

IMMORAL TRAFFIC

Prostitution in India



An eyeopener to guardians of LAW and MORALS

V. SITHANNAN, B.Sc., M.L.,

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by V. Sithannan

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Prostitution

Introduction and Meaning

The act of *having sex* is not a sinful one and without that *hunger for sex*, as T.R Malthus would say, mankind's extinction would have been imminent. More so, mankind could not have continued its existence at all. It is a biological urge, one of man's fundamental dispositions, requiring fulfillment. Unfulfilled, it could trigger off a spate of crimes. Although human being is an animal called *Homo sapiens*, he is the most civilized species, bestowed with Nature's unique gift of sixth sense. It is this demarcating factor between this primate of the hominid genus *homo* and the rest of the *fauna*. Against this backdrop stands vindicated the supremacy of human beings. Inherent instincts, such as rational thinking, non-nomadic urban way of life and existence bereft of barbaric instincts - the wont of jungle life, which includes having indiscriminate sex with any person of his species he chances upon, serve as authentic factors corroborating human predominance. Having sex by mutual consent even with very close consanguine relations (prohibited degree of blood relationship) is prohibited as a result of civilization, departing from the jungle behaviour and the contravention of which leads to civil liability and not criminal proteges. Incest, i.e., having sexual relationship with consent with prohibited blood relations, is not punishable under any Indian Statute, though it is treated as an offence in certain other countries.

Sex is a biological urge

Human being is a civilized animal

Incest is not criminal liability

Going back to the societal setup of the Stone Age helps us unearth several revealing and startling facts as regards the position of women then. Women seemed to have been then virtual pawns in the hands of men, going by historical records. Men too seemed to have derived immense conjugal pleasure with any woman they chanced upon to overpower. As per Manusmriti, ves 366, Ch.viii, "A man having sex with a woman without her consent was not considered as a crime against that woman but a violation of the property rights of her father, brother or husband by the person who committed such sexual act, i.e., rape. The woman was considered only a piece of property to which damage was caused. The punishment, therefore, was of the damaged property, i.e., the rapist had to pay compensation to the woman and/or marry her." A public property as women were, they were owned by one and all. Precisely, a female was the wife of all such

men and therefore of no single person and vice versa. When all properties were held in common, women as property were also held in common. An institution of primitive sexual communism, indeed!

Women were virtual pawns, once

Woman was considered as a property, once

Sexual communism

So steeped has this tradition got enshrined in all ancient cultures, that it was virtually prevalent a few decades back even in India. There were times when this tradition served as a token of hospitality. 'Aditi bhava devo' - A guest should be treated as a God, so goes a Sanskrit saying of the past. Even when a guest desires to have the wife of the host, she should be presented to the guest, without any hesitation by the host. For instance, in the case of Eskimos, until recently, the practice of prostitution symbolised hospitality, in other words, an act of socializing. Will it not be incorrect to call him a prostitute for his promiscuous sexual act, instead of cursing the exploited women and girls as prostitutes?

Prostitution, as hospitality?

Although, sex is a universal need, it becomes illegal and illicit, only when such an act becomes prohibited by law. No amount of scientific advancement on earth could possibly stop this inherent and spontaneous sexual urge in human being, be it male or female. But man had the audacity and temerity to credit himself with the licence to have it more than the woman. He claims that he is more in need of it as an inspiration and excitement, giving him the much-wanted psychological kick, the sexual erotica. Accordingly, he seeks pleasure outside the wedlock, from females of his choice, other than his wife. Lone, hapless destitutes, orphaned women and damsels serve as his prime target. This thirst in men has been cleverly portrayed even in a Tamil saying. It is so crude enough to portray elder brother's wife is a half wife and younger brother's wife is full wife ('Annan pondatti araipondatti, thambipondatti muzhupondatti'). Men are virtually seduced alike to the point of falling for the charms of any woman in his close proximity. If there is a widowed sister-in-law, aunt, stepmother, daughter-in-law, permanent maidservants, charwoman, chanteuse, young and beautiful lady secretaries or if he has an opportunity to work in night shifts with girls, he considers himself a doubly blessed man. Pinki Virani in her fiction novel 'bitter chocolate' bitterly lambasts the fathers and brothers who sexually abuse their own daughters and sisters and even painfully narrates quite a few true happenings in this regard.

If not prohibited by law, sex is permissible.

Is man licensed to have more sex than the woman?

Are males doubly blessed?

K. Lakshmi Raghuramaiah rightly says:

“Strengthened by a deep-rooted, but mistaken notion that men are polygamous and

women monogamous by nature, the hitherto male-dominated societies have shown a Nelson's eye to the facts of life and have unabashedly discriminated between man and woman, the members of the same species, to both of whom sex should be a common craving like hunger and thirst.

A male's double standard morality

He has converted marriage, that much-lauded symbol of organised living, which should ideally be a union of two equals, into a prison where woman is subjugated under the yoke of monogamy, leaving himself free to do what he likes. Man's double standard morality has perpetuated prostitution as an established and organised byproduct of marriage".

Bigamy and Polygamy, i.e., having two or more wives was the order of the day. It seemed to have spread to every nook and corner of India mainly due to there being no religious sanction against it. Men, issueless by first marriage, normally opting to beget a son as the sole heir to his fortune, in other words a son to inherit his property, choose to remarry. If this were unsuccessful, she begetting only female children, he would hop over to yet another. The male with XY chromosome alone is responsible for begetting a male child, who if not begotten, the wife, whose XX chromosome is not responsible for that, is blamed and he conveniently jumps to some other female, symbolizing the act of a chimpanzee, the evolutionary lead. Perhaps, this would go on endlessly, only akin to Kings, Zamindars, minors, poligars (*palayakkarar, pattayakarar, Mitta, Mirasudar*)... the rich...of yesteryears, who ran lavish extravagant lives resplendent with pomp and show. To sum it all up, it was for the purpose of pleasure and social prestige that men married more than once.

Men invented reasons to have more wives

Male alone is responsible to beget female child

Polygamy was also not uncommon among the poor and downtrodden with adultery and promiscuous sexual relationships being rampant. Polyandry, i.e., the practice of a woman having more than one husband, seemed to have been in vogue say since some 5000 years back. In fact, at that time matriarchal social ordering too must have been the dominant form. Even as late as 1960s, polyandry seems to have been practised amongst the Nairs, whose women had more than one husband. This practice is to be seen even today among the Todas of Nilgiris, according to K. Lakshmi Raghuramaiah.

Polygamy and Polyandry

Those ostensible gentlemen, who frequent prostitutes, are also those who love their wives dearly and respect them greatly. Such men are so selfish enough as to place their wives on the pedestal of a demigod sparing all efforts to be soiled, leave alone spoiled. But at the same time, they wish to give vent to their conjugal feelings seeking pleasure through courtship, having sex outside, with young girls of ill fame. Would they ponder for a

minute over their immoral act of entering into sexual orgy with girls or girlfriends much younger than even their own daughters and grand daughters? When I asked one of my friends who on and off frequented either girls of ill fame or girl friends for short seasons, his reply was interesting “you know pal! when I go with new girls often, I feel extremely delighted everytime and it thrills me with excitement as if I have first night for the first time with a fresh virgin”. Is it not an atrocious gender discrimination? Can he not be condemned as a male prostitute?

Ostensible gentlemen

Man never wanted his wife to be soiled or spoiled, but..

Increasing urbanization, frequent or prolonged professional tours necessitating extended stay away from home and even frequent switchover of positions from one company to another often for better prospects, have separated many men from their wives and sexual partners. In a way, it is this separation factor that has wrecked havoc in many a family, with the spouse seeking sexual comfort in any unacquainted/acquainted person of the opposite sex. ‘*Sex starvation*’ has become an inevitable byproduct of urbanization and semi-urbanization. Close proximity during prolonged working hours, the corporate lifestyle of persons employed in companies, opportunity in the form of night shifts, posh parties and outings, a bulging purse at young age and invasion of western culture facilitate both the sexes transforming them into companions and even bed fellows.

