



—Bula

It is often said that prostitutes are responsible for the alarming rate of increase in venereal disease in India. The truth is that when a 15 year old girl is sold to a brothel, she does not have VD. She contracts it from the customer. Is it the women's or the men's promiscuity which fosters the disease?

Some doctors are advocating compulsory health check up of prostitutes to prevent the spread of VD. Can the spread of VD really be prevented in this way? Do we mean to keep treating prostitutes for these diseases, and letting them contract the diseases again and again from the customers? What about the wives of the customers? A pregnant woman who gets VD can pass the disease on to the unborn child.

Our culture with all its taboos and secrecy surrounding sex makes it very difficult to talk about VD and to seek a cure for it. For women, it is next to impossible to say that they have caught the disease. Even prostitutes hesitate to come to clinics and to get examined, especially by male doctors. The dispensary run by the municipality in

## Victims, Not Offenders

*A demand is being put forward by the Indian Health Organisation, among others, for legalisation of prostitution, and issuing of licences to the women, which will be renewed on the basis of regular health check ups. In Manushi No. 16, we published a letter from the secretary of the organisation, putting forward these demands. We had, however, commented that the organisation tended to view the women in prostitution as sources of disease rather than as victims. Here we print a condensed version of an article putting forward another point of view.*

the redlight area of Bombay is always full of male patients but very few women are to be seen there. Also, VD education for doctors has been neglected by medical schools. Yet, when prevention and cure of VD is mentioned, no thought is given to all these issues. Only prostitutes are mentioned as the source of VD.

VD is not so much a problem posed by prostitutes, as a problem faced by them. Investigations have shown that many of them also suffer from TB and several other contagious diseases. Doctors treating minor girls in JJ hospital, Bombay, found evidence that a few years in the profession take a heavy toll of their health. There is great need to have a team of sympathetic doctors and social workers offering health services on a continuous basis. Compulsory health check ups are no solution to the problem, especially if they intend to be punitive.

Prostitution is to some extent legal in India because the law does not state that the act of prostitution is always and everywhere illegal. Yet the law encourages a lot of police harassment. The aim of the demand for legalisation is to stop this police harassment of prostitutes. But the second demand for licensing and renewing licences on the basis of health check ups, that is, refusing to let "unhealthy" women practise, is clearly made to protect the male customers. There is no demand to check the health of customers before allowing

them access to prostitutes. When a woman catches venereal disease through prostitution, a profession she is often forced to enter because no other employment is available to her, it is totally inhuman to take away her access to the profession without offering an alternative means of livelihood.

Considering the kind of publicity this demand is receiving, it is necessary for us to take serious note of it and to study the provisions of the Suppression Of Immoral Traffic In Girls And Women Act (SITA). A great deal of ignorance about this Act prevails even amongst police officers, lawyers, and social workers dealing with this issue. Most of the women for whose protection the Act was supposed to have been passed are completely ignorant of its provisions.

There are very few cases of conviction of pimps or flesh traders under this Act. Most of the convictions are of prostitutes. Thus the Act functions not to suppress the traffic in women but to suppress the women themselves.

SITA came into existence in pursuance of an international convention signed by the government in 1950. The Act was amended in 1978. Its intention was to put a stop to commercialised prostitution and trafficking in women. It was also meant to put a stop to forced prostitution and underage prostitution. However, it was

not meant to protect prostitutes from brothel owners, pimps or customers.

The Act does not state that the act of prostitution is illegal. But the various ways in which a woman can carry on prostitution are termed illegal. To maintain a brothel is illegal. To carry out prostitution in public places is illegal. According to the description given in the Act, almost any place can be defined as a public place. In effect, this means that the police officer concerned can decide which place is to be defined as public.

Selling or procuring of women is illegal and punishable with five years' rigorous imprisonment. Keeping a brothel and living off the earnings of prostitutes, detaining a girl in a brothel, knowingly renting out premises for the purpose of brothel keeping are illegal offences. The sections mainly directed against women prostitutes are section 7 (1) a, b, and section 8.

A woman found guilty under sections 7 and 8 can be sent to a corrective institution and kept in semi imprisonment for two to five years. Section 13 b provides that there shall be an advisory board including women social welfare workers, which shall advise the special police officer on questions of general importance regarding the working of the Act. However, most of the protective homes in various parts of the country have proved miserable failures. For instance, investigations have revealed that the homes at Delhi and Agra are worse hells for women than are the brothels.

There are two very commonly held opinions about prostitution. One opinion is that prostitution is immoral and should be banned. The other opinion is that prostitution is a necessary evil needed to preserve the family system, and therefore should be maintained.

A more liberal and progressive opinion is that prostitution is caused by poverty and religion. It is true that in our country a majority of women who become prostitutes come from very poor families but it would be incorrect to cite economic conditions as the main cause for the existence of prostitution.

Prostitution exists even in the most affluent countries.

It is also true that in Bombay most prostitutes come out of the *devdasi* system. But it is incorrect to point an accusing finger at religion, customs, superstitions, and to stop at that. Prostitution is the profession in which the subordinate status of women and their consequent exploitation is most apparent, and as such, it is carried on all over the world in different forms, from the geisha girls of Japan to the night club dancers of France. Since in our country religion pervades many aspects of life, some women, especially from the lower castes, are made prostitutes in the name of religious custom.

There is a myth that prostitution is necessary to prevent rape. However, the incidence of mass rapes during the partition and the Bangladesh war

showed that rape often results in prostitution for the victim. The premium on virginity in our society and the identification of a woman's moral worth with her sexuality, often leaves a raped woman with no alternative but prostitution. There is no evidence that the increase in prostitution is linked to a decrease in incidence of rape. The fact is that prostitution and rape are two extreme forms of degradation that we women face because we are women.

It is also sometimes said that prostitution and rape are the result of man's insatiable desire for sex, which is a biological fact and therefore natural. But research has shown that neither rape nor prostitution exist among animals. In human society, therefore, it is social, not biological conditioning which makes women objects for male consumption. □

## Extracts From Suppression Of Immoral Traffic Act

*Section 1 (a)* A brothel includes any house, room or place or any portion of any house, room or place, which is used for purposes of prostitution for the gain of another person or for the mutual gain of two or more prostitutes....

(f) Prostitution means the act of a female offering her body for promiscuous sexual intercourse for hire, whether in money or in kind, and whether offered immediately or otherwise.

(h) Public place means any place intended for use by, or accessible to, the public, and includes any public conveyance.

*Section 7 (1)* Any woman or girl who carries on prostitution and the person with whom such prostitution is carried on, in any premises

(a) which are within the area or areas, notified under sub-section (3) (b) which are within a distance of 200 metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the commissioner of police or magistrate in the manner prescribed, shall be punishable with imprisonment

for a term which may extend to three months.

*Section 8* Whoever in any public place or within sight of, and in such manner as to be seen or heard from, any public place, whether from within any building or house or not—

(a) by words, gestures, wilful exposure of her person (whether by sitting by a window or on the balcony of a building or house or in any other way) or otherwise, tempts or endeavours to tempt or attracts or endeavours to attract the attention of any person for the purpose of prostitution or

(b) solicits or molests any person, or loiters or acts in such manner as to cause obstruction or annoyance to persons residing nearby or passing by such public place or to offend against public decency, for the purpose of prostitution, shall be punishable on first conviction with imprisonment for a term which may extend to six months, or with fine which may extend to Rs 500 or with both, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to one year and also with fine which may extend to Rs 500. □