

**IDENTIFYING COVERT PROSTITUTION IN INDIA: SEXUAL SERVITUDE  
FORCED UPON TRADITIONAL COMMUNITIES**

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**Introduction**

India for long has very successfully advocated the right to development and has often held the apostle to a fully transformed society where there exists no gap between the rich and the poor and under no circumstance shall be any marginalization. Further supporting its stance on the international dais, India has often highlighted through the principles enshrined in the very preamble of its constitution of being a socialist republic that embodies liberty, equality, fraternity and justice. More than mere punch lines, these words or the constitution as a whole all along with basic needs for a sustainable livelihood have never really showed up at the doorsteps of a much larger and much denied group of people dwelling deep into rural India that may have access to mobile phones or water or rather have access to places of worship but absolutely no schools, hospitals or police stations and are secluded from the rest of the society. More importantly, these ‘people’ don’t have access to self – identity. A large portion or rather majority till this day is heavily organized on the lines of religion and subsequently castes and tribes (applies to all Indians irrespective of religious affiliation). These people often don’t show up on the so proudly showcased data of many civil society organisations, national human rights institutions or international organisations. These people only show up on lists as the average villager living in poverty but it nothing more than a facade. The female members of such a society are the real victims and as opposed to the man of the house or male bread winner phenomenon. These women are often trafficked to cities/towns and are forced into prostitution. However, amongst certain households it is so believed that a female shall only consider herself lucky if she ever makes it to the city under the aforementioned circumstance because the real rot stinking to the high heaven is back home and is much deeply embedded than what would appear to the naked eye.

Prostitution is one of the oldest professions of the world practiced since the birth of the organized society. Prostitution is practiced in almost all the countries and every type of society. In India, the Vedas, the earliest of the known Indian literature, abound in references

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to prostitution as an organized and established institution. In Indian mythology there are many references of high-class prostitution in the form of celestial demigods acting as prostitutes. They are referred to as *Menaka, Rambha, Urvashi, and Thilothamma*. They are described as perfect embodiments and unsurpassed beauty and feminine charms. They are highly accomplished in music and dance. They entertained divinities and their guests in the court of Lord *Indira*, the Lord of Hindu Gods. Prostitutes were also common during the reign of the Pandavas and Kauravas (Historical Indian rulers). They were an important part of the court and both dynasties possessed harems of aristocracy in Brahmanic India. Having concubines was common among the aristocracy. Kautilya's famous 'Arthasasthra' contains rules for prostitutes and their activities and gives an account of how prostitutes should behave and how their lives are ordered. A code of conduct was prescribed, for people seeking their favor and for them.

Today in the 21<sup>st</sup> century, there are quite handful communities that celebrate the birth of a female (contrary to a male) into their 'homes'. These communities have for long been subjected to brutal abuse and discrimination from changing dynasties of administration such as the Mughals, Tughlaqs, and Persians, Afghans, British or the numerous smaller feudal lords. These people were the expected entertainers to a much larger audiences at weddings and durbars, while a privileged lot were tended to in private quarters as part of the harem or frequent visitors.

For long the mind has often wondered about the origins of such women and possible availability to the curious lot. That is when one would come across the occasional sex worker not very far from them. These women may come across to one on the next big highway connecting the suburbs to the city or the next big town. In addition to her being sighted, she will be accompanied by a manager who tries hard enough to avoid being seen as a pimp but still over – joyed at the idea of a possible client to his stock. It is much later that one would realize that the woman (only if not young enough to be called a girl) he slept with was the manager's sister or wife and that is an understanding that is sorted between the two. Tracing the genesis to such an arrangement, one would gather that the lady belonged to a tribe that goes by the name of Kanjars in rural Rajasthan and Haryana or Bedias from Western Uttar Pradesh or much east to find Rajnats.

### **Prostitution as traditional source of livelihood**

Religious prostitutes were attached to the famous temples of Mahakala of Ujjain and the system of holy prostitutes became common. This class consisted of girls who had been offered by the parents to the service of the God and their religion. In the south India, they are known as Devadasi and in North India as Mukhies. These dancing girls were considered essential at the time of offering of prayers and were given a place of honor. Gradually due to the laxity of morals among the priests, they misused the systems for immoral purposes. Under the garb of religious dedication of girls to temples, clandestine prostitution developed.