Sex starvation becomes a byproduct of urbanization

Prolonged close proximity of both sexes make them even bed fellows

K. Lakshmi Raghuramaiah rightly pointed out that,

“In a healthy adult human male and female, there is a basic physiological and biological urge for repeated sexual consummation though not often. As the physiological sexual tension mounts up, the body demands relief. For an unmated and otherwise sexually unsuccessful male, a visit to a prostitute can at least satisfy his basic physiological need as a safety valve”.

Prostitution as a safety valve

Conjugal bliss thereby gets shattered, leave alone a happily married life. Even very few women also who are unable to withstand loneliness succumb to this sexual urge. It is rarely the wives of some of these company or touring executives, or young wives of impotent or elderly husbands, seek pleasure either from their male servants or from other male friends and of late, from male prostitutes, in order to ease their Libido.

Plight of wives having impotent or elderly husbands

What is needed for sexual intercourse is the active consent of the other party, with whom a person wants to have sex, irrespective of the fact whether the other party is

younger or older to him or within the prohibited degree of relationship. The Indian Penal Code statutorily prevents a person from having sex with a girl below 16 years of age, despite her active consent for it. If the act is committed, it amounts to statutory rape, punishable under Section 376 of Indian Penal Code. So any person, whether a male or female, may have sex indiscriminately with any person of his/her liking, when the female is above 16 years, provided there is active consent. The Indian Penal Code also prevents a husband from having sex with his wife, despite her active consent, if she were below 15 years of age. In case, the husband proceeds to indulge in sex with his underaged spouse, it also amounts to statutory rape, punishable under Section 376 of Indian Penal Code, despite leniency in sentence.

Mutual active consent, a must to have sex

Girls below 16 years cannot give consent for sex

Even a husband cannot have sex with his wife who is below 15 years.

Promiscuous sexual activity leads to immorality and to various diseases, not only to the person concerned but also to the innocent victim of sexual abuse in the society. Even then, in the history of nations across, perpetrators to this wilful wrong, predominantly prostitutes, were allowed, tolerated, permitted, venerated, held in high esteem, pampered, despised, halted, whipped, flogged, beheaded, ill treated and regulated with the patronage of the erstwhile Rulers all over the world and, above all, exploited, physically and economically.

Pitiable ways of treatment of prostitutes

Even certain Kings and Emperors in the past used girls and women, even at the risk of their modesty, for reconnaissance to spy on enemies or for collecting secret information about enemy's position and strategy. Such women and girls, who were at a disadvantageous position, exploited this situation to the fullest possible extent, indulging in such promiscuous sexual act for gain. The rich, the powerful and the mighty sexually exploited their poverty, disadvantageous position and their low economic status. Therein lies the origin of the word, prostitution is one of the '*oldest professions*', to monstrously grow out of proportion only to become institutionalized later. So exploitation of the woman and girls in prostitution ranks among one of the '*oldest crimes*'. Naturally, no sane and level-headed human being would ever want his nearest of kith or kin to eke out a living on prostitution, a profession that is against all moral standards set by Society. However, he is magnanimous enough to passively allow or permit prostitution indulged by somebody else or even he wants to have clandestine sex with unacquainted woman in a closely guarded manner, even, without the knowledge of the persons close to him. For, stolen fruits and stealthy kisses are much sweeter.

Women and girls are vulnerable

Prostitution is one among the oldest professions

Exploitation of women or girls may be one among the 'oldest

In this context, the State cannot be a silent spectator as prostitution, as an institution, not only affects the persons involved in it, especially women and children, but also demoralizes the youth to earn quick money and affects the members of society at large with various diseases. Hence, various rules were enacted by the rulers to eliminate, eradicate or prohibit this profession, but in vain.

If prostitution is totally wiped out from the society, so opine some people, it could lead to an increase in rape by persons having no permitted sexual partners, as the inherent sexual urge of man cannot find an alternative or more so, recourse, otherwise. In Western countries, prostitution was considered a '*necessary evil*' and, as such, prostitution had the social function of satisfying the socially repressed male sexual needs which, if left unexpressed, would eventually be directed towards '*honest*' virgins and married women (George Simmel 1968,1984).

In India, due to male dominance and due to the power and hold of the institutions of religious and social patriarchy, a female is expected to be a virgin till her marriage and is supposed to be a chaste woman throughout her lifetime. A woman should get up early long before her husband, carry out her daily household chores, take care of his needs, satisfy his thirst for sex just as a prostitute, as the noted Tamil poet Kavignar Kannadasan had once mentioned and go to sleep much later. If the husband has sex with a woman outside the wedlock he earns praise for his capacity and is even adored for his masculine act. On the contrary, a wife is expected to be loyal only to her husband. So much that long after his demise, she is expected to live alone in his fond memories. Devotion of a wife to a husband has been spoken of always with much reverence. The aggressive male sexuality is always dominant over the female persona. Is Indian female submissive sexual erotica, an accepted commodity to be exploited?

Despite different standards set apart for men and women, the position of women in India has definitely improved from the days of ancient Kings up to the modern high-tech industrial era. But glancing over the pages of history, one is filled with astonishment to know that in the case of certain martial tribes like Rajputs, a wife's mortal life on earth comes to end the moment her husband died. As per this ancient ritualistic tradition called '*Sati*' she had to wilfully jump into the funeral pyre of her husband. In the ancient Tamil society also, this tradition seems to have been deep rooted. Kopperundevi, queen of Kopperum Chozhan, entered alive the funeral pyre of her dead King, so says ancient Tamil literature. Now, the practice of '*Sati*' in India is prohibited as per the Commission of Sati

(Prevention) Act, 1987. Let us get a brief idea of what is mentioned in Hindu Code. As per the same, a chaste wife means 'Sadhvi', i.e., "she, who slights not her lord, but keeps her mind, speech and body to him". In ancient Rome and Greece, for instance, the wife was expected to wear a 'Chastity Belt', when her husband was away.

Once, wife had to jump into the funeral pyre of her husband

Wife is expected to be 'Sadhvi'

It is a known riddle whether or not the same logic of permissive sex applies to a wife! A woman, who has sex outside the wedlock, is condemned as an 'unchaste woman', whereas a male indulging in the same act is not condemned so, but hailed for his chivalrous act of having sex with several women. That is called manly valour.

Chastity not applicable to males?

For males, monogamy is okay, bigamy is liked and polygamy is mostly preferred, but a wife can have only one husband. A widow, who remarries, is looked upon like a base creature. The great Indian Epic "The Mahabharata" mentions of Draupadi, who is said to have married the five Pandava Princes at a time. But, is it possible in real life?

Polyandry never encouraged

The Hindu Marriage Act, 1956 and the Special Marriage Act, 1954, put an end to bigamy and polygamy. Though, the act of males having sex outside the wedlock is immoral, it is considered only as a civil liability. Since marriage law allows only monogamy, a male can have sex with his partner only and is legally deprived of having sex outside. Hence, males start indulging in promiscuous sexual act clandestinely and, thereafter, prostitution begins as a necessary social evil.

Males' thirst for extramarital sex leads to immorality

Owing to the spread of most dreaded diseases due to prostitution, most of the States thought it prudent to enact laws making prostitution punishable. As there was no desired result, almost all States declared that prostitution *per se* is not punishable, but only commercialized sexual vice, coupled with exploitation or abuse of females. From time immemorial, only females were considered to be indulging in prostitution. But in modern times, such a perception has changed and we find that even males are sexually exploited and abused for gains. Thus, in the present times, a prostitute may be a female, male or hijra.

