

## SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS: A CASE STUDY\*

THE PROBLEM of immoral trafficking in women and girls has been prevailing in our societies from time immemorial and will continue to do so. Only one of its forms, namely, prostitution (in its generic sense) was selected for this study and research was done only in the city of Allahabad.<sup>1</sup> This was particularly to avoid a very voluminous work leading to sheer medley with no concrete results.

### **The problem**

In the holy city of Allahabad one finds prostitutes loitering in the busiest areas of Chowk, Loknath and Meerganj. The Suppression of Immoral Traffic in Women and Girls Act 1956, (hereinafter referred to as the Act) explicitly prohibits such a conduct.<sup>2</sup> Politicians, anti-socials, pimps and touts, are snags whose pressures and interference obstruct concrete efforts in solving the problem. They cripple the enforcement authority of the police officials. The covert reason for such interference is that they often themselves have liaison with these women. The district administration also finds itself at bay to do anything in the matter. The poor condition of district shelter of Allahabad, where girls are also kept under the Act, precipitate the matter. This postulates that the malady needs to be tackled by governmental machinery and social institutions set up for the purpose.

### **Topography. flesh trade areas**

Meergunj is situated in the heart of the city in Chowk area where prostitution goes throughout day and night. The exact number of the prostitutes is unascertainable.<sup>3</sup> However, the number of dancing girls

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\* The paper is based on field work conducted by the author in the city of Allahabad in the State of Uttar Pradesh. Allahabad was selected for field work because of facilities available to the author.

1. For details see, Hanuman Prasad, "Prostitution in India—A Legal Approach", *University of Allahabad Studies*, vol. 10 (N.S) no. 1 (1974); R.B.K. Jayakar "Prostitution and Immoral Traffic in India", *Social Welfare in India* 353-73 (1955). See also R.B.K. Jayakar, *The Changing Status of the Working Women in India*, (1975); Promilla Kapoor, *Prostitutes and Prostitution* (1965); *Prostitution in India* (Report of the 25th International Congress of the International Abolitionist Federation, 1972); J.J. Prakash, *The History of Prostitution* (1897); S.N. Singh and N.K. Basu, *History of Prostitution in India* (1933).

2. See s. 8 of the Suppression of Immoral Traffic in Women and Girls Act 1956.

3. Information collected by the author personally and from persons visiting the area,

registered in the area is approximately between 25 to 30. The area is thickly populated and is brothel-infested.<sup>4</sup> The tenements are generally double storeyed. Upper storeys, for the most part, are occupied by dancing girls. Dancing girls maintain a pseudo high standard of living. It was also gathered that some girls belonging to poor families from Atala and Dariabad area come to spend the day for purposes of prostitution by prior arrangement with prostitute in her apartment.

It was noticed that the ground floor of an apartment accommodates as many as 2 to 5 prostitutes. The fee of these prostitutes varies from rupees four to Rs. 50 and above. Inhabitants of the area have a sub-culture of their own. The new entrants must go through a stressful period of learning; a new set of inter-personal relationship, and a new system of pattern behaviour is developed. The way the body is exposed and customers solicited show that the Act has failed to enforce the prohibitions.<sup>5</sup> A leading college is also located in the vicinity though the Act clearly lays down that prostitution in or in the vicinity of public places, including educational institutions,<sup>6</sup> is punishable.

Garhi Sarai is another area where prostitution goes on, but at a low key. This locality is older than Meerganj and accommodates as many as 50 to 60 prostitutes. They belong to Mushar tribe (a very poor and wretched tribe in Bihar and Uttar Pradesh as well). The prostitutes of this place are elderly and illiterate and they hail mostly from the states of Bihar and Madhya Pradesh. From Bihar, they hail generally from the districts of Arrah, Buxar, Bhagalpur and Monghyr. Prostitutes of this place generally range between 20 to 45 years of age. About 30 women are in the age group of 30 to 40 years and about 10 are below 30 years. They pay a very nominal rent to the brothel keepers. The clientele of this place comprises mostly of low class people, particularly labourers and rickshaw-pullers, who cannot meet the high demands of the sophisticated prostitutes of Meerganj locality. This area is the most neglected one and the frequency of customers is also very less.

