

PROSTITUTION IN INDIA: EXAMINING THE LEGISLATION DEBATE THROUGH THE CASE OF SONAGACHI

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ABSTRACT

The prostitution is not just current fire but it emerged from our historical roots. Prostitution is not just about sexual activity but activating the exponent of humiliation, mental cruelty and lowered self esteem. Irrespective of its negatives, it's thriving faster than the speed of light. The Human Trafficking Act claims to protect women from being trafficked, but are women safe enough? Is the act implemented with the right direction? The response of this question lies with the practices going under the noses of legislators, judiciary and law protectors. The researcher requests to consider sex workers under the category of profession marking how it is thriving in metropolitan cities. The researcher carries out the study about Sonagachi, an area infamous for the trade of girls for prostitution. The researcher in this manuscript pleads to make provisions for protection of sex workers and fights to grant them rights and protection. Legalisation of prostitution is a necessary evil as it will support the de-stigmatisation of sex workers in the future of India which will safeguard the dignity of women from sexual crimes.

Keywords: Human trafficking, Prostitution, Red light area, Sonagachi, Legalisation, Health concern.

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1.2 INTRODUCTION

Prostitution³ stands for when a person engages in sexual activity with someone who is not their spouse or friend in exchange for immediate monetary benefit or valuables. It can be performed by males, females, transgenders etc. Prostitution has strong roots in our historical background.

In the mediaeval period, one could observe the essence of prostitution. During *Rig Veda*⁴ it was a tradition when women who were regarded as slave girls were given as present to rishis by kings. Gradually, during the 6th century there was an instalment of ritualised prostitution which dealt with dedicating girls to Hindu gods, popularly known as *Devdasi system* where the word ‘dev’ stands for God and ‘dasi’ stands for female servant. Under this system, only the girls who are young and beautiful and who didn’t reach the stage of puberty were allowed to marry God. Due to this, girls were exploited as these girls ended up being prostitutes for the upper caste people. These girls were not permitted to marry and establish their family and belonging.

By the Later Vedic Age, during the 7th to 8th century there was mention of a more regularised form of prostitution which carried the basis to establish a separate social institution. So as mentioned in Literature, it has information about prostitutes, their fees system and also discusses financial position.

By gradual social thought and evolution women became property of man because it was considered that a woman always belonged to a man. She belongs to her father or brother before marriage and to her spouse after marriage. So every woman belonged to a man as her owner. The women were kept safe and inside houses only. The women who didn’t belong to any man were kept outside the village. To be financially independent, these women offered paid sexual services to men outside the village. Where these services were provided it was known as a red light area. So when men went there, it led to establishment of red light areas and prostitution started being institutionalised.

There was a popular concept of *Joyopojivins* (such as the husbands of actresses, dancers, and courtesans), where husbands relied on women’s income which she earned via providing sexual service.⁵

³ John Philip Jenkins, ‘Prostitution’ (*Encyclopaedia Britannica*, 27 August 2026) <https://www.britannica.com/topic/prostitution> accessed 12 October 2026.

⁴ Sukumari Bhattacharji, ‘Prostitution in Ancient India’ (1987) 15(2) *Social Scientist* 32 <https://doi.org/10.2307/3520437> accessed 12 October 2026.

⁵ ‘Prostitution in Ancient India’ (*Scribd*, 2019) <https://www.scribd.com/document/412004115/Prostitution-in-Ancient-India> accessed 13 October 2026.

During Mughals, as they maintained a rich and luxurious lifestyle they also maintained a *harem* of women. They made provisions for concubines and favourite slave girls to enjoy pleasure by providing sexual favours to them. Akbar even made provision in regard so that these services will not be easily accessible to the public.⁶

After them, British rulers tried to control and regulate this . Prostitution also grew with the growth of globalisation and industrialization. The British tried to control this by enacting various laws on Immoral Trafficking, Contagious Disease Act. These laws were prohibiting prostitution to some extent.⁷

After independence also there were numerous laws in regard to prostitution and saving the public from exploitation. So, from mediaeval times till today the concept of prostitution lies with us.