Prostitution per se is not punishable but commercialized vice alone.

Prostitute may be a female, male or hijra

Prostitution (from Lat. prostituere, to expose publicly), as a word, may well be

defined as promiscuous unchastity for gain.

Prostitution - meaning

However, *prostitution* is most commonly defined as the sale of sexual services for some form of remuneration - usually money, drugs, ornaments and luxuries. This can take place on the streets, in houses, massage parlours, saunas and vehicles or at private places. Here, the services are solicited by word of mouth or by gestures, including direct approaches in pubs, clubs and hotels and latest, through cell phones or Internet. The provision, which hitherto punishes prostitutes for solicitation, will soon be omitted from the statute book, if the amendment bill tabled in Lok Sabha is passed soon.

How solicitation takes place

Solicitation to be made not punishable soon.

Historical Background

A woman as a *prostitute* has many names in English, such as *prostitute, prostituted woman, whore, harlot, sex worker, commercial sex worker and sex trade worker*. In several Indian languages, one finds different names for them, depending on the historical period of their existence and the region in which they operated and professed.

'Prostitute' has many names in English

Religious literature is replete with information on prostitution. Old Testament contains several injunctions against prostitution. There are also several denunciations of the sacred prostitutes attached to the temples of Canaan, by the prophets, particularly Hosea. In this context, it is worth mentioning that Tamar, one of the three women mentioned in Christ's genealogy in the New Testament, acted as a prostitute to obtain a child through her father-in-law to continue her line. Jesus Christ, who preached and practised compassion, brotherhood and love, was extremely considerate towards immoral women.

Reference of prostitutes in Testaments

Greek prostitutes known as *Hetaera* were accomplished women in their own right and were also talented and intelligent companions. King Solon set up State houses of prostitution in Athena and the government officials, who were ordered to take care of the establishment and fix prices, managed them.

Greek history of prostitution

Rome is full of incidents where professional prostitutes played key roles in the background. Tiberius of Rome created a vice squad and a supervisory police under the control of aristocrat Ozoniums Prisenus. Justinian enacted various laws punishing accomplices of prostitution, but was sympathetic towards prostitutes. In 1347, Queen Joanna of Naples created a Government brothel in Avignon, where the prostitutes were fed, clothed and even paid wages. Alphonsus IX of Castile made prostitution as something not punishable but the traffickers were not spared either. In the 19th century, prostitutes were offered free medical care in Paris and this example was followed by Britain.

Prostitutes in different parts of India are known by different names, *Devadasi, Devadiyal, Kannerikam, Basivi, Kanjais, Kuleenas, Jaunsar Bawars, Harbedas, Bahio Kojeers, etc.*

Prostitute in ancient days

Vedic literature serves as a warehouse of information on prostitutes and prostitution. For instance, the '*Rig Veda*' mentions both prostitutes and illegitimate children. Vagabond priests and their female companions have been described in the '*Atharvana Veda*' as *sacred prostitutes*. Who can forget the Hindu ritual of love in Vatsyayana's '*Kama Sutra*'! Manu wanted prostitutes be severely punished. He also forbade the Brahmins from touching the food given by prostitutes. Kautilya, also known as Chanakya, the renowned author of '*Arthasasthra*' wanted prostitutes to be utilized by the public exchequer and also as spies. Abdul Razak, a Turkish Ambassador, recorded that Vijay Nagar prostitutes were kept in the state-controlled brothels during the 15th century.

Aini-I-Akbari of Abul Fazl narrates the status of prostitutes during Akbar's regime as follows:

Akbar, the Great, permitted and regulated prostitution

"Under Akbar, the prostitutes of the realm, who had collected at the capital (and could scarcely be counted, so large was their number), had a separate quarter assigned to them, which was called '*Shaitan Pura*' (Devils Ville). A Darogah Superintendent and a clerk were also appointed for it, who registered the names of such of those who went to the prostitutes, or wanted to take some of them to their houses. People might indulge in such relationships, provided the *toll Collectors* permitted it. But, without permission, no one was allowed to take dancing girls to his house. If any well known courtier wanted to have a virgin, they should first apply to His Majesty and get his permission"

Varied shades of patronage to prostitution

Moghul empire, known for its promotion of art and architecture, had shown varied shades of patronage vis-a-vis prostitutes and prostitution. Shahjahan's golden rule saw dancers and public women enjoying maximum liberty and freedom and the latter were found in large numbers in cities. But the situation took a turn for the worse under his son Aurangzeb's tenure. The latter, an ascetic, had in fact even promulgated an ordinance prohibiting prostitution. Its enforcement was in vogue to such an extent that he directed them either to marry or to clear out of the realm. Naturally, prostitution seemed to have taken a backseat under his rule.

Aurangzeb harsh towards prostitutes

'Prostitute' and 'prostitution' find mention even in early Indian literature. Sanskrit literature describes them as *veshya* (prostitute), *sadharani* (public woman), *rupajiva* (one who earns a living by using her charms), *ganika* (enjoyed by one person or many persons living in a group), *rupadasi* (enslaved by her physical beauty) and so on. In colonial times, in Bengal for example, they were called *baijee* (dancer), *nautch girl* (dancer), *raanr* (widow or prostitute), *randi* (prostitute), *baishya* (prostitute-the Bengali version of a *veshya*), etc. Until recently, women's groups in India carefully avoided words like *commercial sex worker* or *sex trade worker*, as they symbolised commercialization of sex. In fact, most women groups and gender activists, however, insisted that in their association with women prostitutes, the latter did not perceive themselves as 'sex workers'.

Sanskrit literature has many names for prostitutes

Prostitutes do not want to be called as 'sex workers'

In Bihar, there exists a community reportedly said to have been engaged in prostitution similar to *devadasi* system. *Venkatasanis* of the Domara community in Andhra Pradesh are also said to have nurtured prostitution. Similarly, the Banchara and Bedia communities in the state of Madhya Pradesh and the Rajnat community in the state of Rajasthan are also said to have practised prostitution. For these communities, prostitution is a religious ritual, to be judiciously followed.

Community prostitution religious ritual

In the post-Vedic period, epics such as the *Ramayana* and the *Mahabharatha* contain numerous references to prostitutes who seemed to have been an integral part of the then society. Prostitution must have existed alongside practices such as concubinage, maintenance of harems by royalty and female slavery. Prostitutes were part of the entourage of hunting expeditions of Kings and served as motivating factors to armies at the war-front. They even could and did form guilds, hold meetings and demand greater civic and domestic rights. However, with the advent of the *Upanishads*, one of the major sources of Hindu Codes, prostitution came to be stigmatized along with what was then considered the most heinous of sexual offences, namely, *bestiality*. In turn, prostitution was heavily regulated and institutionalized by the State. Prostitution became a legitimate institution and the later-day Hindu Codes contained several rules and regulations as to how prostitution should be run and maintained in the society.

Ramayana and Mahabharatha have references to prostitution

Upanishads stigmatized prostitution

'Prostitution' as a social institution existed in India, right from ancient past. In those times, women prostitutes belonged to three categories, namely, the *Kumbhadasis*, the *Rupajivas* and the *Ganikas*. While the *Kumbhadasis* and *Rupajivas* carried on their trade in

a discrete manner, the Ganikas practised their profession in an open and direct manner.

Ancient classification of prostitutes

In the estimation of the then Society, the '*Kumbhadasis*' were considered to have hailed from a very low strata. They were usually employed as housemaids or servants in a family and as such became almost the property of the master of the house. The master had absolute power over the life and death of *Kumbhadasis*. In such a situation, these women were expected to render sexual services and creature comforts also to their Master.