wayside delicatessen, betel-shops, touts, and pimps, put the figure at 800, though some put it at 600. This figure includes the number of dancing girls as well as other prostitutes residing in Garhi Sarai (an erstwhile inn where cheap whores used to reside) and Loknath area. Variation in this figure exists because a number of prostitutes migrate to and from the Meerganj area. Fluctuation in the figure also depends upon influx and efflux of prostitutes. When a raid is conducted in a neighbouring city such as Varanasi, Jaunpur and Mirzapur, the number swells. They are brought in exchange as part of the trade to offer new choices to the customers.

4. Veterans in the field reside here. They establish brothels and have a network of contacts, touts, and pimps to deal with unruly clients. See also s. 2(a) of the Act.

5. These prostitutes can always be seen at the main gates of their houses with wilful exposure of their person, coquettishly trying to solicit or molest persons—an act which is made punishable under s. 8 of the Act.

6. See ss. 7 and 21 of the Act; see also rule 7 of the U.P. Rules under the Act).

An overall analysis of the working of the area revealed that a little bold and tactful step by the district authorities would easily make them leave the area. The problems here are less serious than those of Meergunj and can easily be solved. Unchmandi and Loknath are the other areas affected by this vice.

### District shelter of Allahabad

Provision for protective homes is made under the Act for the upkeep of girls who are arrested under it. In Uttar Pradesh, there are seven protective homes,<sup>7</sup> two rescue homes,<sup>8</sup> and ten district shelters.<sup>9</sup> The District Shelter of Allahabad is situated in front of Prayag Hotel which enjoys an open view of the Allahabad railway junction. Since it is situated in a very old and leaking building, made of tiles, it is not likely to attract attention of every passerby. The whole building produces a bad, and sometimes stinking odour obviously on account of its dirty maintenance. There is no boundary, and anyone can have easy access to doors and windows. Persons were found visiting the place too often, and making obscene gestures. The problem of keeping the place in clean sanitation remains unattended despite the mandate of the Act.<sup>10</sup>

### Administration

The shelter has a capacity of accommodating 22 to 25 girls. In an average the number of inmates generally range from 13 to 25. The staff attached to this shelter is 5—a cook, a peon, a watchman, a teacher and a superintendent. The shelter has to provide food,<sup>11</sup> clothing,<sup>12</sup> bedding<sup>13</sup> educational and vocational training<sup>14</sup> and also impart moral and religious teachings to the inmates.<sup>15</sup> No change could be discerned in the attitude of these girls as the staff themselves had no training to render the needful services. There is no arrangement for providing vocational training.

Security arrangements are negligible. The only watchman attached to the shelter comes at six in the evening and leaves at seven in the morning.

7. Situated at Gorakhpur, Varanasi, Lucknow, Meerut, Almora, Pithoragarh and Agra.

8. At Saharanpur and Fatehpur.

9. Out of these ten, six shelters *viz.*, at Allahabad, Bareilly, Faizabad, Etawah, Unnao and Mathura are situated in plains and the remaining four, *viz.*, at Tehri Garhwal, Haldwani, Kotdwara and Dehradun are situated in hilly areas.

10. Rule 14 (1) of the Uttar Pradesh Suppression of Immoral Traffic in Women and Girls (U.P.S.I.T.W.G.) Rules 1961 casts a direct duty upon the superintendent to maintain sanitation and cleanliness. It lays down:

“(i) the Superintendent shall be in charge of general supervision and sanitation of the home and the health of inmates”.

11. *Id.*, rule 22.

12. *Id.*, rule 23.

13. *Id.*, rule 24.

14. *Id.*, rule 20.

15. *Id.*, rule 25.