1.3 HISTORICAL BACKGROUND OF SONAGACHI

The story behind the name sonagachi is an interesting one it goes as ... Once there lived a muslim dacoit whose name was Sanaullah. He lived here with his mother . as believed there was a voice heard saying “Mother, don’t cry,” urged to the mourning mother when he died. “I’ve turned into a Gazi,” he said, and the legend of “Sona Gazi” began. The word gazi has been derived from arabic which means warrior. But after the birth of the prophet it was used for religious warriors. After hearing the voices, thousands of people gathered and prayed together. According to Nair, Sanaullah’s mother made a mosque named Sona Gazi mosque in remembrance of her son. But after her death the mosque eventually vanished by this mosque incident Sanaullah Gazi became Sonagachi and here was the birth of an area called sonagachi.⁸

Sonagachi is located in North Kolkata near the intersection of Chittaranjan Avenue Sova Bazar and Beadon Street, just north of the Marble Palace. During 19th century under british raj, britishers were interested to perform sex practice with Indian women over some monetary consideration and as indian population was exploited and hungry the kolkata turned a commercial hub for britishers because family kicked out children and women from homes and those children reached kolkata for earning and britishers trafficked those kids

⁶ SR Sarode, ‘Historical Study of Prostitution Trade in India: Past and Present’ (Minor Research Project, Venutai Chavan College, Karad) <http://www.vckkarad.com> accessed 12 October 2026.

⁷ It was first passed in 1864 and repealed in 1869. It was to prevent sexually transmitted diseases among the britishers army and navy

⁸ ‘A Saint and Sin: How Sonagachi Got Its Name’ *The Indian Express* (New Delhi, 1 April 2018) <https://indianexpress.com/article/express-sunday-eye/a-saint-and-sin-how-sonagachi-got-its-name-5110138/> accessed 13 October 2026.

ended up entering the gates of body slavery to satisfy British employees. The area of sonagachi was less policed and under British raj due to exploitation people were ready to adopt any profession to feed their stomach. People even rented their house on an hourly basis.

From observations it was noticed that from here the idea started germinating to rent a house and residents of that area started renting it to britishers, prospective prostitutes and rich zamindars so they can fulfil their needs in return for immediate income. Gradually there developed areas not differentiating between areas of ‘gentleman zones’ and ‘prostitutes areas’. Societies were even classified as half gentleman, mixed societies etc. Sonagachi's history related to how it became a red light area is still mysterious. A journalist, Gautam Basu Mullick, he spent more than three decades researching and writing about the city and concludes that collectively no. of factors leads to increase in prostitution.

It is the biggest and largest red light area of Asia . The word sonagachi means a ‘tree of gold’ in hindi called ‘sona ka peed’. It leads multiple brothels and each brothel is separately looked after by head women who assigns sex work , she is known as Massi or called aunty in general. Girls who work as sex workers who are trafficked are usually from areas of Nepal, Bangladesh, Uttar Pradesh and Jharkhand. The most common form of trafficking is making false promises of a job or to help out in any crisis. It is believed that there are around 50,000 commercial sex workers and active prostitutes in sonagachi with 3000 legal prostitution centres and that is running people's household. An estimate was that there are 30,000 Bangladeshi women in brothels of Kolkata. Here the first prostitution centre was established by an east india company. There are some famous brothels as well which are named as Neel Kamal, Prem Kamal, Ganga Jamuna, Night Lovers, and Dream House. It is believed that Sonagachi’s brothels were once owned by notable Bengali families.⁹

Talking about the lifestyle there is a famous Indian American documentary of duration 85 minutes with title “Born into Brothels : Calcutta’s Red Light Kids”¹⁰ about the children of prostitutes in sonagachi. Briski , a documentary photographer went to kolkata and promised the kids of prostitutes to teach photography if they allow her to record their mothers. The kids recorded sonagachi’s essence through their eyes. The kids captured themselves doing household chores and other menial tasks presenting their contribution to family welfare. The film captured their daily lifestyle at sonagachi.the children’s work was presented and one boy was sent to boarding school on briski’s account. Through this documentary, about 4.5 million

⁹ ‘Sonagachi: Lanes of liberty’ *Dawn* (14 February 2016) <https://www.dawn.com/news/1239437> accessed 13 October 2026.

¹⁰ *Born into Brothels* (directed by Zana Briski and Ross Kauffman, 2004) <https://www.imdb.com/title/tt0388789/> accessed 13 October 2026.

rupees were earned and which affiliated the education of many children. Briski even started ngo and started working with the idea of Kids With Cameras.

