

Official Papers

Eradication of Prostitution

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The Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others: Report prepared by the Secretariat of the United Nations Economic and Social Council (E/CN S/558 - 26th March 1959).

PROSTITUTION is perhaps the oldest profession in the world. Curiously, its origin appears to be in our 'civilization'. References to prostitution abound in our ancient literature the Vedas and the Puranas which show that prostitution was an organised and well-established profession even in those remote times. For centuries it has been tolerated either as a necessary evil or as an amorous sport. Its discussion has been taboo, and the subject is still avoided by not a few. With the development of social sciences, however, economists, sociologists, psychologists, psychiatrists and criminologists have taken interest in the problem of prostitution, with the result that increasing literature is being made available on the subject.

U N Convention of 1950

International action in the field commenced with the International Agreement for the Suppression of White Slave Traffic (18 May 1904), which was followed by similar Conventions of 1910, 1921 and 1933 and culminated in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950). India ratified this Convention on 9th January 1953, and as such is a party to the implementation of the provisions embodied therein. The Convention consolidates the earlier instruments and advocates the abolition of any form of the regulation of prostitution, the repression of the third party profiteers, the prevention of prostitution and the rehabilitation of its victims. The Social Commission of the United Nations has listed the implementation of this policy among projects of high priority in the programme of work for 1957-1959 and for that purpose its Secretariat has prepared this report which, covers:

- (i) a programme of action to combat the traffic in persons and the exploitation of the prostitution of others; and
- (ii) measures pre-requisite to and in conjunction with the suppression of the regulation of prostitution.

As India has decided to follow the path chalked out by the United Nations, this report is valuable to her not only to understand the extent and nature of the problem but also to follow the programme of action,

The U N Convention of 1950 declares that prostitution and the accompanying evil or the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual the family and the community. For this purpose, it recommends the punishment of any person who, to gratify the passions of another: (i) procures, entices or leads away for purposes of prostitution, another person, even with the consent of that person; or (ii) exploits the prostitution of another person, even with the consent of that person. It also urges the punishment of persons, who keep or manage, or knowingly finance or take part in the financing of a brothel; or knowingly let or rent a building or other place or any part thereof for the purpose of the prostitution of others. By the enactment of the Suppression of the Immoral Traffic Act, 1956, India has embodied these provisions in her legislation.

In Favour of Abolitionist Policy

The approaches to the problem of prostitution have crystallised into three distinct systems:

- (i) The regulationist system, which legalises prostitution and the existence of licensed houses and thus offers a lawful market to prostitution and to the traffic in persons;
- (iii) the prohibitionist system, which makes prostitution per se a criminal offence and thus creates among persons engaged in prostitution a collective as well as individual antagonistic attitude, hampering their rehabilitation; this system also leads to organized clandestine prostitution, on the same lines as prohibition has led to the or-

ganised illicit liquor trade; and

- (iii) the abolitionist system, which recommends the abolition of any form of regulation of prostitution, such as special registration, licensing, possession of a special document or any exceptional requirements for supervision or notification.

The U N Convention has thrown its weight in favour of the third system, because "only the abolitionist system can be considered a necessary pre-requisite to any programme of action to combat the traffic in persons and commercialized prostitution."

The abolitionist policy makes it unnecessary to define 'prostitution', because it does not consider prostitution itself as a punishable offence nor does it recommend the punishment of persons who are engaged in prostitution; loitering and soliciting for the purpose of prostitution constitute public nuisances and are to be proscribed to safeguard public order and decency. A legalistic definition of prostitution is difficult: if it is wide, it may entail unwarranted interference in private life; if it is narrow, it may be difficult to establish the charge against the culprit. Between prostitution and other sexual relations outside wedlock there is only a difference of degree and hence it may be unjust to single out prostitution from all other moral sins and to subject it to penal law. Besides, experience has taught us that prostitution cannot be eliminated by mere enactments and that making prostitution a criminal offence generally leads to clandestine prostitution and to a ruthless underworld organization for the exploitation of the prostitution of others,

Para-Commercial Occupation

Prostitution, like any other social problem, is the cumulative effect of a variety of factors. The preventive measures can strike at the two sides of demand and supply of prostitution. The 'supply

factors' may be individual and social. Intensive research has now thrown much light on individual factors. Women become prostitutes through inclination, need or persuasion. It has been found that prostitutes have generally slight mental and physical abnormalities (instability, abnormal lack of emotion, excitability, pronounced nervousness) and that a great number of them suffer from a psycho-sexual immaturity, very often due to arrested development caused by early childhood frustrations. Such a diagnosis emphasises the importance of moral and social hygiene, sex education, early detection and treatment of abnormalities, mental health, and special treatment of Juvenile delinquents.

Among the factors leading to prostitution, there may be social or economic causes, such as broken homes, childhood frustrations, poverty, etc. Often, as in Asian countries, prostitution is carried on as an occupation of a para-commercial nature, based on the economic principle of the purchase and sale of sexual relations; in such circumstances women's poor living conditions, economic hardship and unemployment lead to prostitution. For example, the Lady Rama Rao Committee pointed out that amongst women found in brothels were many who had come from poor but respectable families and who had been driven to prostitution by economic necessity, often due to unemployment. Social customs and practices of the country also contribute to the system of prostitution. For example, in our country, under the Devadasi system girls are trained in music and dancing and dedicated to temples to carry on prostitution under the protection of religion.

As for the demand side of prostitution, it may be said that men go to prostitutes because they have insufficient sexual outlets in other directions; or because prostitution provides types of activity not so readily available elsewhere. Some go to prostitutes because of physical deformity such that only a prostitute can have intercourse with them, others because they can pay for sexual relations and forget other responsibilities or because it is cheaper to have relations with prostitutes than to court a girl for a long period.

India is on the path of economic development and it is now conceded

that the problem of prostitution is likely to be aggravated under conditions of rapid economic development. In spite of this threat, India has decided to eradicate prostitution, after Investigating the causes leading to this social problem. The UN report gives in detail a programme of action and clears many

misunderstandings such as for example, the unwarranted blame attributed to prostitutes in the spread of venereal diseases. The U N Report is thus a valuable document for a socially advancing country like India, which has embarked on the path of social and economic development.

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