The toilet and lavatories are crudely furnished, which is a health hazard to the inmates. The girls are not provided with cots. On enquiry, it was found that inmates started escaping through the ventilators by piling one cot upon the other; hence this facility was withdrawn.

Regarding food, clothing and bedding, the inmates expressed satisfaction. They were happy and had no grudge on this score. No girl seemed to be mentally prepared to remain in the district shelter, as she found herself unable to adjust. Suicidal tendencies on account of frustration are not ruled out and the administration, as precautionary measure, keeps the kitchen knives and sharp edged gadgets out of the reach of inmates. Efforts to rehabilitate the inmates is practically nil, though stray efforts were made in some cases to settle them in homes. The problem requires a concerted effort by the public in general and the officials in particular. To facilitate rehabilitation the government sanctions a rehabilitation grant of Rs. 500 per inmate. Neither marriages are being performed nor are they being provided with any job, either on individual or on group level. The institution is required to send detailed information to the head office regarding the number of inmates rehabilitated through marriage but the results are poor. The state government has directed all its officers in Uttar Pradesh to observe every caution while negotiating marriage so that the girls do not fall victim to the organized gangs.<sup>16</sup>

#### **Admission of girls in the shelter and subsequent problems**

Under the provisions of the Act a woman or girl admitted to a protective home shall be examined by the superintendent, who shall record in the register in Form VI the particulars required to be shown in that register.

A new set of clothing are to be supplied. The superintendent or some other officials of the protective home has the duty to arrange for medical examination of the woman by a qualified lady doctor. Those found suffering from venereal disease are to be kept separate from the others. If any woman or girl is suffering from serious illness, she is to be taken to the nearest hospital for admission and a report is to be sent to the district magistrate. A copy of the report is to be simultaneously sent to the chief inspector. Thereafter, the superintendent on ascertaining the correct address of the girl is to write a letter to her parents. In a majority of cases the girls do not give the correct address and this poses a problem for the superintendent. In some cases the parents turn up to take the girl back. In many cases the brothel keepers approach the superintendent and claim themselves to be the guardians or close relatives of the girl.

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16. Letter No. C-125/H1-Sa-Ka M K., Vivati-78-79, dated Lucknow 22 July 1978 issued from the Directorate of Harijan and Social Welfare, U.P., Lucknow.

Girls are released only on order of competent magistrate. The superintendent is merely to comply with the formalities required for such discharge. In cases where girls do not disclose their correct addresses they are allowed to stay in the shelter. Attempt is made to verify the address, and efforts are also made to provide some job to them.

#### General analysis of interview of inmates in the shelter

Out of sixteen girls interviewed in the district shelter, some general conclusions can be derived and are stated as under:

The girls in the shelter home belonged to the age group of 13 to 21 years. They generally came from economically low strata such as labourer, factory worker, motor-mechanic and so on. Their educational qualifications varied from illiteracy to class IX. They belonged to different religions and communities. They had been clandestinely brought to this profession. Nine of the inmates wanted to get married whereas two expressed the desire to go back home. Four wanted to get higher education. None of the inmates considered the profession as moral. Not a single girl admitted that it was desirable to adopt this profession as a means of livelihood.

#### Law enforcement

For purposes of understanding law enforcement and control, it is necessary to know that the city of Allahabad is divided in ten thanas<sup>17</sup> and four circles. Meergunj area comes under police outpost Badshahi Mandi which itself is situated in the heart of Meergunj and is directly under Kotwali Chowk area, Allahabad. Meergunj itself is situated hardly at a distance of 100 yards from the Chowk thana. The countless brothels of the area are generally controlled and maintained by the dancing ladies, who appear before the court on the pretext of dancing girls, being in possession of licence for that profession, but who really act as madams, controlling and supervising the girls, in the area. The Act prohibits solicitation of customers and loitering of the prostitutes, but unless the act of prostitution is proved, they fail to adopt any repressive measures against them.<sup>18</sup> It is within every one's knowledge that prostitution is going on in Meergunj area, but no cognisance is ever taken by the police. It is difficult to bring forward someone to say that he has seen the trade being carried on and the girl being paid for that. It is also very difficult to draw an inference of prostitution from the circumstances of a case and to charge a person on that basis,<sup>19</sup> as the benefit of doubt always goes to

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17. Colonelganj, Kotwali, Cannington, Khuldabad, Kydganj, Muthiganj, Daraganj Cantonment, Naini and Dhoomanganj.