The medieval period gave great importance to women and wine. The Muslim rulers with the exception of Aurangzeb recognized prostitution and the profession flourished under royal patronage. After the downfall of the Mughal Empire, hordes of concubines, dancing and singing girls women came out of the royal palaces. They were not trained for any profession and society had no jobs to offer them. When faced with economic problem they had no choice but to take recourse to the laziest of all the trades, the trade of sex.

The place of women in India did not improve during the British regime. Conditions continued to deteriorate and in the absence of state control and regulation, prostitution thrived on a large commercial scale. Social disabilities and economic hardships of women made them an easy victim to the gangsters of this profession.

Traditional prostitution, though banned in the country still exists in a clandestine manner. Minor girls are forced into prostitution in the name of faith especially in the States of Maharashtra and Karnataka. Bedia, Nat, Kanjar and other such communities follow a traditional form of prostitution. Here, the women and the girl is already devoted to a traditional form of prostitution.<sup>2</sup>

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<sup>2</sup> Trafficking and the Law, (published by Human Rights Law Network 2<sup>nd</sup> ed., November 2011) '*dynamics of trafficking*', pp. 17

### Religious or sacred prostitution

- **Devadasis<sup>3</sup>**

The Devadasis, as the name suggests are dedicated to gods and then the priests claim first rights to them, and later on everyone else. They are courtesans in god's court. A devadasi cannot belong to any one particular husband (generally the Indian ideas of marriage are that daughters are transferable property gifted to husbands), instead she is a common property. In other words, the Devadasi system is a "system of votive offering of girls to the deities in Brahmanic temples."<sup>4</sup>

It is viewed that the "devadasis" are the Buddhist nuns who were degraded to the level of prostitutes after the temples were taken over by the Brahmins during the times of their resurgence after the fall of Buddhism. The latter, with their ideological and religious hold over the peasants and craftsmen, devised a means that gave prostitution their religious sanction. Poor, low-caste girls, initially sold at private auctions, were later dedicated to the temples. They were then initiated into prostitution. On the basis of the historical studies and research one can see the way the "sacred prostitution" established itself and grew to become a part of the Indian society. Sadly, due to the continuation of the factors responsible for the birth of the system, the tradition has maintained itself over the centuries. It is found in all parts of India, but was more prevalent in the south. In some parts of Maharashtra and Karnataka it is still prevalent and has become a source of exploitation of lower castes.<sup>5</sup>

The traditional devadasi system is still alive with a dramatic change. It has given a veil to operate the commercial prostitution. The women practising are identified by the name of devadasi, i.e. 'female servants of the deity' and hence has got a religious and societal sanction. Poverty acts as the main reason from the parents to put their daughters in this profession, and as there is also very less or no social stigma attached to it, they don't find it shameful. Society's ignorance is an aegis and they (including victim of this heinous profession) do not suffer psychologically from what has happened.

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<sup>3</sup> Also see, K Santhaa Reddy, '*Devadasis – time to review history*', available at <http://www.samarthbharat.com/devadasis.htm>. (last visited on Feb. 05, 2018)

<sup>4</sup> *The Devadasi System*, <http://iml.jou.ufl.edu/projects/Spring02/Chattaraj/index2.html> (last visited Feb. 05, 2018)

<sup>5</sup> *Genesis and Growth*, <http://iml.jou.ufl.edu/projects/Spring02/Chattaraj/genesis.html> (last visited Feb. 05, 2018)

### **Their ridiculous process of dedication**

After the completion of the formalities<sup>6</sup> by the priest, the people make offerings to her and wash her feet<sup>7</sup>. Then she has to beg for food grains and the collected food grains is used to prepare the sacred prasadam<sup>8</sup>. Later she is trained by the senior devadasis to live a self-same life.

