

RAJASTHAN STATE HUMAN RIGHTS COMMISSION, JAIPUR

Projects by Law Students



Under the guidance of

Chairperson ,
Justice N.K. Jain
(Former Chief Justice
High Court of Madras & Karnataka)

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RSHRC

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RAJASTHAN STATE HUMAN RIGHTS COMMISSION



SECRETARIAT

Under the guidance
of Hon'ble Mr.
Justice N.K. Jain.
(Former Chief justice of
Madras and Karnataka
High Court)
Chairperson, RSHRC

Prepared by:-
Internship students of
various law
university and
colleges.

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Hon'ble Chairperson and Members Of Rajasthan State Human Rights Commission are :

From 06-07-2005

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Chairperson

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**RAJASTHAN STATE HUMAN RIGHTS COMMISSION
JAIPUR**

Prostitution: A Profession or A Curse

Under the guidance of
Hon'ble Justice N.K. Jain
(Former Chief Justice of Madras
and Karnataka High Court)
Chairperson, RSHRC

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INTRODUCTION

Every hour, four females in India enter prostitution, three of them against their will.

- A prostitute is a person, "who allows her body to be used for lewd purposes in return for payment". Prostitution is the sale of sexual services, such as oral sex or sexual intercourse, for money.
- According to Human Rights Watch, there are approximately 15 million prostitutes in India. There are more than 100,000 women in prostitution in Bombay, Asia's largest sex industry center.
- Most of the girls are brought from Nepal and Bangladesh. Young girls are trafficked from Nepal to brothels in Mumbai and Kolkata at an average age of twelve. They are trapped into the vicious cycle of prostitution, debt and slavery.
- Notorious red light districts of India include GB Road in Delhi, Sonagachi in Kolkata, Kamathipura in Mumbai, Budhwar Peth in Pune and Reshampura in Gwalior.

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- Prostitution has always been a major issue in India. But it is not a problem which exists only in India but it exists throughout the world.
- Women and girls, worldwide, are lured to foreign nations with promises of jobs. Then, they are forced into prostitution.
- "With globalization and cheap transportation, you can move people easier and quicker than guns or drugs. And you can use them over and over and over again. You don't just sell them once and call it a day. It's very, very profitable."



CAUSES OF PROSTITUTION

- Forced by Relatives
- Human Trafficking
- Sexual Slavery
- Prior Incest or Rape
- Blackmailing
- Inability to Get Married
- Widowed at Young Age
- Early marriage and then Desertion
- Lack of Recreational Facilities, Ignorance, and Acceptance of Prostitution
- Economic Causes Include Poverty, Economic Distress and Unemployment
- Psychological Causes Include Desire for Physical Pleasure, Greed, and Dejection



Laws Related to Prostitution in India

- The Immoral Traffic (Prevention) Act, 1956
- Amendment Proposed in Immoral Traffic (Prevention) Act 1956
- The Immoral Traffic (Prevention) Amendment Bill, 2006
- The Immoral Trafficking Prevention Act, 1956 ("ITPA"), the main statute dealing with sex work in India, does not criminalise prostitution or prostitutes per se, but mostly punishes acts by third parties facilitating prostitution like brothel keeping, living off earnings and procuring, even where sex work is not coerced.

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- **Section 3.** Punishment for keeping a brothel or allowing premises to be used as a brothel.
- (1) Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel, shall be punishable on first conviction with rigorous imprisonment for a term of not less than one year and not more than three years and also with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction with rigorous imprisonment for a term of not less than two years and not more than five years and also with fine which may extend to two thousand rupees.
- (2) A any person who, -
 - (a) Being the tenant, lessee, occupier or person in charge of any premises, uses, or knowingly allows any other person to use, such premises or any part thereof as a brothel, or