18. For the meaning of prostitution and prostitutes, see *supra* note 1 and references thereunder; see also s. 2 (e) and (f) of the Act.

19. See also *State of Kerala v. Pathumma*, (1969) Cri.L.J. 697; *State of Bombay v. Jal K. Patel*, A.I.R. 1951 Bom. 203; *Joseph D'Silva v. Emperor*, (1947) 48 Cri.L.J. 305.

the accused. Fraught with all these pitfalls, there is no real success as yet. More practical difficulties are faced when some big guns of the city show their special fervour towards some of the famous dancing girls who also act as prostitutes, and thus are their protege. Whenever there is a raid in the area and the important ones are arrested, they directly influence the district administration and get themselves released.

Besides, the prostitutes also file writ petitions against the police for unnecessarily harassing them and to restrain the police from interfering in their business/trade or profession. They are also accompanied by the dancing girls. They are thus able to frustrate the police raid and defeat the ultimate object of the Act.

The most humiliating problem faced by the police is that whenever these girls are taken to court for bail, they attract a large crowd which make sarcastic remarks against them as also against the police. This discourages the police from doing anything in right earnest.

Since neither the fact of prostitution nor their loitering nor seducing can be proved by the police and because the police has proved itself to be too meagre an instrument for law enforcement, these prostitutes are often charged under section 34 (7) of the Police Act 1861,<sup>20</sup> and section 294 of the Indian Penal Code,<sup>21</sup> for indecent exposure against public decency, and they are seldom charged under sections 7 and 8 of the Suppression of Immoral Traffic Act.

The total number of persons arrested in 1977 under the Act was 240 out of which trial was pending in 238 cases and conviction was sustained in two cases only. Similarly, in 1978 total arrests made were 291, out of which trial was pending in 77 cases and conviction was sustained in 114. In 1979 no arrests were made. In 1980 a total of 52 persons were arrested and in 1981 (upto 31 October) only 11 persons were arrested. Figures regarding number of trials and convictions in the years 1980 and 1981 could not be obtained as no record was available.

The above figures do not help to arrive at definite conclusions but they reveal some glaring points. First, that while in 1977, 240 persons were arrested, in 1981 (that is after a lapse of 4 years) only 11 persons were arrested. Increase in prostitution being an undeniable fact decline in the number of arrests, speaks of some startling proposition. The number

20. S. 34 of Police Act 1861 reads:

Seventh—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.”

21. S. 294 of the Indian Penal Code states:

Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine or with both.

of persons arrested going down by as many as 22 times is indicative of non law enforcement. It may well be that underworld interest saw to it that no arrests at all were made as instanced in 1979. Large number of pending trials weaken the efficacy and purpose of the Act.

Legal measures are undoubtedly necessary but experience has proved that they are not sufficient by themselves, and that punishment by itself is liable to encourage a prostitute to repeat the offence as a reaction to the insult she has suffered and also to enable her to earn more money to obtain a bail. The main problem, therefore, is not enforcement or inadequacy of law but the ignorance of the government of the real causes of prostitution.<sup>22</sup>

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22. Herbert L. Packer, *Limits of Criminal Sanctions* (1958) ; Elmer H. Jhonson, "Inter-relatedness of Law Enforcement Programmes: A Fundamental Dimension", address at Law Enforcement Training Institute, 26 May 1968, sponsored by Memphis State University, Memphis, Tennessee under a grant from Title I of the Higher Education Act 1965.

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