Kumbhadasi

The '*Rupajivas*', on the other hand, were a little higher than the '*Kumbhadasis*' as regards social hierarchy. They were a desparate group of '*prostitutes*', who rendered sexual services for hire to an equally desparate group of men, belonging to varied socio-economic strata. For instance, some '*Rupajivas*' were housemaids, while some others were sexually dissatisfied wives, who resorted to this extramarital way of sexual gratification with or without the consent of their husbands. Yet, some other *Rupajivas* were trained artistes, engaged in dance and music and sexual services for their customers. They usually hailed from the lower strata of Society and in their case, their husbands, who normally lived on their incomes, acted as pimps.

Rupajiv

For the '*Ganikas*', prostitution was a profession recognised by the State and, therefore, it came under the purview of its regulations. Ancient sage *Vatsayana* had taken the trouble of identifying 64 kinds of performing Arts and a *Ganika*, before entering the profession of prostitution, had to be well versed in all these 64 Arts. Further, *Vatsayana* had even classified all women, according to their physical beauty and intellectual calibre, into four types and the class of '*Padmini*' women topped this list of four. By this token, a '*Ganika*' was drawn mostly from the class of '*Padmini*' women, as she was astonishingly beautiful, intellectually gifted and highly talented.

Ganikas

It is mainly, due to the above-mentioned reason, that a '*Ganika*' enjoyed social respect, in other words, she was a well- respected person in society, to the extent of she even being given a seat of honour in royal courts, in the assembly of men and in public functions. She seemed to have been held in high esteem by Kings and nobles. Poets sang encomiums and praises depicting her charm and inherent artistic talent. To have her companionship was considered by many men as a rare honour. In any public function, she would be the cynosure of all eyes, a much talked-about person of the town. Among the three types of prostitutes, *Ganikas* enjoyed maximum freedom. They were given access to '*education*', inclusive of education and training in performing arts, a rare honour denied to

Ganikas - first grade and talented

In a society, steeped in tradition and superstition, Ganikas symbolised bringing in well-being, luck and prosperity, wherever present. There was a period in Indian society when a particular custom forbade widows, as they symbolised bad omen, from appearing in public, lest some misfortune should befall. On the contrary, Ganikas could never be widowed, as they could never pinpoint a single man as *'this is my husband'*. Men of royal lineage and noble patronage, attracted by Ganika's grace, art and culture, were easily drawn to them, visit them and even possess them. She was no longer confined to Man and Wife relationship, established and solemnised by the institution of marriage. Considered a *'nithya sumangali* - she was portrayed as remaining eternally married and reaching widowhood being out of bounds for her. Naturally, she is an epitome of grace, is ever auspicious, at the same time serving as a good omen in any public function and festivals. Ganikas, hence, were bestowed with the unique honour and right of blessing the *mangala sutra*, even before the *'mangalaya darana'* i.e., bridegroom tying the *mangal sutra* or the *thali*, around bride's neck symbolizing the ritual that they become man and wife.

Custom forbade widows as bad omen

Ganika was treated as 'Nithya Sumangali'

In ancient society, Ganikas were considered providers of a special kind of service, sexual and entertainment service to the nobility, of course with the approval of the State. They were treated on par with the other Government servants and as Government servants, Ganikas were each paid a salary of 1000 *panas* per annum by the State. However, they had to return the remuneration they had earned from their customers to the coffers of the king. In the Maurya period, for example, the Ganikas were brought under the monitoring control of a separate Ministry headed by the State minister for Prostitutes, *Ganikadhyaksh*. It was he who fixed their fees, resolved their disputes and offered his decisive services in matters relating to succession of their property and wealth. As of other artists, for example, dancers, musicians and official performers in the Royal Courts, the incomes of the Ganikas were also taxed.

There was even a minister for prostitutes

As *'Ganikas'* were the property of the State, they were unable to earn their freedom away from the holding of the State. Theoretically speaking, *'Ganikas'* could be redeemed only at a very prohibitive ransom. In the Tamil epic *'Chilappathikaram'*, we learn that Kovalan redeemed Madhavi for his exclusive possession, only on payment of a huge ransom. Even though in the literature we get this perfect example of the redemption of a Ganika woman, in reality, it was very difficult for a Ganika woman to be ransomed into freedom. Further, if a Ganika had a daughter possessing all the qualifications required of a Ganika, she was expected to follow the footsteps of her mother. We know from the Tamil

epics *Ceevaga Cinthamani* and *Manimekalai* how the then Society tried in vain to push *Manimekalai*, daughter of Madhavi, into the Ganika profession even though the Prince of the kingdom wished to marry her. She renounced the world and became a Jain monk.

Ganika could be redeemed

Manimegalai escaped flesh trade

Ganikas were so dominant in society that they were empowered to form and organize guilds and associations, with a view to forging solidarity among themselves as well as to voice their grievances to the State. These associations received monetary contributions from the well-to-do Ganikas as well, the funds from which were used in the welfare of poverty-stricken Ganikas. Affluent Ganikas helped build public utilities such as tanks, wells, roads and temples, bridges and boulevards.

Ganika formed associations and contributed to the general welfare

The State too did all in its might to take up the responsibility of looking after the aged Ganikas. The royal households too did their might in the rehabilitation of Ganikas as cooks, midwives, nurses and maids. On the death of a Ganika, her next of kin, daughters, or even her sisters became the legal heirs. Heirless, the property would then pass on to the State, the escheat.

Old age prostitutes taken care of

Ganika, a prized possession of the royal courts, performed diplomatic functions as well. It is mainly due to this reason that men entering into sexual relationship with a Ganika or her virgin daughter, much against the former's will and consent, were punished severely. Likewise, if a client kept a Ganika under confinement, abducted her against her will, or disfigured her, he was punished severely with a fine of 100 *panas*. However, when a Ganika herself violated the royal decrees, the punishment meted out to her was even more severe. For example, when a Ganika refused to entertain a guest, who the king wanted her to entertain, she was given 100 lashes in public, besides a fine of 5000 *panas*.

Sex with Ganika against her will was punishable

King can order Ganika to entertain

In the post-Mauryan period, well-educated and highly accomplished women were permitted to enter the trade of prostitution. As such, they were not a despised community, but wielded great influence over kings and nobles, contributing to charity. Further, we learn from the *Jataka* stories that Lord Buddha used to take food from these courtesans, accept contributions from them and used to stay with them. This clearly shows that Lord Buddha never despised these women.

Lord Buddha was cordial to courtesans

Ancient Tamil literature also has references showing that in each and every place and town in Tamil Nadu, the institution of female prostitution was widely prevalent. The types of such prostitution were as follows :

| | | |
|-----------------------------|---|--|
| <i>Kamakizhatthi</i> | — | Concubine |
| <i>Kathal paratthai</i> | — | Beloved Concubine |
| <i>Illapparathai</i> | — | House Prostitute |
| <i>Cheripparatthai</i> | — | Prostitutes of Cherais and Slums |
| <i>Purancheri Paratthai</i> | — | Prostitutes in the plenum of Cherais and Slums |
| <i>Kamakkanigaiyar</i> | — | Lustful Prostitutes |
| <i>Porul Vazhippendir</i> | — | Women after money |
| <i>Pathiyilar</i> | — | Unwed Women |

Tamil literature of the Sangam age showers lavish praises on husbands visiting the houses of prostitutes. The history of Manimekalai itself is a portrayal of how the then Tamil society violently stood against her opting to become a normal married woman, mainly because she happened to be the daughter of Madhavi. With regard to the living conditions of women in the Tamil society 2000 years ago, Malathi Maitreyi states the following:

Sangam age Prostitution

“When we see the evidences in literature, we come to know that in the towns of Madurai and Poompukar, there were thousands and thousands of prostitutes. In the festival of the christening of Manimegalai, we are shocked to learn from literature, which records that some 1000 prostitutes took part in that function. It was in the name of Art and Service that the institution of prostitution was encouraged in Tamil Country.”