There is another documentary which represents the lives of the sex workers with the title “Tales of the Night Fairies”.¹¹ This represents the struggles and challenges of the sex workers. In this documentary, the sex workers are empowered under the sonagachi sex workers association. It discusses formation of trade unions. It is not based on pain or shame faced by sex workers but their other challenges are also presented. This documentary makes a person question the legalisation of prostitution in India.

As per Indian law, prostitutes are not illegal but prostitution is. The accused prostitute and her customer(s) are usually released because of lack of evidence in court of law. There needs to be proof of “solicitation” and “payment” in case of adults but in minors, minors are sent to rehabilitation centres or home. Because society doesn’t accept such kids they are usually treated unfairly and the kids again end up in brothels. The shocking fact is Indian police are themselves greedy because of which majority of the arrests are never presented before court of law as they grant a release in exchange of monetary consideration. As it provides huge revenue to the government even from neighbouring countries which promotes blanket ban on practice of prostitution. Till the time there is a market for commercial sex slavery, this practice will continue to function.

A woman was interviewed where she described her experience of how she was trapped with fraud. She tried escaping from that brothel and during escape asked help from police where she was raped by police. She returned back and again joined another brothel. She developed the mentality that this brothel is her home and she is looked after by the head woman. There is overcrowding in brothels because everyday 5 to 10 girls are brought who haven’t even attained the age of 7 and due to this the other sex workers are told to leave the brothel and find work somewhere else.¹²

There are Congested lanes, small and dirty rooms only with space on one bed, and smelly localities which are affecting worker’s health leading to Diseases like cervical cancer, HIV and STD. There are around 30-35 prostitutes living in a 100-yard house together and only one washroom in their brothel. Condition of an escort is still better than a normal prostitute. She even disclosed the payment system that out of the total amount 50% share goes to the head woman and out of the remaining 50% the sex worker has to pay 25% to the head

¹¹ *Tales of the Night Fairies* (directed by Shohini Ghosh, 2002; YouTube, 4 February 2013) <https://youtu.be/Ystke5m8now> accessed 13 October 2026.

¹² ‘The Dark Industry: A View of Red Light Areas in Indian Perspective’ (*Hatpakha*) <https://hatpakha.com/the-dark-industry-a-view-of-red-light-areas-in-indian-perspective/> accessed 13 October 2026.

woman as service charge and the remaining amount stays with sex worker. The customer has to pay 25% extra for not wearing a condom. She explained how during a raid by police, the head woman offers them money and with young and best girls for service. This establishes that some police officials are also a biggest supporter in this practice of prostitution.

The customer has the full authority to treat the girls in whichever they want to and they can't force them to wear a condom, they are just mere pain bearers. These women are selling their bodies as sexual tools to feed their family and under compulsion exploited by society. There are various projects launched for usage of condoms and other safe measures, but because of ignorance there is a wide increase in severe UTI, STD and HIV. During covid 19 the government also thought to provide financial aid of rupees 5000 to full time working prostitutes in return of quitting this body trade. Now, the government started training girls in the acting industry, music and dance industry, and also started training for English lessons to get them employed and improve their lifestyle.¹³

Durbar Mahila Samanwaya Committee (DMSC) took initiative to improve sex worker's and children's education. Majority of sex workers. In the early 1990s, they didn't receive the opportunity to complete their official education as children due to society's stigma, prejudice, and violence and their pressure. This even prevented their kids from education so these sex workers have to hide their identity and their kids identity to prevent themselves from stereotypical society. Education programmes began in 1992 when they realised that peer educators can't read and write and they established a literacy programme. This was the first informal education led by sex workers "Why not our children, too?" and later established a primary school from grade one to three. In 1998, they built a dormitory outside sonagachi so children can reside and attend their schools. They even offered games and a sonagachi football team even presented in countries of Europe and Asia. They even had a 'cultural wing' called 'komal-gandhar' through which students presented in countries like Bangladesh and Nepal and placed first when they performed in Geneva.¹⁴

In 1992, there was also the launch of the sonagachi project by All India Institute of Hygiene and Public Health to inform sex workers about AIDS as well to promote condom use and even Sexually Transmitted Infection testing. The mobilisation effort empowered women for this. This project happened with help of collaboration between government, non government and community based organisations that focuses over 40 areas

¹³ 'Sex Workers to Get Rs 5000 Financial Aid for Three Months in Maharashtra' (*BNB Legal*, 17 June 2021) <https://bnblegal.com/news/sex-workers-to-get-rs-5000-financial-aid-for-three-months-in-maharashtra/> accessed 13 October 2026.