- **Rajnats**

The 'rajnats' or 'nats' were dancer and singers in the royal courts but were reduced to utter penury and took to prostitution with the decline of the feudal order. While most girls in the community were pushed into commercial sex, the men functioned as pimps and the tradition has continued. Though in most parts of the State, commercial sex work has been given up, there are pockets where some girls still follow the profession because even the educated men have no jobs and the situation has become even more difficult when it comes to girls.<sup>9</sup>

Rajnats have followed a curious trend in the way they treat the women in their community – the married ones are the homemakers and mothers, while the unmarried ones are treated as sex objects. Their history dates back to the princely era when this community, largely nomadic, served as entertainers. Initially, the girls used to perform rope dance and acrobatics for their royal patrons though gradually they started providing sexual services as well. In return, they were obliged with generous gifts both in cash and kind. However, post-Independence once the Privy Purse was abolished the Rajnat girls lost their "benefactors" and took to doing commercial sex work to survive. Being landless, uneducated and unskilled the Rajnats were simply not equipped to pursue any other vocation. Most girls either go to Mumbai to work as bar dancers or take to sex work and the men function as pimps.<sup>10</sup>

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<sup>6</sup> Please see, Anil Chawla, *devadasis – sinners or sinned against, 'dedication process'*, pp. 33-37, available at <http://www.samarthbharat.com/files/devadasihistory.pdf>, (last visited Feb. 05, 2018)

<sup>7</sup> The mark of respect by the society

<sup>8</sup> The mark of religious sanction

<sup>9</sup> Aarti Dhar, *'Rajnat' girls unable to quit flesh trade*, Mar. 16, 2015, available at <http://www.thehindu.com/todays-paper/tp-national/rajnat-girls-unable-to-quit-flesh-trade/article6997163.ece>; (last visited Feb. 05, 2018)

<sup>10</sup> Abha Sharma, *'Rajnat Women Move out of Sex Work Towards a New Identity'*, Feb. 05, 2016, available at <http://www.thecitizen.in/index.php/NewsDetail/index/7/6746/Rajnat-Women-Move-out-of-Sex-Work-Towards-a-New-Identity>, (last visited Feb. 05, 2018)

A survey conducted by World Vision, India in 2014 in 7 Rajnat areas, where the NGO currently works — Bhojpura, Teelawala, Nandlalpura, Bandarsindri, Bargaon, Narayana and S. Dhabha (Ganji)<sup>11</sup>

### **Magnitude and impact**

The devadasis, spread all over India, lead intolerable lives. They have been quenching the thirst of millions of upper caste Indian male's lusts. Since the inception of this "deplorable" system, the joginis have been subjected to merciless subjugation and injustice. They continue to face discrimination and indignities on the basis of caste, remain politically powerless and suffer from acute poverty<sup>12</sup>, oppression and exploitation. They run high chances of acquiring sexually transmitted diseases.<sup>13</sup>

Devadasi remain common in the poorest towns and villages of provinces of the states of Karnataka and Andhra Pradesh. In 2006, the National Legal Service Authority in Bangalore launched an awareness programme for police and judges, and said there were 250,000 "devadasi" girls who had been dedicated to Yellamma and Khandoba temples. But the remoteness of many of the villages, and the continuing rise in demand from organised traffickers who pay well for young girls to fill the brothels of India's vast cities, is thwarting efforts to combat the system.<sup>14</sup>

The social customs combined with economic pressures have pushed girls into the system. The fact that not one of them is married and most of them have children not only leaves them in a traumatised condition but renders their children stigmatised forever.<sup>15</sup>

The statistics available on the number of prostitutes operating in the country is not exact because there is so much of covert prostitution. A very accurate, comprehensive picture of prostitution in India is not available since sexual exploitation and sale of women and children are mostly unreported crimes.

