

CHAPTER VIII

CONCLUSION

Law and religion never did offer equal status and rights to man and woman. Being a natural biological partner for amorous adventures and at the same time conventionally possessed of disadvantaged lower social status, the women's vulnerability to male's seductive attitude and activities is a stark reality of history. The obvious implication is that women are facing lots of problems in the society such as sexual harassment, molestation, gender discrimination, violence in domestic and public life, social abuse etc. over a long period of time. Trafficking of women is a natural phenomenon in a social structure cutting across the barriers of time and space. Women are trafficked for several purposes like sexual exploitation or prostitution, slavery etc. We have a reference to sale of good looking girls in inscription. The inscription is now preserved in the Prince of Wales Museum, Bombay.¹ Here, there is a reference in the *Abadhatta* poem to hawking of beautiful girls for royal people. The inscription is written in eight languages. It is like a beauty competition where the pimps or brokers were loudly describing the beauty of the girls who were waiting silently as market commodity. The social setting in ancient as well as medieval India was as such that dissimilar stands were adopted to judge the individual as well as social conduct of the male and the female. The introduction of western education and liberal ideas after the coming of the British, the Indian society witnessed a new change which even touched the life of women in India.

According to Michel Foucault's theory in '*The History of Sexuality*', sexual life in West should be controlled by the power and repression.² The modern feminists are influenced by his theory. Judith R. Walkowitz said Foucault's theory is meaningful in respect of the marginalized women of the society. Walkowitz had written : "Foucault's insight that no one is outside of power has important implications for expressions from the margins. Just because women are excluded from centres of cultural production, they are not left free to invent their texts.... They are bound imaginatively by a limited cultural repertoire... Women ... do not simply experience sexual passion and naturally find the words to express those feelings... In the simplest sense, women of different classes and races all have to rely on cultural constructs to tell their truth."³

Prostitution played an important part in the history of India during the long past to the present day. Prostitution came to stay and thrive in India. It had formed an integral part of the civil and military life. Not only the western countries but the state, power and govt. of India also trying to conduct prostitution from the age of *Arthasatra*. State decided and controlled their (prostitutes) activities, imposed tax on prostitution.

A lot of reasons for the emergence of prostitution has been discussed. Such a genealogical tradition of the most ancient kings and *Rishis* of India since the time of the *Rig-veda*, *Atharva-veda* to the period of *zamindars* and British East India Company was going on. Even the *Devas* (many of whom were outstanding personalities passed into divinity after death) were not free from the sins of the flesh, innumerable legends and folk-lore had been woven from the time immemorial.⁴ It is fact that various changes may be noticed in prostitution throughout the period. But more or less the reasons for the rise of prostitution remained unchanged. Traditional or religious causes, financial insecurity or poverty, seduction, domestic misery, cheating or misguiding, voluntary adoption etc. are the main push factors for prostitution. On the basis of nature and practice of flesh trade, there developed several types of prostitutions along with different categories of clients and pimps who are inseparably attached with this primitive practice.

Where the religious scriptures of a country recognized women as a commodity, prostitution can't be a un-natural deal there. The *veshyas* were taken as the safety valves of a highly organized and refined society; the best course that had been thought out was without an attempt at their total extinction to sustain them within proper limits and to acknowledge their status as human beings. Gradually they came under the aegis of the law though they had long before been recognized by religion.

The laws regarding the issue of prostitution, were double standard from the age of religious scriptures. For evidence we may refer *Manu* and *Kautilya's* instructions. *Manu* said, all the *ganikas* are thief and fraud.⁵ On the other hand, *Kautilya* charged twenty four *panas* and forty eight *panas* for insulting and physical assault of prostitutes respectively. If a man robs a courtesan of her ornaments, her goods or the payment due to her, he shall be fined eight times (the amount).⁶

Coming to the present, the situation is not more than same paradoxical. The same features of double standard law regarding prostitution is noticed in ITPA. According to an interview of the sex workers (by the present writer) that PITA act (ITPA) is not appropriate for their welfare. It has some inner contradictions. The law nos. 8 and 20 of ITPA have been repealed by the initiative of Smt. Reba Nayer (the Secretary of the Women and Child Development, Govt. of India). The repealed laws allow prostitute to soliciting with their clients and also banned the right of Magistrate to uproot the brothels of his locality without notice. While the Act nos. 3, 4 and 5/C of ITPA are not in favour of the sex workers. These acts prohibit to let at rent houses, hotels for prostitution, do not allow the sex workers' children above 18 years to live on their mothers' income, sanction the right to arrest the clients respectively.⁷

It is evident that the practice of prostitution in colonial India was influenced by British rule dating back to the 19th century. North and South both part of Bengal was influenced by British rule. From 19th century, up to the early 20th century the rule of British India facilitated, regulated and also encouraged prostitution. However; British govt. encouraged prostitution for their own interest. The British military and civilian who were posted in this country, could not keep their families with them. We have the reference of *chakla* system. To satisfy the natural sexual desire of those employees, British company introduced *chaklas* around military barrack.

Not only Indian prostitution affected by the policy of the Governor General of India. It was also influenced by British cultural beliefs and conflicts. Colonial tensions, cultural misunderstandings, and concern for racial superiority played large roles in British regulation of prostitution. The British had a profound effect on prostitution in India, both legislatively and socially.