¹⁴ 'Education' (*Durbar Mahila Samanwaya Committee*) <https://durbar.org/education/> accessed 13 October 2026.

throughout the state of west bengal addressing 60,000 male, female, and transgender sex workers based in brothels, streets and hotels. There is a project, launched in 1992, Sonagachi's HIV/AIDS Intervention Programme known as SHIP which is currently in charge as well, it aims at making sex workers aware about the effects of selling their body. In this, trained sex workers went door to door to discuss HIV among brothels. These activities are currently organised by the Durbar Mahila Samanwaya Committee.

To remove the stigma and maintain healthy relationships with mainstream society it was suggested to conduct awareness programs so that they can take aid from society. As per thought, it was suggested to legalise sex work so to make laws in regard to standard payments and protect the rights of prostitutes as human and save them from exploitation. Legalisation of this profession might lead to decrease in human trafficking . This is affecting because of inflation as well as in regard there are more prostitutes arranged to keep the price constant as per Law of Demand and Supply.

1.4 OTHER RED LIGHT AREAS

Even in presence of stricter laws, India is still the world's largest commercial sex industry including huge brothels like areas of Kamathipura, Sonagachi, Paharganj, Kalighat, Garstin Bastion Road , Meerganj , Budhwar Peth , Foras Road, Turbhe tekdi, Chaturbhujsthan.

Kamathipura area is one of biggest red light areas which is popularly known as Lal Bazaar. This area was divided into 15 lanes and as per their regional background of workers. These workers are known as kamathis. Some of these workers earlier worked in dance bars and the ban on these bars forced them to enter into prostitution led by gangs. The highlight of this area was also provided in the movie *Gangubai Kathiawadi*.¹⁵

— *Kalighat* is an area in South Kolkata where it carries two different identities. One is that people in huge no. visited the temple situated there and followed the practice of worship. But on the opposite side there is a darker context related to brothels around the banks of “adi ganga canal” where approximately 1500 prostitutes reside and work.¹⁶

Garstin Bastion Road, Delhi is the biggest red light district of India. It has approx 96 multistorey brothels in which the head woman is called ‘Nyka’ who assigns sex

¹⁵ Mumbai Smiles, ‘Kamathipura – Famously Known for the Red-Light Area’ (*Mumbai Smiles Foundation*, 5 April 2019) <https://www.mumbaismiles.org/blog/kamathipura-famously-known-for-the-red-light-area/> accessed 12 October 2026.

¹⁶ Tapati Guha-Thakurta, *In the Name of the Goddess: The Durga Pujas of Contemporary Kolkata* (Primus Books 2015)

work to girls. Girls are kept intoxicated so they can be used for extra sex work while they stay intoxicated. Girls are even beaten by belts and are humiliated by people and face inappropriate touches and hit by strangers. They are not able to live with dignity and the condition of livelihood is worse. During corona they didn't receive much help and ended up dying out of hunger.¹⁷

Paharganj is an area in Delhi where these sexual services are provided by medium of massage parlours in cheap hotels and bars. There are posters on the street which represent male to female or female to male massages and through this massage parlour sex service is provided. They even keep alcohol with them. It does attract tourists because of its cheaper rates.¹⁸

Areas like these do challenge our laws. It is proof of people who are challenging the Indian laws and its provisions by forming red light areas and illegal trafficking. There are still areas which are thriving and turning into red light areas. The question which bothers is how it is happening even with such strict laws. Is there no one who keeps check on laws? Is it because of the police who are also indulged? Or is it because nobody wants to question those women's suffering which is engraved in their hearts? Or is it human behaviour which is forcing them to perform such tasks. The timely enhancement in such areas is leading towards a society to increase crime against women and treat women as sexual objects rather than an individual with dignity.

1.5 NECESSARY EVIL

The unpleasant act which needs to be performed to achieve a particular outcome. It is necessary to legalise prostitution as it will lead to regularised institutionalisation of prostitution.