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<sup>11</sup> Aarti Dhar, 'Rajnat' girls unable to quit flesh trade', Mar. 16, 2015, available at <http://www.thehindu.com/todays-paper/tp-national/rajnat-girls-unable-to-quit-flesh-trade/article6997163.ece>; (last visited Feb. 05, 2018)

<sup>12</sup> Nash Colundalur, 'Devadasis are a cursed community', Jan. 21, 2011, available at <https://www.theguardian.com/lifeandstyle/2011/jan/21/devadasi-india-sex-work-religion>, (last visited Feb. 05, 2018)

<sup>13</sup> *The Plight*, <http://iml.jou.ufl.edu/projects/Spring02/Chattaraj/plight.html>, (last visited Feb. 05, 2017)

<sup>14</sup> Tracy McVeigh, 'Why India's 'devadasi' girls face a wretched life in the name of religion', Jan. 22, 2011, available at <https://www.theguardian.com/world/2011/jan/22/india-sex-exploitation-girls-devadasi>, (last visited Feb. 05, 2018)

<sup>15</sup> *The Plight*, <http://iml.jou.ufl.edu/projects/Spring02/Chattaraj/plight.html>, (last visited Feb. 05, 2017)

<sup>15</sup> Tracy McVeigh, 'Why India's 'devadasi' girls face a wretched life in the name of religion', Jan. 22, 2011, available at <https://www.theguardian.com/world/2011/jan/22/india-sex-exploitation-girls-devadasi>, (last visited Feb. 05, 2018)

Police investigations have in Delhi, Agra, Madhya Pradesh and Rajasthan found that the denotified tribes<sup>16</sup> like the Bedia, Nat, Kanjar, Banjara etc. practising prostitution as a tradition in the family have been found to be involved in kidnapping of minor girls from across North India. They kidnap minor girls and rear them as their own children. They use hormones like oxytocin on the minor girls to make them look older<sup>17</sup>. The victims are then supplied as dancers in the bars of Mumbai and also for further supply to Middle East countries including Dubai for prostitution rackets. Police investigations in a village in Alwar district of Rajasthan have found that women from these villages have a high number of passports. Madhya Pradesh police investigations in Mandsaur district have also found similar activity in prevalence<sup>18</sup>.

In Jaipur and Ajmer districts, found socio-cultural and economic reasons behind young women getting into commercial sex. Of the 170 households surveyed, 185 girls/women were into commercial sex, mostly in the age group of 18-30 years, a majority simply follow the family tradition because of poor economic condition.<sup>19</sup>

### **Difficulty to regulate it by law**

Although the apex court of this country, the Hon'ble Supreme Court<sup>20</sup> had laid down detailed guidelines. These prostitution are often practised under the veil of religion or social support, due to which it is not complained about by the victims as the perpetrators are their family members.

### **Difficulty in conviction**<sup>21</sup>

In these type of cases, many times it is hard to find the perpetrator and the victim, which is necessary to establish the 'perpetrator and victim' relationship to prosecute the crime. Most

<sup>16</sup> 'Denotified Tribes', available at [http://en.wikipedia.org/wiki/Denotified\\_Tribes](http://en.wikipedia.org/wiki/Denotified_Tribes), (last visited Feb. 05, 2018)

<sup>17</sup> Abhishek Bhalla & Preeti Choudhry, 'Girls drugged into puberty, sold as prostitutes', May 27, 2010, available at <http://indiatoday.intoday.in/story/Girls+drugged+into+puberty,+sold+as+prostitutes/1/99132.html>, (last visited Feb. 05, 2018)

<sup>18</sup> P Naveen, '32 girls abducted for brothels'; rescued, Dec. 10, 2011, available at <http://daily.bhaskar.com/article/MP-OTC-32-girls-abducted-for-brothels-rescued-2628838.html>, (last visited Feb. 05, 2018)

<sup>19</sup> Aarti Dhar, 'Rajnat' girls unable to quit flesh trade', Mar. 16, 2015, available at <http://www.thehindu.com/todays-paper/tp-national/rajnat-girls-unable-to-quit-flesh-trade/article6997163.ece>; (last visited Feb. 05, 2018)

<sup>20</sup> in the case Bachpan Bachao Andolan vs Union of India, has laid down detailed guidelines for combating human trafficking and in the case of Buddhadev Karmaskar vs State of West Bengal, Supreme Court has ordered to constitute a panel to examine the issue of rehabilitation of sex workers and trafficked victims.

