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LEGALISING PROSTITUTION TO COMBAT HUMAN TRAFFICKING: EXAMINING THE POLICY DEBATE

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Abstract

This paper examines whether legalising prostitution is an effective strategy to combat human trafficking in India. It surveys India's legal framework on prostitution and trafficking, assesses scholarly and policy literature, and compares outcomes in other jurisdictions (notably the Netherlands and Sweden). India's law permits consensual sex work per se but criminalises related activities (brothel-keeping, pimping, public solicitation) under the Immoral Traffic (Prevention) Act (ITPA) and Indian Penal Code (IPC). Proponents argue that legalisation protects sex workers and reduces hidden exploitation, while opponents contend it expands demand and fuels trafficking. Empirical studies (e.g. Cho *et al.*, *World Dev.* 41:67 (2013)) suggest a larger "scale effect" of legalisation leading to higher trafficking inflows[1][2]. The Netherlands' regulated model has faced criticism for persistent underground sex markets and trafficking[3]. Sweden's "Nordic model" claims success in shrinking public prostitution and deterring traffickers[4], but critics note data limitations and potential harms to sex workers. In India's context, legalisation alone cannot resolve trafficking without robust enforcement, social welfare and addressing root causes. A nuanced approach is needed, balancing rights of voluntary sex workers with strict measures against coercion and exploitation. The paper concludes that legalising prostitution is **not a panacea** for trafficking in India; it may help protect sex workers if accompanied by safeguards, but will not by itself eliminate trafficking.

Keywords

Prostitution Legalisation; Human Trafficking; Sex Workers' Rights; Immoral Traffic (Prevention) Act, 1956; Nordic Model; Anti-Trafficking Law.

Introduction

Prostitution and human trafficking are contentious issues in India's law and society. While prostitution (the act of selling sex for money) is not directly outlawed, **most activities surrounding it are illegal**. Under the Immoral Traffic (Prevention) Act, 1956 (as amended) (ITPA) and the Indian Penal Code (IPC), activities such as brothel-keeping, pimping, public solicitation and trafficking are criminalised[5][6]. The stated aim is to suppress exploitation and protect vulnerable

persons. Yet prostitution persists, often underground, and reports indicate that *trafficking for sexual exploitation* remains widespread. In 2022 India was ranked Tier-2 on the US State Department's Trafficking in Persons Report, reflecting serious trafficking challenges.

Key Question: Can legalising or decriminalising prostitution help combat human trafficking, or is this notion a **myth**? This debate has gained currency in India. For example, former Solicitor General N. Santosh Hegde and some activists have publicly urged consideration of

legalisation to “have control over the system”[7]. Conversely, many fear that legal markets would attract more traffickers to meet increased demand.

This paper provides a comprehensive legal analysis focusing on India, with comparative insights from the Netherlands and Sweden. It reviews legal norms (laws, cases, policy) and empirical literature to assess claims on both sides. We examine India’s legal regime and socio-legal realities; then evaluate how legal prostitution works abroad. The goal is to determine whether the hypothesis that “legalising prostitution reduces trafficking” holds true in India’s context, or if it is largely theoretical.

Literature Review

The literature on prostitution law and human trafficking is broad and polarized. Scholars and policymakers identify two competing **theoretical effects** of legalisation (Cho *et al.* 2013)[8]. The **scale effect** posits that legalisation increases the size of the commercial sex market, thereby **raising overall demand** and indirectly *incentivising trafficking*. In contrast, the **substitution effect** suggests legal markets satisfy demand with regulated workers, **reducing demand** for trafficked or clandestine workers. Cross-national empirical studies often find the scale effect dominates. For instance, Cho *et al.* find that in a global dataset “countries with legalized prostitution experience a larger degree of reported human trafficking inflows” – implying that, on balance, legalising brothels tends to raise trafficking[8]. Critics caution that data on trafficking is notoriously incomplete, but several analyses (e.g. Weitzer) echo concerns that simplistic links between legalisation and trafficking are unproven[9][10].