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- (b) Being the owner, lessor or landlord of any premises or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof is intended to be used as a brothel, or is willfully a party to the use of such premises or any part thereof as a brothel, shall be punishable on first conviction with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which may extend to five years and also with fine.
- (2-A) For the purposes of sub-section (2), it shall be presumed, until the contrary is proved, that any person referred to in clause (a) or clause (b) of that subsection, is knowingly allowing the premises or any part thereof to be used as a brothel or, as the case may be, has knowledge that the premises or any part thereof are being used as a brothel, if, -
 - (a) A report is published in a newspaper having circulation in the area in which such person resides to the effect that the premises or any part thereof have been found to be used for prostitution as a result of a search made under this Act; or
 - (b) A copy of the list of all things found during the search referred to in clause (a) is given to such person.

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- **Section 5.** Procuring, inducing or taking person for the sake of prostitution.
- (1) Any person who-
 - (a) Procures or attempts to procure a person whether with or without his/her consent, for the purpose of prostitution; or
 - (b) Induces a person to go from any place, with the intent that he/she may for the purpose of prostitution become the inmate of, or frequent, a brothel; or
 - (c) Takes or attempts to take a person or causes a person to be taken, from one place to another with a view to his/her carrying on, or being brought up to carry on prostitution; or
 - (d) Causes or induces a person to carry on prostitution; shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees, and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years:

The Prostitution Leads To Many Health Problems For The Prostitutes Like:

- HIV
- STD
- Cervical Cancer
- Traumatic Brain Injury
- Psychological Disorders



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- In a country like India where most of the people indulge themselves in unprotected sex with prostitutes it is very difficult to eradicate the problem of AIDS. Historically, the AIDS epidemic in India was first identified amongst sex workers and their clients, before other sections of society became affected. The sex workers are themselves taking steps to combat with AIDS in some brothels in India for example sonagachi a brothel in Kolkata; where the sex workers are insisting their clients for use of condoms in order to avoid aids. But in all the other brothels in India social workers and NGO'S are trying to acquaint the sex workers about the ill effects of AIDS and are insisting them for using condoms.

Steps That Should Be Taken In Order To Fight With Prostitution:

- Formal education should be made available to those victims who are still within the school going age, while non-formal education should be made accessible to adults
- The Central and State Governments in partnership with non-governmental organizations should provide gender sensitive market driven vocational training to all those rescued victims who are not interested in education
- Rehabilitation and reintegration of rescued victims being a long-term Recruitment of adequate number of trained counsellors and social workers in institutions/homes run by the government independently or in collaboration with non-governmental organizations.
- Awareness generation and legal literacy on economic rights, particularly for women and adolescent girls should be taken up.
- Adequate publicity, through print and electronic media including child lines and women help lines about the problem of those who have been forced into prostitution.
- Culturally sanctioned practices like the system of devadasi, jogins, bhavins, etc. which provides a pretext for prostitution should be addressed suitably.

Shall India Legalise Prostitution?

Some people opine that prostitution shall be made legal in India and accept them as a part of society because the problem of prostitution is inevitable. The benefit of legalizing prostitution in India will be that atleast we will have a track record of Sexworkers as for example when dance bar in Bombay were closed most of the bar dancers migrated to Gujarat and Karnataka and other neighbouring state and started their business undercover. Legalising prostitution will see these women, who live life on the edge everywhere, gaining access to medical facilities, which can control the spread of AIDS. There is a very strong need to treat the sex industry as any other industry and empower it with legal safeguards. The practical implications of the profession being legal would bring nothing but benefits for sex workers and society as a whole. Keeping prostitution illegal also contributes to crime because many criminals view prostitutes and their customers as attractive targets for robbery, fraud, rape, or other criminal acts. The criminals realize that such people are unlikely to report the crimes to police, because the victims would have to admit they were involved in the illegal activity of prostitution when the attacks took place, now if it is legal then they will easily go and report this to police.