Chilappathikaram, a Tamil epic of the second century A.D., boasts of one such event in which nearly 2000 prostitutes took part in the marriage of Kovalan and Kannagi offering their choicest blessings.

Devadasi System

‘Devadasi’ is a Sanskrit word that can be split into ‘deva’ meaning God and ‘dasi’ meaning female slave, literally meaning ‘a female slave or servant of god’. It is a religious practice found in some Hindu Communities, especially in Southern India, whereby at puberty, a girl is married off to a Deity of a Temple. After the dedication ritual, the girl becomes acolyte at the temple. The institution and the women in the profession are also known by various other local terms. Besides this system, certain communities like the Rajnat of Rajasthan, the Bedia of Madhya Pradesh and Bachada of the Rajasthan -Madhya Pradesh border also have some socially sanctioned practices that exploit women.

The *female temple prostitutes* were known in Hebrew as ‘*Qedesah*’ However, from I Kings 14:24, Amos 2:7 and Hosea 4:14, we become aware of the fact that ritual prostitution was widely practised in Israel and that the expulsion of such ritual functionaries was an integral element of reform movements in Israel, beginning with Josiah. This leads us to infer that *ritual prostitution* was an integral part of the fertility rites of the Near East. Temple prostitution of both male and female was practised in both Aryan societies like Greece and Rome, as well as in Eastern Societies like Egypt. In the case of India, ritual prostitution of girls or the *Devadasi* system originated some 3000 years ago and is still prevailing in some areas, in spite of its abolition statutorily.

Ritual prostitution was worldwide

Devadasi system is more than 3000 years old

In her paper “A Paper against Dedication of Girls to Temples” Dr. Muthulakshmi Reddy observed that the Devadasis believed that they live a holy life and, therefore, they were dressed only in very simple attire and subsisted on food given to them by the temple authorities.

Several examples of devadasi prostitution prevailing in different regions of India are:

| | |
|-----------------------|--|
| Andhra Pradesh | : <i>kudikar, bogam, jogin, dogams and sanis</i> |
| Goa and Western India | : <i>bhavins or bhavinis</i> - meaning ‘beautiful wanton women’, Kolatas |
| Karnataka | : <i>basavi or jogati</i> |
| Maharashtra | : <i>murali, jogateen, jogtini, or aradhini</i> |
| Tamil Nadu | : <i>devaradiar or dasis</i> - meaning ‘servants of God’ |
| Kerala | : <i>kudikkars</i> - meaning ‘those belonging to the house’ |
| Orrisa | : <i>ganika</i> |
| Assam | : <i>nati</i> |
| West Bengal | : <i>Kuleena</i> |

Devadasis of India

Nambudiris (Brahmins of Kerala) were said to have then evolved a peculiar system of prostitution, whereby, the helpless husbands of some of these women had to make way for a Nambudiri wishing to consort with her. Of course, this custom has now vanished and is no more in existence.

The Kuleena system in Bengal and the tradition of dedicating girls by the Naiks in Almora, Garhwal and in the hill tribes like Harbedes, the Kolatas in Goa, the Darogaus of Rajasthan and the Berias and Kanjars, in Uttar Pradesh, Bihar and Madhya Pradesh, were hereditary. However, this practice is not prevalent now, due to their awareness and sensitization.

Hereditary dedication of girls

Tamil Nadu too is no exception to be smitten by this monstrous flesh trade. Prostitution as a social institution was most popular in Chingleput, North Arcot, South Arcot, Thanjavur, Tirunelveli and Trichirapalli districts of Tamil Nadu. It was equally prevalent in our adjoining states be it the Krishna, Guntur and Nellore districts of Andhra Pradesh or in the Dharwar and Kolar districts of Karnataka. To date, most of the Devadasis in Andhra Pradesh have been earning their livelihood by dancing, singing and indulging in prostitution. A similar practice in Tamil Nadu is known as Mathamma and is found in the Vellore and Thiruvellore districts. According to one estimate, about 2,50,000 girls are dedicated as '*devadasis*' to Yellamma, Hanuman and Khandoba temples on the Maharashtra-Karnataka border (Ranjana 1983). Tarachand's study of 1991, '*Devadasi Custom: Rural Social Structure and Flesh Markets*' revealed that devadasi system had contributed to the spread of commercial prostitution and that this relation between the *devadasi* system and commercial prostitution is quite ancient and strong.

Devadasis in Tamil Nadu, Andhra Pradesh and Karnataka

The *devadasi* practices have considerably changed over the last centuries. According to Amrit Srinivasan, the contemporary Devadasi practice in Tamil Nadu is quite informative.

Devadasi practice

“Traditionally, the young devadasi underwent intense ceremony of dedication to the deity of the local temple, which resembled in its ritual structure, the Tamil marriage ceremony. Following this ceremony, she was set apart from her non-dedicated sisters in that she was not permitted to marry and her celibate or unmarried status was legal in customary terms. Significantly, she was not prevented from leading a normal life involving economic activity, sex with an individual of her choice and child bearing. The very rituals, which marked and confirmed her incorporation into temple service, also committed her to the rigorous emotional and physical training in the classical dance, her hereditary profession. In addition, they served to advertise in a perfectly open and public manner her availability for sexual liaisons with a proper patron and protector. Very often in fact, the costs of temple dedication were met by a man who wished thus to anticipate a particular devadasi's favours after she had attained

puberty. It was crucially a woman's 'dedicated' status, which made it a symbol of social prestige and privilege to maintain her. The devadasi's sexual partner was always chosen by 'arrangement' with her mother and grandmother acting as prime movers in the veto system. Alliance with a Muslim, a Christian, or a lower caste was forbidden, while a Brahmin or member of the royal elite was preferred for the good breeding and/or wealth he would bring into the family. The non-domestic nature of the contract was an understood part of the agreement with the devadasi owing the man neither any house-holding services nor her offspring. The children in turn could not hope to make any legal claim on the ancestral property of their father whom they met largely in their mother's home, when he came to visit."

Devadasi not permitted to marry and beget children

Devadasi's children cannot claim share of father's property

Reasons for dedication in modern times

Despite the majority of dedicated girls, in the past few years or decades hailing from families with no history of Devadasi tradition, all of them have come from communities with a strong history of this practice. For example, in a village named Yellampura in Karnataka, 95 percent of households of Holiya caste practise Devadasi cult, which is the highest in the village.

95% practise Devadasi cult in Yellampura

The system has an obvious economic basis. The sanctions provided by social custom and apparently by religion, combined with economic pressures, have forced girls from poor families into becoming the wives of the deity. The three factors, i.e. religious, social and economic, are interlinked.

Asha Ramesh in her study carried out during May 1993 cites the following reasons:

"Dedication to the Goddess or God was justified on the following grounds:

- a. If the parents were childless, they vowed to dedicate their first child, if it happened to be girl.
 - b. If there were no sons in the family, the girl child was dedicated and could not marry, as she becomes a 'son' for the family (earning the family's livelihood).
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Reasons for dedication to the Goddess or God

- c. Yet another economic reason contributed to the dedication is that if the girl's family had some property, the family ensured that it stayed within the family by turning the girl into 'son' by dedicating her."
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Reasons for dedication to the Goddess or God

Legislative initiatives

Dr. Muthulakshmi Reddy introduced a bill raising the age of dedication of child to *devadasi* system. Initially, Devadasi system wherein minor girls were adopted for the purpose of dedication in a later date was made liable under Sections 372 and 373 of the Indian Penal Code. Narayana Iyyer, a Magistrate from the South Indian temple town of Madurai, observed that the '*davadasis*' traditionally protected the chastity of married women.