<sup>21</sup> Anuradha Singh, 'Power of the Accused', in WRITINGS ON HUMAN RIGHTS, LAW AND SOCIETY IN INDIA: A COMBAT LAW ANTHOPOLOGY (Published by Human Rights Law Network, December 2011)

often either because it is promoted by the victim's own family and so the victim is reluctant to report about them or when many times, the victims themselves go underground.

It is promoted and supported by the society. Operate underground. Supported by religious cause.

With absolutely no or obsolete laws having obscure sanction by the government, the matter for the most of the time goes unreported.

The modus operandi is untraceable because of inefficient executive, delayed justice, sluggish procedural systems. By the time the trial starts, the victims and the witnesses become untraceable, due to strong network of these racket operating persons. All the efforts of the police to locate even the victim's families fail, due to which the prosecution could not produce evidence against the accused and they are eventually acquitted. All these failures make one thing prima facie clear that the deprived female section of the society becomes even more vulnerable to being re-victimised and re-trafficked. This is a usual pattern in South Asia, especially in India. This is a way in which traffickers operate freely, facing relatively low risks, earning huge profits<sup>22</sup> in their deals relating to human trade which has emerged as one of the most lucrative businesses in the new global economy next to weapons and drugs. The reason behind this is poverty, lack of sustainable livelihood, structural inequalities in the society. While these factors increase, the vulnerability of the marginalised and disadvantaged groups, what plays a vital role is the lack of effective 'victim and witness' protection measures. In the absence of such protection, provisions, victims, survivors feel intimidated and hesitate in complaining against the offenders or refuse to testify against them in the court of law. That is why the rate of the prosecutions and convictions is extremely low despite the rapid rise in this criminal nexus.

### **The perpetual cycle they're trapped in**

Factors such as poverty, the prospect of earning 'easy' money, and tradition compel families to send their girls for sex work. The young women are deprived of an education, a safe environment to grow up in and are vulnerable to Sexually Transmitted Infections and

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<sup>22</sup> They buy those girls in a very cheap rate and the service they provide in brothels generate a huge revenue.

Sexually Transmitted Diseases. Unfortunately, those who enter the trade find it difficult to leave because the alternatives are never really feasible.<sup>23</sup>

The girls of this community are forced into prostitution due to their own family and societal pressure.<sup>24</sup>

### **Grave violation of human rights**

An offence is a crime recognized by law and so no other crime would qualify until it is considered one by the government statutes.

A similar dynamic applies to the situation of Devadasis, Rajnats, Bedias and Kanjar Women. These women are born and moulded by a much-celebrated culture of prostitution, which is openly practiced in their households and not looked down upon by their neighbours. A social acceptance to such practices is relevant and it is understood that the women while growing up did not realize that they were being wronged. Her parents often ignore a child's trauma and she is groomed and brought up to be of use to the household in such an obscene way. The girl child transforms into a professional prostitute without being trafficked, misdealt or demeaned in a way that looked unusual in comparison with her older sisters, cousins, aunts, mother or grandmother. In her opinion, help and support groups are agents from a corrupt government, who aim to take her only livelihood and uproot her traditional values. The concept of law and crime is limited to her in her mind and only extends up to what the village and her family apply in the name of justice. Such practices, emerging from the growth and demands of a patriarchy and interacting with specific geo-economic needs, have largely been constrictive for women.<sup>25</sup> Further when such practices is practised for a long time and on a large scale they take a form of a custom for the whole community and they actually take pride in being attached with it and they believe in passing on the legacy to their future generations. Further, when such customs comes to be buttressed with the force, support and peer pressure by the people of their own community and in fact by their own family members and relatives<sup>26</sup>, who become more conscious agents in their perpetuation, the customs naturally become more

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<sup>23</sup> Abha Sharma, 'Rajnat Women Move out of Sex Work Towards a New Identity', Feb. 05, 2016, available at <http://www.thecitizen.in/index.php/NewsDetail/index/7/6746/Rajnat-Women-Move-out-of-Sex-Work-Towards-a-New-Identity>, (last visited Feb. 05, 2017)