Benefits of Legalising Prostitution

- **Legalization of prostitution will decrease clandestine, hidden, illegal and street prostitution.**
- **Legalization of prostitution will protect the women in prostitution as they will have rights.**
- **Legalization of prostitution will promote women's health as they can have easy access to medical facilities which they don't have when it is illegal.**
- **Recognizing prostitution as an economic activity, thus enabling women in India to obtain working permits as "sex workers".**

III Effects Of Legalising Prostitution

- It is a myth that legalising prostitution will stop pimps and brothels. Fact is that it will benefit pimps and traffickers and not victims.
- Legalising Prostitution will not be culturally accepted by Indian society.
- Prostitution is an exploitation of women and this commercial sexual exploitation is a form of slavery and slavery cannot be legalized. Legalising will give this exploitation a legal shelter.
- Most prostitutes are victims of the trafficking and thus they do not see it as a profession. Thus it should not be legalised when seen as a profession.

Training of Trainers Program on "Gender Sensitization under Human Rights" on 20.11.09



Conclusion

Government has not been able to remove the prostitution. This problem is increasing with trafficking and spreading of AIDS. Thus this should not be legalised as it would benefit pimps rather than the victims. What is required is more concern for victims in matters of health problems.

Government with NGOs should provide health facilities to the victims to stop the AIDS. What is needed is more concern from the government and public awareness and strict implementation of the existing laws.

Thus either India shall legalize prostitution which is the most suitable step that can be taken or shall make such deterrent laws as to curb up the problem of prostitution. Laws should not be such as to just remove the prostitutes but also to change the mentality of people who are interested in paid sex by punishing them in such a manner that people of same mentality will dare to indulge themselves in similar activities.



BOOKS PUBLISHED

- These books are kept in the Libraries of different schools and colleges for awareness of students as well as the teaching and ministerial staff. Some books are even kept in the UN-Congress Library at New Delhi.
- Teachers of various schools are interacting with the students on these issues in zero hours.
- About legal aid committees, NGO's / Educational Institutions above 55, and some Newspapers have re-printed/Published these booklets as pamphlets and about 80,000 booklets titled on women, child rights, dalits, arrest, human rights and HIV have been published and distributed free of cost among the general public to create awareness.