Opposition to abolish devadasi system

In 1910, the Prince of Mysore appointed a Committee of religious pandits and educationists to ascertain whether the *devadasi* system had any religious sanction. After getting response from them that no such sanction from Hinduism was in vogue, the King of Mysore issued an order the same year debarring Devadasis from rendering any temple service in his State.

Prince of Mysore took the lead

With regard to the abolition of *devadasi* system, prohibitive measures were initiated as early as in 1868 itself. In 1907, the Central Government had notified the signing of the International Convention on Suppression of Immoral Traffic in Women and Girls on behalf of the concerned State Governments. Dr. Hari Singh Gour had a great role to play in its enactment. In 1912, three Bills to suppress prostitution were brought for further scrutiny and discussion by Manekji Dadhabai, Mudholkar and Madge. Again in 1922, Dr. Gour moved a resolution in the Madras Assembly for the abolition of *devadasi* system.

Initially, a *devadasi* had hereditary right to *inam* lands. Brahmin priesthood and non-brahmin landed elite, *dharmakarthis* supported the *devadasi* practice.

Devadasi became owners of the inam land

In 1927, Dr. Muthulakshmi Reddy proposed an amendment to the Hindu Religious Endowments Act, conferring rights to the *devadasis* on the *inam* lands, giving economic status to them.

The first legal initiative to outlaw the Devadasi system dates back to the 1934 Bombay Devadasi Protection Act. This Act pertained to the Bombay Province, as it existed in the British Raj. The Bombay Devadasi Protection Act made dedication of women illegal, whether, consensual or not. According to this Act, marriage by a Devadasi was to be considered lawful and valid and the children from such wedlock were to be treated as legitimate. The Act also laid down grounds for punitive action that could be taken against any person or persons, who were found to be involved in dedications, except the woman, who was being dedicated. Those found guilty of such acts could face a year's imprisonment or fine or both. The 1934 Act had provided rules, which were aimed at protecting the interests of the Devadasi. Whenever there was a dispute over ownership of

land involving a Devadasi, the local Collector was expected to intervene.

How Devadasi system wa outlawed

In the then Presidency of Madras, Periyar E.V. Ramasamy and his disciples, particularly Moovalur Ramamirthammaiyar and Dr. Muthulakshmi Reddy and others, waged a relentless battle against this institution of ‘devadasi system’. On 9 October 1947, Thiru P. Subbarayan introduced the Madras Devadasi (Prevention of Dedication Bill) in the Madras Legislative Assembly and it finally became “The Madras Devadasi (Prevention of Dedication) Act (Act XXXI of 1947)”. This Act prohibited the dedication of girls to temples and also permitted *devadasi* girls to marry in the Southern Province. With the linguistic re-organization of States in the year 1953 came the following Acts, in States other than Tamil Nadu.

Periyar waged a battle against Devadasi System

Finally devadasi system was abolished

- i. The Karnataka Devadasi (Prohibition of Dedication) Act, 1982
- ii. The Andra Pradesh Devadasi (Prohibition of Dedication) Act, 1989

Hijra or Intersex Person

Hijras are female-identified males, some of whom are transgendered, others transsexual and a few others inter-sexual. They adopt female names and dress in female attires, but their body language, gestures and occupation clearly identify them in public places as *hijras*, not women.

History of Hijras

In the culture of the Indian subcontinent, a *hijra* is a physically male or intersex person, who is considered a member of “*the third sex*”. Hijras trace their historical roots to Hinduism, where they mirrored androgynous deities, as well as to the royal Courts of Islamic rulers.

Even in the epics, we have stories about transexuals and in the *Karma purana*, the creator God Brahma creates Rudra, who is ‘half-male and half-female’ and was too terrible to behold. “Divide yourself”, saying this, Brahma vanished out of fear (I.11.3). Rudra divides into a male and female. The male is Lord Shiva and the female, Goddess Parvathi, who is then born as the daughter of the Malayadiwara Pandian (King of mountains). Further, Shiva is often represented as half-male and half-female, known as *Ardhanarishwara*. In another love story, Shiva asks Vishnu to adorn female form as the enchantress Mohini. Shiva falls in love with this Vishnu/Mohini and embraces him/her. The offspring of their union is Lord Ayyappa or Harihara, Hari standing for Vishnu and Hara for Shiva.

The wedding of *hijra* is based on a legend unique to Tamil versions of the ancient epic, Mahabharata. *Aravan*, son of hero Arjuna, offers himself as a sacrifice to Goddess Kali to ensure victory for the Pandavas, the five brothers, who are heroes of the epic. He asks for three wishes before he dies: one among is that he should be married before he is sacrificed. No king is willing to marry off his daughter to him, as she would be widowed the next day. So Krishna takes a female form as the enchanting Mohini and marries Aravan for a night.

Aravanis marry Aravan

Every April, an annual Koothandavar temple festival is celebrated in the village Koovagam in Ulundurpet, Villupuram district, Tamil Nadu, where the temple for the *hijras* is located. The *hijras* marry Lord Krishna and then the next day mourns his death through ritualistic dances and by breaking their bangles. An annual beauty pageant is also held. *Hijras* from different places of India travel to participate in this festival.

Hijra's Koovagam festival

Hijras (Aravanis) as a community are still struggling to regain their place in the world and today they are denied even the most basic rights - the right to have a passport, ration card, property, equal opportunities in education and employment, simply because they are refused to be categorized as either male or female and wish to claim a *third gender* for themselves.

Aravanis denied of civil rights

An *intersexual or intersex person* is one who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male nor female, or which combine features both of the male and female sexes.

Kinds of Hijras

Ali: It is a derogatory term used for Transvestite, Eunuch, Transsexual or Hermaphrodite, Hijras and Aravani in Tamil Nadu.

Masculine or Feminine: A colloquial expression in low level Tamil calls these people “*ompothu*”, meaning “9”. A normal human being is said to possess ten distinguishing features; as regards an *Ali*, one feature, viz. the sexual definition, is found missing. In other words, they are persons with only nine features.

Transvestite: A person with well-defined sexual features, but with a psychic urge to appear as someone from the opposite sex, hence dressing as a woman in the case of male transvestites. Here lies an unleashing description dating back to ‘9’ ‘s origin, Inspector General Police of Uttar Pradesh Thiru. Devendra Kumar Panda, IPS, who dresses like

female claiming that he is the ‘Doosri Radha of Lord Krishna’.

IG of Police became a Transvestite

Eunuch: A man who has been bereaved of his male organs by castration, without however having been transformed into a female.

Transsexual: A male who has been changed into a female by a double- operation, supplemented by a hormone treatment.

Hermaphrodite: Someone who has been born with the distinguishing features of both sexes.

As the present IT (P) Act specifically deals with prostitution by persons, the *hijras* or intersex persons are also liable under the Act, when there is commercial sexual exploitation by intersex persons. Any normal sexual act with a *hijra* or intersex person may not be termed as *unnatural offence*, since they are neither male nor female. But if there is oral or anal sex with them, then the persons involved in that affair are liable under Section 377 Indian Penal Code for unnatural offence. These disadvantageous groups of persons are neither properly recognised in the society nor are they accorded all civil rights like any other citizen. As they are neglected in the society without any status and guaranteed livelihood, most of these intersex persons indulge in commercialised sexual vice clandestinely and they are highly prone to sexually transmitted diseases and in particular to the infection of HIV. Various NGO organizations play a crucial role in enforcing health care measures of these intersex persons. The Police Officers, while dealing with them under the Immoral Traffic (Prevention) Act, should treat these persons with dignity and not with ridicule or harassment by undermining their basic human rights. According to Jereena (a hijra) a brothel owned by a hijra is also called ‘hamam’ or ‘bath house’.

