither can be said to be more effective than the other. The foremost important thing is to identify, address and nullify the issues of abuse in the sex trade. And this can be better achieved when sex work is decriminalised, when sex workers do not suffer from stigma and discrimination and when this society learns to accept them as normal human beings without judging them.

Talking in the context of India, prostitution is an age old practice and trend in India. The current law in India allows prostitutes to thrive but hide it completely from the public. The law that exists forbids a sex worker to carry her activities within 200 yards of public space so that it doesn’t have any objectionable impact upon the society. But there are hardly any provisions for safeguarding the women workers themselves. Ironical, but true!! These sex workers in India do not have any legal provisions within the legal system and do not come within the purview of the existing labour laws. Also, male prostitution is not recognised in India.

It has been observed that there are various reasons for women to join prostitution industry in India like belonging to the family of prostitutes, early marriage and desertion, lack of sex education, lack of recreational facilities, economic causes, psychological causes like greed, desire for physical pleasure etc. Owing to these circumstances in India particularly, legalising or not legalising prostitution won’t create much of a difference. What is more important is that the societal and cultural perceptions should change and these prostitutes should be allowed to live a respectful life. There needs to be solid change within our education system and the role of non-governmental organisations and human rights institutions should be very important in creating and facilitating talks related to the prostitution industry particularly on the conditions, safety and security of the women workers involved into it.

Particularly when women in India do not choose this profession by choice but are forced into it due to infinite reasons, it becomes the responsibility of the citizens like us to look after and draw enough attention towards one of the most stigmatic profession-the prostitution industry.

**Written by:**

**MONIKA GUPTA**

**(Intern-Asha Akansha Foundation)**

**PhD Research Scholar, Jawaharlal Nehru University,**

**New Delhi, India-110067**