आर्टिकल-51ए में वर्णित मूल कर्तव्यों के प्रति जागरूकता	
1. श्री क्रांतिराम शर्मा, कानपुरी शिक्षा नगरी,	26. जयपुर बाल शैक्षिक परिषदात्मक संस्था, जयपुर
2. विद्याधरशर्मा, काशीबाई शिक्षा निगम,	27. शिवालय इंस्टीट्यूट एकेडमी, महाश्वरी नगर, जयपुर
3. श्री पी.डी. मिश्र, सक्केदार, टिरोर पुस्तकालय एकेडमी, जयपुर	28. राजस्थान फौजरी एकेडमी, जयपुर
4. किशन प्रदीप वर्मा, डिगिताल, महाश्वरी एकेडमी, जयपुर	29. शिक्षा एवं विद्यालय प्रशासनिक, राजस्थान
5. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	30. भारतीय एकेडमी ऑफ़ एजुकेशन, राजस्थान
6. विद्याधरशर्मा, शिक्षा (एन-ए) विभाग,	31. प्रोफेसर, राजस्थान विश्वविद्यालय, जयपुर
7. अरुण प्रियदा (शैक्षिक) प्राथमिक शिक्षा, राजा बीकानेर	32. मानव संसाधन विकास विभाग, जयपुर
8. किशन प्रदीप वर्मा, सक्केदार, टिरोर पुस्तकालय एकेडमी, जयपुर	33. भारतीय एकेडमी ऑफ़ एजुकेशन, राजस्थान
9. श्री संजयजी जी व श्रीमती सुधा-संजयजी शर्मा (एन.टी.ओ.) (विद्यालय)	34. शिक्षण, विद्यापीठ संस्थान, जयपुर
10. किशन प्रदीप वर्मा, सक्केदार, टिरोर पुस्तकालय एकेडमी, जयपुर	35. शिक्षण, एन.टी.ओ. एकेडमी, जयपुर
11. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	36. शिक्षण, मुख्य शिक्षण, जयपुर
12. प्रकाश, सेक्टर और सेक्टर एकेडमी एकेडमी, जयपुर	37. शिक्षण, मुख्य शिक्षण, जयपुर
13. श्री विद्यापीठ जयपुर के समर्थ (Affiliated) केंद्र	38. किशन प्रदीप वर्मा, पी-2, राज नगर, जयपुर
14. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	39. प्रदीप वर्मा, सक्केदार, टिरोर पुस्तकालय एकेडमी, जयपुर
15. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	40. राजस्थान फौजरी एकेडमी, जयपुर
16. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	41. K.M.G. College of B.Ed.
17. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	42. K.M.G. Teachers Training Institute
18. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	43. K.M.G. College of Arts and Science
19. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	44. Thiruvallur Elementary and Higher Secondary School, Vellore
20. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	45. राजस्थान फौजरी एकेडमी, जयपुर
21. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	46. राजस्थान फौजरी एकेडमी, जयपुर
22. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	47. राजस्थान फौजरी एकेडमी, जयपुर
23. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	48. राजस्थान फौजरी एकेडमी, जयपुर
24. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	49. राजस्थान फौजरी एकेडमी, जयपुर
25. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	50. राजस्थान फौजरी एकेडमी, जयपुर
26. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	51. राजस्थान फौजरी एकेडमी, जयपुर
27. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	52. राजस्थान फौजरी एकेडमी, जयपुर
28. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	53. राजस्थान फौजरी एकेडमी, जयपुर
29. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	54. राजस्थान फौजरी एकेडमी, जयपुर
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35. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	60. राजस्थान फौजरी एकेडमी, जयपुर
36. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	61. राजस्थान फौजरी एकेडमी, जयपुर
37. राजस्थान विद्यापीठ, जयपुर के समर्थ (Affiliated) केंद्र	62. राजस्थान फौजरी एकेडमी, जयपुर

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53. जयपुर विद्यापीठ/एकेडमी/केंद्र, जयपुर	63. जयपुर विद्यापीठ/एकेडमी/केंद्र, जयपुर
54. राजस्थान फौजरी एकेडमी, जयपुर	64. राजस्थान फौजरी एकेडमी, जयपुर
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63. राजस्थान फौजरी एकेडमी, जयपुर	73. राजस्थान फौजरी एकेडमी, जयपुर
64. राजस्थान फौजरी एकेडमी, जयपुर	74. राजस्थान फौजरी एकेडमी, जयपुर
65. राजस्थान फौजरी एकेडमी, जयपुर	75. राजस्थान फौजरी एकेडमी, जयपुर
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74. राजस्थान फौजरी एकेडमी, जयपुर	84. राजस्थान फौजरी एकेडमी, जयपुर
75. राजस्थान फौजरी एकेडमी, जयपुर	85. राजस्थान फौजरी एकेडमी, जयपुर
76. राजस्थान फौजरी एकेडमी, जयपुर	86. राजस्थान फौजरी एकेडमी, जयपुर
77. राजस्थान फौजरी एकेडमी, जयपुर	87. राजस्थान फौजरी एकेडमी, जयपुर
78. राजस्थान फौजरी एकेडमी, जयपुर	88. राजस्थान फौजरी एकेडमी, जयपुर
79. राजस्थान फौजरी एकेडमी, जयपुर	89. राजस्थान फौजरी एकेडमी, जयपुर
80. राजस्थान फौजरी एकेडमी, जयपुर	90. राजस्थान फौजरी एकेडमी, जयपुर
81. राजस्थान फौजरी एकेडमी, जयपुर	91. राजस्थान फौजरी एकेडमी, जयपुर
82. राजस्थान फौजरी एकेडमी, जयपुर	92. राजस्थान फौजरी एकेडमी, जयपुर
83. राजस्थान फौजरी एकेडमी, जयपुर	93. राजस्थान फौजरी एकेडमी, जयपुर
84. राजस्थान फौजरी एकेडमी, जयपुर	94. राजस्थान फौजरी एकेडमी, जयपुर
85. राजस्थान फौजरी एकेडमी, जयपुर	95. राजस्थान फौजरी एकेडमी, जयपुर
86. राजस्थान फौजरी एकेडमी, जयपुर	96. राजस्थान फौजरी एकेडमी, जयपुर
87. राजस्थान फौजरी एकेडमी, जयपुर	97. राजस्थान फौजरी एकेडमी, जयपुर
88. राजस्थान फौजरी एकेडमी, जयपुर	98. राजस्थान फौजरी एकेडमी, जयपुर