In comparative perspective, **mixed evidence** emerges. The Netherlands – which legalised prostitution (with regulation) in 2000 – is often cited. Government and NGO reports indicate persistent trafficking. One Dutch university review noted that legalisation did **not** eliminate underground markets; insufficient enforcement

has allowed sex trafficking to continue, with NGOs estimating thousands of victims annually[3]. In contrast, Sweden’s “Nordic model” (criminalising buyers, not sellers) is defended by some studies as reducing visible street prostitution and deterring traffickers. The Swedish Gender Equality Agency reports a **50% drop** in street prostitution since the 1999 law and government evaluations conclude the law “had deterred trafficking” with fewer criminals establishing networks[11][4]. However, other researchers (NordicModelNow; Anti-Trafficking Review) question whether trafficking has genuinely declined or merely shifted online, and note negative impacts on sex workers left operating secretly.

Within India-specific scholarship, a range of views exists. Some law review articles (e.g. Shankar *et al.*, Akron L. Rev. 2015) treat prostitution as work deserving decriminalization, arguing current laws enable police and pimps to exploit sex workers[12]. Feminist and human rights commentators highlight the constitutional and human rights dimensions: In *Budhadev Karmaskar v. State of W.B.* (2012), the Supreme Court affirmed that sex work should be treated as a profession entitling individuals to dignity under Article 21[13]. Simultaneously, critical scholars note the **ambiguity** in laws: sex work itself is “not illegal” but activities around it are criminal[14]. Reports by human rights bodies (e.g. NHRC) describe systemic abuses of sex workers by police under cover of these laws.

Government bodies have also weighed in. In 2014, India’s National Commission for Women reportedly proposed to consider legalising prostitution before a Supreme Court committee (Deccan Herald 2014). In practice, however, no consensus or legislative action has been taken. At the international level, India is party to the UN Trafficking Protocol (Palermo Protocol), which defines trafficking broadly to include exploitation of prostitution regardless of consent[15]. India’s domestic anti-trafficking efforts include stringent IPC provisions (updated in 2013) targeting trafficking (IPC §370) and child prostitution (IPC §§372–373).

Overall, the literature reveals **no simple answer**. Rather, it highlights a complex interplay of law, enforcement, social stigma and market forces. There is recognition that any approach must be multidimensional. The present study builds on this literature by focusing the debate on India's unique context, informed by comparative cases, to critically evaluate the "myth vs reality" question.

Research Problem

India faces a dual challenge: rampant human trafficking and marginalisation of sex workers. Despite decades of anti-trafficking laws (IPC, ITPA, etc.), trafficking remains pervasive. Some policymakers suggest a radical shift – fully legalise and regulate prostitution – to *combat* trafficking. This raises the core research problem: **Is legalising prostitution an effective means to reduce or eliminate human trafficking in India?**

This question matters for policy. If legalisation were effective, it would justify dramatic legal reform. If it is a myth, then resources should be directed elsewhere. The "myth vs reality" framing implies skepticism: we must test whether the assumed anti-trafficking benefits of legal sex markets hold up under legal scrutiny and empirical evidence.

Research Question

Formally, the research question is: **"Can legalising prostitution in India realistically help combat human trafficking, or is this hypothesis unsupported by legal and empirical evidence?"**

Sub-questions include: What does Indian law currently say about prostitution and trafficking? How have different legal models (legalisation vs criminalisation vs Nordic model) fared in practice regarding trafficking? What have comparative studies and international bodies reported? And what does this imply for India's policy?

Research Methodology

This study uses doctrinal legal analysis and comparative law methodology. We analyze primary legal sources (Indian statutes, constitutional provisions, Supreme Court judgments) to map India's prostitution and trafficking laws. We review secondary literature (academic articles, NGO reports, media, comparative case studies) to understand debates and evidence. Empirical findings from global studies (e.g. Cho *et al.*) and official reports (e.g. Swedish Government evaluation, Dutch trafficking data) are examined. The comparative dimension focuses on select jurisdictions (Netherlands, Sweden) exemplifying divergent legal approaches. Throughout, we cite authoritative sources (laws, cases, UN protocols) and peer-reviewed research, following Bluebook-style footnote conventions.