— Liberalizing prostitution laws "leads to a significant decrease in rape rates and it's prohibition it leads to increase in rape.." as per study published in *The Journal of Law and Economics*.¹⁹

For this study, researchers like Huasheng Gao and Vanya Petrova from China's Fudan University verified the data from 31 European countries, of the period from 1990 to

¹⁷ Will Brown, 'Indian Authorities Won't Help Millions of Trafficked Women' *VICE* (18 July 2017) <https://www.vice.com/en/article/indian-authorities-wont-help-millions-of-trafficked-women/> accessed 13 October 2026.

¹⁸ 'Move Over GB Road, Massage Parlours...' *Deccan Herald* <https://www.deccanherald.com/content/419461/move-over-gb-road-massage.html> accessed 13 October 2026.

¹⁹ 'Do Prostitution Laws Affect Rape Rates? Evidence from Europe' (*Cato Institute*, 24 October 2018) <https://www.cato.org/research-briefs-economic-policy/do-prostitution-laws-affect-rape-rates-evidence-europe> accessed 13 October 2026.

2017. During this period, eight countries (Spain, Netherlands, Denmark, Hungary, Romania , Germany, Slovenia and Latvia) eased their prostitution laws while on the other hand six countries (Ireland, Sweden, Iceland, Croatia, Norway, France) made laws against prostitution. Like in Denmark, commercial sex per se has no criminal liability but maintaining a brothel is punishable with imprisonment up to 4 years.

As mentioned by Gao and Petrova, liberalizing prostitution laws is in connection to decrease in rape rates whereas prohibition is in connection to increase but extent of these two was far from equal. Rather, the magnitude of prohibiting commercial sex is approximately four times bigger than that of liberalizing it. The average rape rate in the mentioned countries was 9 per 100,000 people. Countries which liberalised prostitution law achieved a decrease of almost 3 rapes per 100,000 people, in respect to countries which didn't change any prostitution laws. On other hand, the countries that banned or criminalised prostitution laws peaked an increase of almost 11 rapes per 100,000 people, in respect to countries which didn't change any prostitution laws.

As per study of 31 countries conducted by them there was increase in rape but it was clearly noticed by them that rape is greater in countries where prostitution laws is controlled or prohibited comparatively to countries where prostitution laws was not prohibited and liberalised. In prohibited countries, rape rate increased from 7.70 to 36.81 (380 percent) during period from 1990 to 2017 while on other hand in liberalised countries it increased from 6.49 to 9.71 (50 percent)

These researchers classified four models of prostitution law as follows:-

1. Criminalisation²⁰
2. Nordic model²¹
3. Legalization²²
4. Decriminalisation²³

As per Gao and Petrova , decriminalisation (specifically abolitionism²⁴) had larger effect on reducing rape comparatively to legalisation while nordic model has greater effect in increasing rape comparatively to criminalisation which does define that criminalising only prostitution customers leading to more rapes.

²⁰ Absolute prohibition and both selling and paying for sex is illegal

²¹ Offering paid sex is legal but paying for sex is illegal

²² Selling and paying for sex under certain circumstances is legal. Circumstances such as state sanctioned brothels or red light districts with special sex worker permit and is regulated

²³ Selling and paying for consensual sex is legal

²⁴ Brothels are allowed

For example, a study of 2018 presented the rapes in Rhode Island decreased when state decriminalised indoor prostitution on temporary basis, a study of 2017 showed lesser sexual assault when street prostitution in 25 Dutch cities was allowed. Whereas rape rate in Sweden increased as they implemented Nordic model, as per research by Riccardo Ciacci, an economics professor at Madrid's Comillas Pontifical University and criminalizing sex work in Northern Ireland led to increased sexual violence committed against women.

1.6 SHOULD PROSTITUTION BE LEGALISED?

Currently, in India prostitution is looked at as something unethical and a violation of cultural rights but it is legal in the eyes of law. On theoretical purposes prostitution is illegal in some instances which are trafficking, solicitation, pimping in brief where it is done without free consent, forcefully or with any minor.

There should be regularised laws regarding proper healthcare, education, safety for women who practice this profession as they face social stigmatisation and face such problems and have difficulty to access. As people believe women who are sex workers as morally corrupt. In places where women get equal protection via law and society, the country is comparatively safer and it will lead to legalisation of profession. Which does contribute to less trafficking and illegal brothels. During trafficking they lose the right to live with dignity and even other rights. Like Right to education, Right to pollution free water and air, Right to privacy, Right of doctor's assistance, Right to health and medical aid, Right of every child to a full development are covered under section 21 of Indian Constitution.