Reciting the Pledge — fundamental duties mentioned in Article 51-A, Constitution of India

"We are proud to be Indian"

It shall be the duty of every citizen of India:

- to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- to cherish and follow the noble ideals, which inspired our national struggle for freedom;
- to uphold and protect the sovereignty, unity and integrity of India;
- to defend the country and render national service when called upon to do so;
- to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- to value and preserve the rich heritage of our composite culture;
- to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures;
- to develop the scientific temper, humanism and the spirit of inquiry and reform;
- to safeguard public property and to abjure violence;
- to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.

"BE AWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION."
Chairperson : Justice N.K. Jain (Former Chief Justice -Madras and Karnataka High Court)

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Students reciting the oath of section 51(A) of Constitution of India under the guidelines of RSHRC.



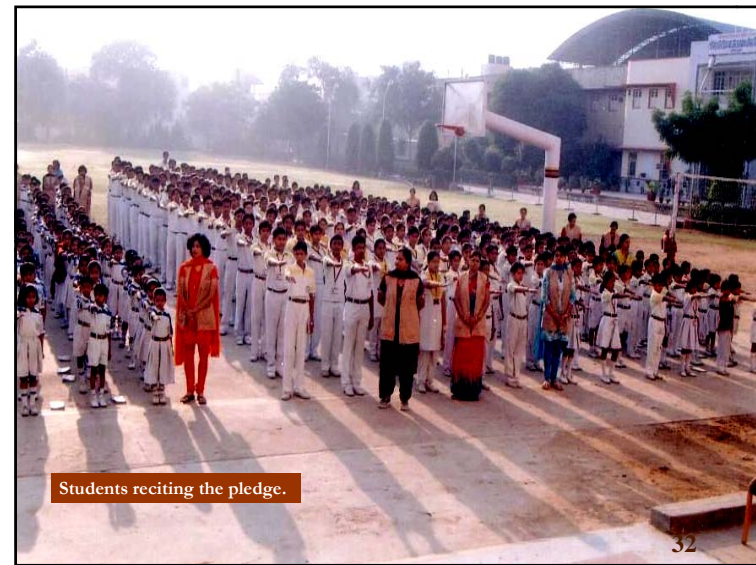
■ In addition to that in legal literacy and awareness program, chairman motivated students and even general public to recite the pledge as mentioned in article 51(A) of Constitution of India. It is good sign that so many schools have started taking prayer as per instructions of different concerned authorities as per the request of the commission. Some of them are as follows:- 29



गर्ल्स कॉलेज विद्याधर नगर, जयपुर में राजस्थान नवाधिकार आयोग के निर्देश पर छात्राओं को संविधान के अनुच्छेद 51ए का संकल्प दिलाते के वाइज प्रिंसीपल पी सी जांगिड़। 30



Students of some institutions reciting the Oath as per Article 51(A) of Constitution of India under the guidelines of RSHRC.



Students reciting the pledge.



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