Analysis

India's Legal Framework on Prostitution and Trafficking

India has **no law that outright bans the act of selling sex itself**. Sex work is treated as a form of labour or self-employment, though heavily regulated. The ITPA provides the core statutory framework for prostitution-related offenses. Key provisions criminalise: - **Brothel-keeping:** Section 3 of the ITPA makes it an offense "to keep or manage, or assist in the management of, a brothel"[5]. Even landlords who knowingly rent premises for prostitution can be punished[16]. - **Living on earnings:** Section 4 penalises anyone over 18 who "knowingly lives ... on the earnings of the prostitution of any other person"[17]. (Punishment increases to 7–10 years if the earnings are from a child or minor.) - **Pimping and procuring:** Section 5 prohibits procuring, inducing or taking any person for prostitution[6]. This covers recruiters and managers of prostitution. (The term "person" includes female minors, as amended.) - **Detention in brothels:** Section 6 criminalises detaining a person in premises used for prostitution against their will (except where the

person is a wife, who cannot consent under ITPA)[6]. – **Public prostitution:** Sections 7–9 forbid prostitution in public places and soliciting in public[6]. (E.g., selling sex within 200 yards of a public space is an offense[18].)

These provisions reflect a **repressive model:** sex work is permitted only in the most private context; any public or organised aspects invite criminal penalties. The ITPA’s 1986 amendments (amplifying powers of police, establishing rescue homes, etc.) reflect a historical approach aimed at “suppressing immoral traffic” rather than recognising sex work as legitimate employment. Notably, the Act itself defines “prostitution” as the sexual exploitation of a woman for hire, casting sex workers (implicitly female) as victims[19].

Simultaneously, the IPC and Indian Constitution address trafficking and exploitation. Article 23(1) of the Constitution prohibits “traffic in human beings” and forced labour, making such trade punishable by law[20]. IPC sections 366A–366B, 372–373 (dating from 1920s–30s) tackle **child prostitution** (importing girls, selling or buying minors for prostitution, etc.). In 2013, India overhauled its anti-trafficking law via the Criminal Law (Amendment) Act. This added IPC §§ 370–370A. Section 370 now criminalises “trafficking” broadly. It defines it as recruiting, transporting, harbouring or receiving persons for the purpose of exploitation by “force, coercion, abduction, fraud, deception, abuse of power” or other means[21]. Exploitation explicitly includes sexual exploitation. Punishment is rigorous imprisonment (7–10 years). Crucially, this law clarifies that the **consent of the victim is irrelevant** if any of the proscribed means were used[22]. Section 370A penalises the exploitation of trafficked persons for commercial sex (e.g. using them in brothels).

Despite these anti-trafficking laws, India’s legal stance is contradictory. On one hand, the Supreme Court has recognized sex work as a “profession” deserving dignity under Article 21[13]. On the other hand, laws like the ITPA criminalise most aspects of the trade. As one

analysis notes, “Sex work is not illegal in India. However, various related activities such as operating brothels, soliciting in public and living on earnings are criminalized” under ITPA[14]. This dual approach creates ambiguity. Scholars observe that the legislation “conflates sex work with trafficking, creating legal uncertainty”[14]. In practice, the effect is that many consensual adult sex workers are routinely treated as criminals. For example, the NHRC reported ~14,000 arrests of women under ITPA each year despite sex work’s legal status as a profession[23]. Recent Supreme Court guidelines have decried this enforcement hypocrisy: victims of consensual sex work should not be penalized or harassed absent evidence of trafficking or force[24].

Beyond statute, law enforcement is a major factor. Reports by NGOs and journalists document how police use ITPA and other laws to extort sex workers[12][25]. Sex workers often lack legal protection; police raids, fines and arbitrary detention are common. In red-light districts (e.g. Sonagachi in Kolkata, Kamathipura in Mumbai), corruption is pervasive – local studies found brothel-keepers bribe police, and even minors may be “registered” by paying officers[26]. These conditions mean that **criminalisation drives the industry underground**, where exploitation can flourish unchecked.

In sum, India’s current legal regime neither fully criminalises prostitution (the act) nor effectively regulates it; instead it punishes peripheral activities. This framework has been criticised as “ill-conceived”[12] because it neither protects sex workers’ rights nor stops trafficking. The legal situation lays a complex foundation for considering reform: any proposal to legalize prostitution must contend with this existing patchwork of laws and deep-rooted social stigma.