There should be formation of committees and awareness camps to support the sex workers and provide them a free environment to profess their profession and mark the importance of International Sex Worker Day on 2 June annually. We can celebrate this day to create awareness about the challenges and obstacles which are faced by sex workers on a global level and to end the stigma against sex workers.

As per Jack Brehm, a psychologist proposed the theory of Reactance. As per this theory, when a person's freedom is argued, restricted, threatened or eliminated then that person tries to protect their freedom which they believe that they owe it inherently. This resistance challenges a person at an emotional level and affects their ID. To protect their emotion, a person reacts opposite to prove his strength and protect their freedom. Likewise when we restrict Indian citizens to not indulge in prostitution and strictly prohibit that and this does trigger our prostitutes to adapt something which they are prohibited of and prove their strength to society by going against them.

I strongly support the legalisation of prostitution and should be socially accepted in society. They have complete freedom to select their profession. Being in support of this idea I feel that legalisation will lead to support sex worker rights, it would shield women, protect women from STD and provide sex workers with more security and control. And even lead in decrement of rape as per psychological point of view.

The physical diseases which they have risk to be affected with are as follows:

1. Sexually Transmitted diseases: There are disease like chlamydia, chancroid, crabs (pubic lice), genital herpes, genital warts, Hepatitis B , HIV/AIDS , human papillomavirus, Trichomoniasis, Molluscum Contagiosum, Pelvic Inflammatory Disease , Scabies , Syphilis , Gonorrhea, Trichomoniasis. Among these the most common is AIDS which the immune system turns too weak to fight infections due to the HIV virus which attacks the immune system . Under sexually transmitted diseases there is a famous saying “ if you sleep with one extra person you are sleeping with all the extra people that extra person slept with”.
2. Unplanned pregnancy: due to sex worker’s careless behaviour or their exploitation by clients can lead to unplanned pregnancy and that may even lead to further hormonal changes affecting the body of the female. This pregnancy if not taken care of can even lead to birth of an illegitimate child.
3. Substance abuse: in this profession females are forced or they increase substance abuse by under pressure . Sometimes out of compulsion or escapism from reality this promotes substance abuse which affects their body negatively.

Not just physical but also the possible mental disorders they might be affected from are as mentioned below:

1. Post traumatic disorders : they can experience vivid flashbacks, intrusive thoughts or images, maybe nightmares, or intense distress , or any physical sensations such as pain, sweating, nausea or shivering.
2. Depression: they might feel loss of interest in sex or hobbies, might feel frustration, tiredness or lack of energy, feeling of sadness, tearfulness, emptiness.
3. Anxiety disorder: they might feel restlessness , slowed thinking, speaking or body movements, trouble thinking, and even concentration power weakens.
4. Eating disorder: they might start to stop eating because of their performance as thin girls are more desirable in nature. Even due to pressure they might start binge eating.

5. Personality disorder: as India hasn't adapted to such things, due to such a profession, they have to face a lot of societal stigmas and fight public barriers and facing such ignorance in society this does impact their personality.

1.7 CONSTITUTIONAL STANDING

India supported sex workers via various landmark cases where they ensured rights of sex workers and how they must be treated by society and protected them from involuntary sex work. The Hon'ble court also protected their child's movement and educational rights. The court protected sex workers' space and protected their dignity via right to privacy. Few of the cases are as follows:

1. Budhadev Karmaskar v. State of West Bengal (2011–2022)

- **Facts:** A sex worker was brutally murdered in Kolkata in 1999. The accused appealed his conviction to the Supreme Court. The Court expanded the scope of the case to address the broader living conditions, safety, and rehabilitation of sex workers across India.
- **Issue:** Whether sex workers possess fundamental rights under the Constitution, and whether adult voluntary sex work should be protected from state-sponsored harassment and violence.
- **Constitutional Rights:** Article 21 (Right to Life and Personal Liberty with Human Dignity) and Article 14 (Right to Equality).
- **Judgement:** The Supreme Court held that sex workers are human beings entitled to live with dignity under Article 21. In its landmark May 2022 directions, the Court ruled that police must not interfere with or harass adult sex workers who engage in consensual sex work, nor arrest them during raids on brothels. It urged the government to recognize voluntary sex work and protect workers from custodial violence.²⁵

2. State of Uttar Pradesh v. Kaushalya (1964)

- **Facts:** A Magistrate issued notices to several sex workers under Section 20 of the Immoral Traffic (Prevention) Act (ITPA) to remove themselves from a specific vicinity in Allahabad in the interest of public morality and health. The sex workers challenged the constitutional validity of Section 20.