Mostly unnatural offence committed with a Hijra

Hijra may also be a prostitute

Homosexuality (Lesbians and Gays) and Prostitution

Plants yield fruits with seeds only after the ovary in the female Gynaecium is pollinated by the pollen grains of the male Andrecium and the fertilization never takes place between the same partners. Likewise, in animals, which are endowed with only five senses, procreative sexual intercourse takes place only between a male and female and that too only through male and female organs and not unnaturally without any procreative purpose. But, human beings with rational thinking and six senses are indulging in unnatural, nonprocreative sex, with the same sex. While procreative sex with the opposite sex of consanguine relationship itself is punishable in certain countries as an offence of ‘incest’, it is considered against morals in India and not made criminally liable. Lesbian (female having sex with female-FSF) and Gay (men having sex with men -MSM) homosexual activities are to be viewed with disfavour and treated as symbols of

degradation of India's rich, cultural heritage. Is it rational that a person be allowed to have sex with another person of the same sex? The answer is an emphatic *No*. It is only sexual perversion and some sort of psychic disorder that can never be allowed, permitted or regularized. They may be allowed to be civil friends and not as married couples, vested with the rights and liabilities arising out of a valid marriage.

Lesbian or Gay relationship is against nature

Lesbian and Gay relationship is sexual perversion and psychic disorder

Ancient Hindu law books, which stress on morals and purity, declare '*ayoni sex*', i.e., non-vaginal intercourse, as impure. The category of *ayoni sex* is wide. It includes, among other things, oral sex, manual sex, anal sex and sex with animals, masturbation in water or in a pot or other aperture. Various sexual activities between women are also referred to, including mutual rubbing of vulvas, stroking and rubbing with fingers and the use of dildos, which are highly condemnable in the Indian context.

Ayoni sex is condemnable

Sex between women

On April 1, 2001, the first legally recognised same-sex marriage in the world took place in the Netherlands. Same-sex marriage was legally recognised by the Netherlands in 1998, Belgium in 2003, Spain and Canada in 2005 and in the United Kingdom in 2006. Civil-unions, cross sex and same-sex unions were recognised by France in 1998, Denmark in 1989, Norway in 1993, Sweden in 1994, Iceland in 1996, Germany in 2001 and Switzerland in 2002. But, the Lesbian activity and Gay activity are common in most of the Western countries. In India, same-sex marriage is not allowed and it has got no legal validity. The same-sex activity is statutorily prohibited as an '*unnaturaloffence*', punishable under Section 377 of the Indian Penal Code. Law in various countries prohibits the gay or lesbian activity and these groups of persons indulge in same-sex activities secretly, either for their pleasure or for prostitution for gain. Further, these groups are not having open access to various health measures and cannot come out openly in society because of the stigma attached and hence, they are highly prone to various sexually transmitted diseases and HIV.

Legality of 'Same Sex' marriage

Civil unions of same sex recognised in certain countries

Homosexuality prone to STDs and HIV

In January 2006, the Lucknow police conducted 'Operation Majnu' and arrested four men for allegedly running an online gay club. In July 2001, four staff members of Naz Foundation International and Bharosa Trust were jailed for 47 days after the police raided their offices for promoting homosexuality.

Gay men condemned in India

Iranian Law punishes homosexual conduct between men with death penalty. A United Arab Emirates court has jailed 12 men who were arrested after being discovered preparing for a gay wedding. A court in Saudi Arabia sentenced two Saudis, one Yemeni and a Jordanian to a two years sentence and 2000 lashes after a police raid on an alleged gay party. In Iraq amendment to the 1990 Penal Code has made homosexual behaviour between consenting adults a crime. In that year, the Revolutionary Command Council declared that the offences of prostitution, homosexuality, incest and rape are punishable with capital punishment. Under Islamic Law, in Iraq the penalty for men engaging in anal sex is also punishable by death. The Malay Mail in Malaysia on May 22, 2005, in its front page, condemned and equated homosexuals with prostitutes. Russian news agency Interfax claimed that Talgat Tajuddin, the head of Russia's Central Spiritual Governance for Muslims, promised a backlash against any gay pride event in Moscow by asserting that the Prophet Muhammad ordered that gays be killed because "their behaviour leads to the end of human race".

Homosexuality is punished severely in muslim countries.

Same sex relationships, if allowed, may lead to the end of human race.

Gays contend that Section 377 of the Indian Penal Code, enacted by the British, which prohibits unnatural sexual intercourse as an offence, impedes sexual health promotion activities like HIV/ AIDS interventions amongst same sex couples, when an equivalent Section was repealed by the British themselves in their country in 1966. Almost 700 gay marriages took place across England and Wales on December 20, 2005, when arrangements for the new civil partnerships came fully into operation and one of the couples was the famous Sir Elton John and his long term partner David Furnish. Whatever be the argument of the homosexual persons for allowing or legalizing homosexual activity, it is against accepted morals and human decency and is against Nature itself and this activity becomes a haven for most Sexually Transmitted Diseases, including HIV. As there are no compelling, changed circumstances, Government of India do not rightly allow homosexual activity and as such it is punishable and the provision remains in Statute. The Police have to earnestly implement this provision with an iron hand in order to save the society from dreadful diseases and preserve its rich culture and morals.

Gays condemn unnatural offence

Homosexualit is against

Male Prostitute or Hustler

Having 'male prostitutes' is not new to civilization. Even in the Bible, we have reference about male prostitutes. In Israel, for example, there were male prostitutes (Heb: *Quades*) and their price was contemptuously known as 'dog's price' (Deut: 23: 17-19).

Bible has reference to male prostitutes

Male prostitute is a sex-worker or a prostitute, who earns money by providing sexual services to clients. When providing services to male customers, *male prostitutes* are called 'escorts', 'hustlers', 'rent boys', 'punks', 'trade', 'call boys', or 'boy toys'. Their clients are often referred to as 'johns'. A 'hustler' who does not self-identify himself as *homosexual*, but has sex with male clients, is sometimes referred to as a 'rough trade'. Some male clients may prefer male prostitutes, who are cross dressers or pre-operative transsexuals ('she-males'). Male prostitutes offering services to female customers are known as 'escorts', 'giglis', or 'gigolos'. The gender of a male prostitute's sexual partner, or the sexual act that the hustler participates in, is not necessarily indicative of the hustler's sexual orientation.

Male sex workers - many names

'Male Sex Workers' offer sex for gain either to the females (heterosexuals) or to males (homosexuals). The heterosexual act is natural and allowed if it is not a commercialized vice, whereas the homosexual contact, be it male with male (Gay act) or female with female (Lesbian act), is prohibited by Law and it amounts to an 'unnatural offence', punishable under Section 377 of Indian Penal Code.

Same-Sex act is punishable

As in all forms of prostitution, the male prostitute and his client can face a number of risks and problems: health-related (sexually transmitted diseases, drug-use, physical abuse), problems, legal/ criminal, liabilities (arrest for solicitation), societal/familial exclusion (social stigma, rejection by family and friends, gay-bashing, loss of job) and emotional breakdowns (sense of exploitation or of leading a 'double-life', loss of affection, self-destructiveness). When male prostitutes steal from their male clients or take money without 'putting out' sexual services, it is sometimes referred to as 'rollingjohn'.

Risk and problems faced by male prostitutes

'Safe sex' is any sexual activity in which the semen, blood, or vaginal fluids do not pass from an infected person directly into the bloodstream of another person. However, each commercial sex episode may be classified into one of the following four categories:

Safe sex activity

- (i) a non-risk encounter, that is, no sex at all or non-risk acts, for example, kissing, hugging and cuddling only;
- (ii) a safer-sex encounter in situations that are risky, but Male Sex Workers and their clients may reduce the risk by using a condom;
- (iii) probably a safe/uncertain outcome of sex acts that are potentially unsafe, such as semen on the body of the worker/client and where no strong scientific evidence exists

but transmission may occur (probably safe), such as oral sex without condom and/or without ejaculation; and

(iv) the unsafe sex category, which includes known unsafe sex encounters (i.e., anal sex without condom).