<sup>24</sup> Aarti Dhar, 'Rajnat' girls unable to quit flesh trade', Mar. 16, 2015, available at <http://www.thehindu.com/todays-paper/tp-national/rajnat-girls-unable-to-quit-flesh-trade/article6997163.ece>; (last visited Feb. 05, 2017)

<sup>25</sup> Prem Chowdhry, 'Customs in a peasant economy, women in colonial Haryana', *Women and social reform in modern India*, Sumit Sarkar & Tanika Sarkar Ed. (Bloomington : Indiana University Press, c2008) vol. 1, pp. 215

<sup>26</sup> Aarti Dhar, 'Rajnat' girls unable to quit flesh trade, Mar. 16, 2015, available at <http://www.thehindu.com/todays-paper/tp-national/rajnat-girls-unable-to-quit-flesh-trade/article6997163.ece>; (last visited Feb. 05, 2018)

binding upon these communities and other groups practising prostitution, making it either difficult or impossible for a member to break out of their confines. The tenacious persistence of historically crystallised practices and customs and attitudes make a mockery of attempts by women to contest these and often involve them in prolonged legal battles and open confrontations.<sup>27</sup> On one hand, the agrarian milieu sows the generally accepted indices of an accepted status of women who is a housewife, life in a 'permissive' sexual climate i.e. monandry and full economic participation in meeting the daily minimum wherewithal of life, resting on a relatively greater similarity of function with men. On the other hand, it shows the region as also having indices of women's backwardness and helplessness, that is, illicit relationships, polyandry in different forms resulting in and unequal female status, opportunities, total neglect of and prejudice against female education, health and the complete absence of women from any positions of power and decision making.<sup>28</sup>

### **Suggestions**

Obviously, change is never easy. There are a lot of mixed feelings – on the one hand, the women have a huge sense of relief that their daughters will not be forced into the business, on the other, their considerably reduced earnings sometimes does force them to question their decision.<sup>29</sup> Different groups and clubs should be formed to facilitate the community to come up with ideas on alternate livelihoods, focus on education and improve their social status.

Providing political voice to those people in the local governments like panchayats, municipalities of the nearby towns, so that they themselves can ensure that all the people of their community can be benefitted from the government schemes.<sup>30</sup>

These people practise prostitution because of lack of alternatives for earning a livelihood. Special centres which provide them skills of stitching, mushrooming, animal rearing, baking<sup>31</sup> might help them by empowering them<sup>31</sup> to run an independent business.

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<sup>27</sup> Prem Chowdhry, 'Customs in a peasant economy, women in colonial Haryana', *Women and social reform in modern India*, Sumit Sarkar & Tanika Sarkar Ed. (Bloomington : Indiana University Press, c2008) vol. 1, pp. 215

<sup>28</sup> Prem Chowdhry, 'Customs in a peasant economy, women in colonial Haryana', *Women and social reform in modern India*, Sumit Sarkar & Tanika Sarkar Ed. (Bloomington : Indiana University Press, c2008) vol. 1, pp. 215

<sup>29</sup> Abha Sharma, *Rajnat Women Move out of Sex Work Towards a New Identity*, Feb. 05, 2016, available at <http://www.thecitizen.in/index.php/NewsDetail/index/7/6746/Rajnat-Women-Move-out-of-Sex-Work-Towards-a-New-Identity>, (last visited Feb. 05, 2018)

<sup>30</sup> Abha Sharma, *This Woman Sarpanch Is Bringing Change in a Community That Sends Its Daughters into Sex Trade*, July 11, 2016, available at <http://www.thebetterindia.com/58713/ranjana-kamdar-panchayar-rajahsthan>, (last visited Feb. 05, 2018)

<sup>31</sup> Abha Sharma, *This Woman Sarpanch Is Bringing Change in a Community That Sends Its Daughters into Sex Trade*, July 11, 2016, available at <http://www.thebetterindia.com/58713/ranjana-kamdar-panchayar-rajahsthan>, (last visited Feb. 05, 2018)