²⁵ *Budhadev Karmaskar v State of West Bengal* (2011) 11 SCC 538 <https://indiankanoon.org/doc/1302025/> accessed 13 October 2026.

- **Issue:** Whether restricting the residence and movement of sex workers under ITPA violates their fundamental freedoms.
- **Constitutional Rights:** Article 14 (Equality before Law) and Article 19(1)(d) & (e) (Freedom of Movement and Residence).
- **Judgement:** A 5-judge Constitution Bench held Section 20 of the ITPA constitutionally valid. The Court ruled that restricting the movement of sex workers in public places constitutes a "reasonable restriction" imposed in the interest of public health and morality. However, the judgment implicitly affirmed that sex workers remain citizens possessing basic constitutional guarantees, subject to valid statutory regulations.²⁶

3. Gaurav Jain v. Union of India (1997)

- **Facts:** A Public Interest Litigation (PIL) was filed in the Supreme Court seeking directions for the rescue, protection, and rehabilitation of children of sex workers, as well as separate educational institutions and child welfare centers to prevent them from entering prostitution.
- **Issue:** Whether the children of sex workers are entitled to social security, non-discrimination, and rehabilitation under the Constitution.
- **Constitutional Rights:** Article 21 (Right to Education and Dignity) and Article 15 (Protection against Discrimination).
- **Judgement:** The Supreme Court recognized that prostitution often stems from poverty and socio-economic deprivation rather than choice. The Court directed the government to set up juvenile homes and vocational training facilities. It emphasized that children of sex workers have a fundamental right to equality and opportunity, and must be sheltered from societal stigma and exploitation.²⁷

1.8 CONCLUSION

Prostitution is rooted in our history and it started institutionalising in the past only. There are various laws to protect women from rape and other sexual abuses under IPC. There are laws regarding human trafficking. Still, Prostitution is widespread and requires proper regularisation. Prostitutes suffer from a list of health and mental challenges and face

²⁶ *State of Uttar Pradesh v Kaushaliya* (1964) 4 SCR 1002 <https://indiankanoon.org/doc/210785/> accessed 13 October 2026.

²⁷ *Gaurav Jain v Union of India* (1997) 8 SCC 114 <https://indiankanoon.org/doc/40881001/> accessed 13 October 2026.

societal pressure on their shoulders. Prostitution in the area of Sonagachi, GB road, Kamathipura is widely popular on the list of red light areas . These areas are densely populated due to trafficking and we should make efficient laws to prevent trafficking.

There should be organisations to protect these sex workers so they can perform their profession safely . These organisations should be guided to guide the people so the sex workers don't have to face societal challenges and can freely live the life of a normal citizen. Their children should also be provided with equal protection. Awareness camps on AIDS/HIV and other STD are the need of the hour. There are numerous obstacles faced by sex workers and even their acquaintances or kids. There needs to be a match of acceptance to burn the devil of unethical prostitution .

The portion of human trafficking leading to prostitution and enhancement in crimes of sexual abuse, how in history it led to institutionalization of prostitution .How prostitution can affect woman and impacting her social identity . As Prostitution is not just about sexual relations but it carries the baggage of humiliation, mental cruelty, and lowered self esteem. the laws to protect women in such surroundings but still they face difficulty in living the life of a regular citizen.

Areas like Kamathipura , Kalighat, GB road, Sonagachi are prominent examples .This paper highlights how sonagachi is a nightmare for a girl. It's mentioned how women are distributed in brothels and sometimes abused as they enter Sonagachi via trafficking portraying the image of a living hell. There are documentaries showcasing Sonagachi and its inner core highlighting police enrolled to support brothels, which proves the need to establish a separate body to protect sex workers and their rights. Discussion on prostitutes suffering from mental challenges as they are bullied by the headmistress and end up with physical and psychological problems. It mentions roots from history to trafficking to fear in mind of women to not step forward for their rights.

The portion of human trafficking leading to prostitution and enhancement in crimes of sexual abuse is rising. Irrespective of numerous judgements supporting the fundamental rights of prostitutes still, There is a requirement for strict legislation specifically made for prostitutes to give them stronger support system.