The Legalisation Debate in India

In India’s public discourse, voices on legalising prostitution are emerging but remain marginal. Some advocates and experts (e.g. ex-Judge

Santosh Hegde) argue that outlawing prostitution has failed, and that bringing it into the open with regulation could better safeguard women[7]. Under this view, decriminalisation would allow health checks, taxation, labour rights and police monitoring, thereby weakening criminal syndicates and traffickers. Proponents also cite human rights: if sex work is a form of labour (as the Supreme Court recognized), then denying it legal status violates workers' dignity[13].

These advocates often reference international examples. A 2017 law review article (The Law Brigade) concluded bluntly: "Legalizing sex work and the sex industry... would ensure the civil and political rights of sex-workers. Trafficking and exploitation of sex workers can also be dealt with" in a legal framework[2]. Sex workers' collectives in India (e.g. Durbar Mahila Samanwaya Committee in Kolkata) have long pushed for decriminalisation and rights, arguing that current laws leave them without protection and vulnerable to abuse.

On the other hand, many policymakers and NGOs resist legalisation. They fear that legitimizing prostitution will **increase demand** for paid sex, thereby encouraging traffickers to supply victims. The Coalition Against Trafficking in Women (CATW) and similar groups argue that the "sex trade" inevitably exploits women and children, and that legal brothels become magnets for traffickers. Some cite Dutch outcomes as cautionary: a 2013 CATW report claimed that since legalization, the Netherlands saw 5,000–8,000 trafficking victims yearly, mainly for sexual exploitation. (Though the report's methodology is disputed, it reflects the worry that regulation has not eliminated trafficking.) Even in India's government, officials have been non-committal. A 2020 report by the Ministry of Women and Child Development implicitly rejected legalization by recommending more enforcement and victim support rather than changing prostitution laws.

Within academia, the Indian literature on this specific question is limited but growing. Some

scholars identify contradictions: the ITPA is legally tolerant (sex work not per se illegal[27]) yet police violate workers' rights under its cover. Others apply feminist theory: some argue that prostitution inherently involves gendered power imbalances, making true consent suspect (so legalisation could mask coercion). Conversely, sex worker rights theorists counter that criminalising prostitution itself is paternalistic and harmful. Importantly, no major Indian legislative review or commission has officially endorsed legalization. The topic is, in practice, unsolved.

Thus the literature highlights a **debate gap**: ideological claims and scattered empirical observations have not produced a definitive answer. Empirical cross-country research (mostly external to India) tends to lean against the legalization hypothesis, but Indian-specific studies are scarce. Hence this research addresses a problem of policy-relevance: examining the claim in India's context using comparative lessons.

Comparative Perspective: The Netherlands

The Netherlands provides a key comparative case. In 2000 it repealed its ban on brothels and legalized regulated prostitution. The official aim was harm reduction: improving sex workers' safety and undermining criminal networks by bringing the industry into the open. Dutch law now allows licensed brothels and professional sex work (subject to regulation of health, age, and contracts). At first glance, this model improved conditions for registered workers. Research notes that sex workers gained access to labour protections, could report crimes, and avoid police harassment (since soliciting and brothel-keeping became legal)[28]. This suggests a positive effect on voluntary workers' rights.

However, evidence on trafficking under the Dutch model is troubling. Critics point out that legalisation did **not eliminate the illegal market**. An undergraduate law analysis of Dutch policy concluded that "the illegal underground sex industry continues to thrive,"

and that sex trafficking remains high due to uneven enforcement[3]. In practice, many victims of trafficking end up in unregistered brothels or on the street, outside the regulated system. A 2019 report by the Council of Europe's Group of Experts on Trafficking (GRETA) noted thousands of presumed victims identified in 2018-2022, with about 60% women, and expressed concerns about inconsistent regulation across municipalities. Though the Netherlands now has strong anti-trafficking laws, NGOs still report that a majority of prostitutes are foreign and many coerced.