Male sex acts include masturbation as the most common sexual act which takes place during the encounter, followed by oral sex and anal sex and the risk factor is high in the case of homosexual male sex (Gay sex), wherein HIV may easily spread from person to person, if it is anal sex without condom.

Sex between males

In the year 1981, public health agencies working on HIV and AIDS in the United States coined the term MSM (men who have sex with men) for apparently heterosexual men who do not wish to call themselves bisexual or gay, but who regularly have sex with men. The phenomenon of MSM - male having sex with male - is not uncommon in most of the Western countries. However, in India, it is statutorily prohibited as an unnatural offence. Recently, the Chennai City Police trapped a male sex worker, when he was found soliciting prostitution through online and also in front of the Egmore Railway Station and he was charged under Section 8 (b) of the IT(P) Act. A private TV channel also detected a male sex worker, while he was soliciting females for prostitution in a resort on the East Coast road, Chennai. This male sex worker is equally liable as a female sex worker, under the IT(P) Act.

MSM was coined in USA

Male sex worker is equally liable as female sex worker

‘Naz’ foundation, working to create awareness among HIV/AIDS affected people, moved a petition in the Hon’ble High Court of Delhi in 2001, seeking to quash Section 377 of the Indian Penal Code as it was felt that such a deletion was important for making homosexuals aware of the ill-effects of AIDS. The petition was dismissed on the ground that there was no cause of action. On an appeal preferred by the petitioner, a four judge Division Bench of the Hon’ble Supreme Court, on February 04, 2006, asked the Delhi High Court to dispose off the petition filed on merits, seeking legality to homosexuality and declare as unconstitutional Section 377 of the Indian Penal Code, which makes unnatural sex a criminal offence and thus remitting the petition for fresh disposal.

Unnatural offence - challenged

‘Sahodaran’ in Chennai is an organization that does outreach service and provides drop-in centres for men who usually have sex with men. It fields a team of ten outreach workers who attempt to cover about twenty “cruising sites,” where men, who have sex with men, meet each other to provide HIV/AIDS information and condoms.

Sahodaran’s help to MSM may amount to an abetment

Red-Light areas in India

It is mistaken by certain Police Officers that the '*Red-Light*' areas are those areas where the Government allows prostitution. If prostitution is very much rampant in an organized manner in an area and is a common avocation of everyday life for some, they are called '*Red-Light areas*', generally. In the guise of running '*Entertainment Houses*', engaged in providing a taste of dance, music and other performing arts to the customers, prostitution is carried on. The term '*Red-Light area*' was first recorded in the United States around 1890, it has an interesting tell-tale evidence behind it. The word is derived from the practice of placing a Red-Light in the window to indicate to customers the nature of business. Many different versions are being attributed as to why Red-Lights gained this particular meaning. According to one theory, it is based on the Biblical story of Rahab, a prostitute in Jericho, who aided the spies of Joshua, who were able to identify her house, which had a scarlet rope to it. Others claim that this name should have come from the red lanterns carried by railroad workers, which were left outside brothels when the workers entered. One of the many terms used for a red-light district in Japanese is *aksen*, literally meaning "red-line", apparently of independent origin from the English term.

Why is it called 'Red-Light Area'?

Interesting tell-tale stories about Red-Light areas

The Chinese seem to have invented the concept during the period of the Sung Dynasty A.D (960-1279). "*Wine houses*," many of which were run by the Imperial Board of Revenue, displayed a Red-Light to inform the public of their side-business as brothel.

"*Such special wine houses*", had bamboo lamps of red (silk), suspended on their front doors. They were displayed both in dry and rainy weather, being protected by covers of plaited bamboo leaves; for, it is by those lamps that such special wine houses can be recognised."

In India, Sona Gachi in Kolkatta, Garstin Bastion road near the Ajmeri Gate in old Delhi, now known as Shraddhanand Marg, Chukla Bazar in Gujarat, Chaturbhujsthan of Muzaffarpur in Patna and Moolganj in the station road area of Kanpur and Baina in Goa are Red-Light areas.

Indian Red- Light areas

The Red-Light areas in Mumbai are scattered across several places. In the southern region, they are located in Pawalla Lane, Kennedy Bridge, Fort, Colaba, in the vicinity of Congress House near Dreamland, Nawalkar Lane and Lamington Road. In the western region, they are in Santacruz Unity Compound, Khar Station, Yari Road, Versova, Dahisar and Goregaon and in the eastern region, one could find them in Bandup, Sonapur and New Sonapur. In the Central region, they are located in Boiwada, Kamathipura, Shuklaji Street, Agripada, Mumbai Central and Tardeo. The Simplex building of Pawalla Lane and

Santacruz Unity Compound in Mumbai are very famous places for prostitution.

Red-Light areas of Mumbai

In Red-Light areas, prostitution is more visibly prevalent at certain parts of the day, but carried out in a clandestine manner, when there is strict surveillance from the Law enforcement authorities. Most people seem to be of the view that Red-Light areas are zones, which have been legally permitted by the local authorities, but the contrary is the truth.

In these Red-Light Areas, the authorities are not able to contain the illegal activities. Prostitution itself is not punishable but commercialized vice is always punishable. In all the Red-Light areas, persons are exploited and abused sexually and most of the times forcibly. In many of these areas, only child and minors are involved and this vice is done in an organized and intimidating manner, which are always punishable under various provisions of the Immoral Traffic (Prevention) Act, 1956. However, in reality, the Law enforcing authorities take no such fruitful and yet punitive action and their failure on this count may deem to be amounting to abetment in the commission of the offence.

Child and minor are mostly exploited in Red-Light areas

The Non-Governmental Organizations have been urging the Government and other authorities to initiate all forms of welfare programmes in and around the Red-Light areas and thus to take care of the prostitutes and their children. However, such welfare measures may in some way encourage these runners of brothels in the Red- Light areas to presume that they have been given passive permission to run the brothels. It may not be graceful to say that there exist Red- Light areas when the Law does not permit the same. Strict and effective usage of Sections 3, 4, 5, 6, 7, 18 and 20 of the Immoral Traffic (Prevention) Act, 1956, would definitely eliminate the existence of Red-Light areas in India. Hence, the NGOs and Welfare Associations may insist on the elimination of Red-Light areas, instead of advocating for the provision of better facilities for the prostitutes and their wards in Red-Light areas. Human Rights Activists and NGOs feel that Section 4 (living on the earnings of the prostitution) and Section 20 (closure of brothels by the executive authorities) are against the provisions enshrined in Part III of the Constitution of India. Nevertheless, the Hon'ble High Courts and Supreme Court have held that the provisions under Sections 4 and 20 of the ITP Act are not inconsistent with the related provisions enshrined in the Constitution of India. Hence, if effective action were taken under Sections 18 and 20 of the Immoral Traffic (Prevention) Act, the menace of the existence of Red-Light areas may be eliminated once for all in our country.

How to eradicate Red-Light areas

Whatever be its origin and reasons for its survival, whether biological, economic, social or psychological, caste-oriented or custom-oriented prostitution is a practice as old as civilization itself. It even came to be associated with the surrender and dedication to

Gods, priests and temples. At one time, courtesans carved out for themselves an acceptable niche in temples, which was highly respected in society. Still later, it came to be protected, licensed and regulated by law. Nowadays, there is a universal agreement that the practice of non-marital sex as a profession is degrading the dignity of mankind.

Prostitution is as old as civilization

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