A lot of changes are noticeable in the life of prostitutes and outlook of the professionals. Since the hoary antiquity the change began to evolve very slowly. One of their evolutionary change may be mentioned here. We may cite the episode of *Jivaka* who became renowned medical authority of his time. He was also famous as lord *Budhha's* attending physician. He was the son of a prostitute. His life gives out a glaring instance of the prostitute's proverbial dislike for male babies. Many male babies

were either killed or cast off immediately after their birth. The female child was hailed as a boon and nurtured most carefully. For example, *Salavati* who brutally forsook *Jivaka*, anxiously reared her daughter *Sirima*, who afterwards like her mother became a very noted courtesan of Rajgriha. It is easy to understand why the daughter were raised and brought so carefully.

With the time being, the concept of preferring girl child is changed. The surveys (by the present writer) in several red light areas of North Bengal and Sonagachhi in Kolkata revealed that the mothers of brothels don't want to push their daughters in their business any more. Their daughters have started to go to schools. It is undoubtedly a paradigm-shift in Women History.

Prostitution has been always an integral part of urbanization. The example of prostitution and its increasing practice is useful in demonstrating how crime has been urbanized and regulated according to an urban-centric frame work. However; a particular group including the commercial sex workers are reluctant to consider prostitution as a crime, rather they are demanding to legalize the job. Although, it is said that since in the nineteenth century, prostitution has been a metaphor for urban disintegration and disorganization.⁸

Somehow, the culture of prostitution in this part of Bengal differs from South Bengal specially from Kolkata. During nineteenth century, *Babu* culture highly nourished and patronized prostitution in Kolkata. But comparatively, no replica of *Babu* culture expanded in the northern part of Bengal. Rather the strategic importance of North Bengal encouraging the rapid growth of prostitution in this region directly and indirectly.

Commercial importance of North Bengal and for some its importance comes from its strategic placement near international and state borders. The convenient transportation, trading, education centre make the region crowded. North Bengal is blessed with the beauty of nature which attracts the tourist of far and away with its immense natural beauty. It is the paradise of scenic beauty maintaining wonderful balance between industrial state and ecology of the region.

If we look behind just one century ago, North Bengal was nothing but a small village or rather it is better to say a mufussail with limited population. At that period, agriculture was the main occupation of the dwellers of North Bengal. After partition of the sub-continent into India and Pakistan in 1947 and the creation of Bangladesh in 1971, this portion of Bengal became a crowded refugee centre. But at present, North Bengal is achieved an important place in West Bengal with a huge population. This part of Bengal is one of the fastest growing area in all over the country.

The geo-strategic importance of North Bengal connects three International borders (Bangladesh, China, Nepal) which is rare in the map of World. Being so located, Siliguri, one of the main city of North Bengal became a trade hub for whole of West Bengal. An important nerve centre of all kinds of activities related to the trade and commerce of the region. Saw milling and jute milling are important industries over North Bengal, there are also tea plantation in the main importance.

In post-colonial period, this zone has experienced Sino-Indian War of 1962 AD, Cold War, Independence war of Bangladesh in 1971, inclusion of Sikkim within Indian federal structure. Separist movements in pockets of North Bengal and North East India, globalization, other political turmoils, led the people move into the peri-urban areas leaving the countryside. The riot, war, partition always exploited the women most. Both positive and negative impacts of global market economy have been evidenced here. The agricultural and industrial producers would try to create a market world-wide, from a homogeneous culture in favour of the establishment of the monopoly of North Bengal over that market.⁹

During the last decades the closing of several tea estates in North Bengal affected the economy of this region. It forced many young girls into prostitution in order to feed their families.

A question naturally occupies our investigation that the prostitutes or commercial sex workers whether they are 'forced labour' or 'voluntary sex worker'? It is a question of controversy. But we can't deny that, their income is invested in mode of production either direct way or indirect way. We noticed those women from red light areas didn't

hesitate to contribute their savings in *swadeshi* movement vis-a-vis. any other crisis of the country.

The history of prostitution in Bengal has already come into focus. Unfortunately the history of prostitution of North Bengal didn't get much importance in those writings. The prostitutes of Kolkata expressed their views through their writings. The chap-books of Bot-tola literature provides all those documents. But the women of this area engaged in this profession never had any scope to express their own experience and passed into oblivion leaving no trace. Only story references in local tales, songs, official documents, popular stories about the kings, *zamindars* or colonial administrators or planters are at our hands.

Most of the evidences are not yet decisively deciphered. Still history of prostitution in North Bengal may be traced from early texts like *Ramacharita*, *Aryasaptasati* or inscriptional evidence like Bangarh. Transaction of women business through *narayane* coins of princely state Cooch Behar is also known. Railway extension, plantation, urbanization, penetration of British East India Company, European clubs, presence of patronized group, *haat* (market), fairs, archival records of Darjeeling lock hospital all these circumstances bring into light that the practice of prostitution was in-vogue on large scale in North Bengal.

At the last phase of the discourse, lets see the anthropological perspective regarding prostitution. Definition of prostitution in Indian common parlance is quite narrow. In anthropological perspectives, prostitution is regarded as the act of a female who hires her body to a number of males for sexual intercourse in exchange of money.¹⁰

On the basis of the above mentioned definition one vital question arises : prostitution should be looked at as livelihood 'work' or 'crime'? One expected reply would be, we believe that like any other occupation, sex work too is an occupation and should not be considered with value judgment. If it is one of the oldest profession in the world, that is because it must have continued to meet an important and consistent social demand.

On the other, some postulate, 'when it starts with violence and sexual abuse how can we call it work?'¹¹

One group advocating the legalization of prostitution, the other trying to eradicate this profession.

In such circumstances we are concluding by quoting C. Fabre - Tonnerre :

‘Prostitution exists in all countries, as well as in all the climates of the world. It has been considered a necessary social evil which cannot be eradicated by repressive legalization any more than by moral influence and religious teaching.’¹²