Econometric studies echo this outcome. Cho *et al.* note that even among Western Europe, Germany (legalised sex work) has higher trafficking than Sweden (criminalised buyers)[29][30]. Such data suggest that Dutch-style legality may correlate with increased trafficking inflows. For example, the US Trafficking in Persons Report (2020) observed that the Netherlands, while Tier-1, remained a major destination for sex trafficking. One critique argues that the expected market-clearing effect did not materialize: instead, traffickers expanded with the larger licensed market (scale effect)[8].

Beyond trafficking statistics, non-legal factors challenge the Dutch model's success. Municipalities had wide discretion to enforce sex-work regulations, leading to "postcode lotteries" where some areas became *de facto* off-limits[3]. Limited funding for inspections and victim services meant many abuses went unchecked. Sex workers' groups in Amsterdam's Red Light District have reported ongoing violence and exploitation by pimps, and relayed that many women prefer illegal arrangements to avoid bureaucratic oversight or taxes.

In short, the Netherlands shows that legalisation can improve *working conditions for some sex workers*, but does not automatically protect against trafficking. The Dutch experience suggests that a regulated market can **coexist** with a large illegal sector. The assumption that criminals will vanish is overly optimistic. As one

analysis concludes, while legalisation could rationalise parts of the industry, it "creates safer work environments... [but] trafficking continues to be impeded by lack of funding and inconsistent regulation"[3]. Thus, the Dutch case offers a caution: legalisation by itself did not eradicate human trafficking and may have inadvertently increased the scale of demand that traffickers exploit.

Comparative Perspective: Sweden

Sweden represents the opposite policy: the "Nordic model," which decriminalised selling sex but criminalises purchasing it. Enacted in 1999, Sweden's Sex Purchase Act penalises buyers (clients) while granting amnesty to sex sellers. The law is framed on gender-equality and human rights grounds: it asserts that prostitution is inherently exploitative of women, and that punishing buyers (rather than sellers) reduces demand and victimises no consensual worker.

Evaluation of Sweden's model has produced mixed results. The Swedish government asserts strong successes. Official evaluations report that **street prostitution has declined by over 50%** since the law's enactment[11]. The sex work market shifted increasingly online or indoors, rather than legal brothels. A 2010 government report found that the law acted as a deterrent: many men said they were less likely to purchase sex, and no major trafficking networks were established. Importantly, Sweden reports fewer foreign prostitutes than neighboring Denmark, which has looser laws, suggesting some displacement effect. The 2010 report explicitly noted that "the law had deterred trafficking, as criminals had not so readily sought to establish organised trafficking networks in Sweden"[4]. Sexual violence has also reportedly declined; one study found a drop in rape rates coinciding with reduced prostitution demand.

Sweden's approach also instituted extensive social support (exit programs, counseling) and public education campaigns against the "whore stigma." Evaluations claim a societal

shift: a majority of Swedes now view buying sex as socially unacceptable, reinforcing the law's intent. Several other countries (Norway, Iceland, France, Canada, etc.) have since adopted similar purchase-criminalisation laws, citing Sweden as a model.

However, the empirical picture is debated. Critics argue that measuring prostitution is inherently difficult – much went underground or online. Some social scientists (e.g. Huschke & Ward, ATR 2017) note that there is no reliable evidence of significant trafficking reduction. A 2021 Swedish government study reported increased “escort” services on the internet and rising involvement of younger persons, suggesting the market adapted rather than shrunk. Traffickers may have found it harder to operate openly, but they likely continued covertly. Moreover, sex workers’ rights advocates claim the law puts workers at risk: by driving clients underground, it may expose women to isolation and abuse, as they fear police intervention. Some reports indicate that a subset of sellers still face prosecution or coercion, contrary to the law’s intent.

In any event, Sweden’s model has not proven unambiguously superior in reducing trafficking. It does appear to minimize street-level visibility of prostitution, but trafficking is a global crime that crosses borders. The Swedish police themselves have noted that many victims in Sweden are foreign nationals brought in illegally, suggesting demand suppression at home did not solve the international aspect.

Thus, Sweden’s experiment shows that criminalising buyers can change social attitudes and certain market dynamics. But whether it *combats trafficking* effectively is unclear. It highlights that *legal regime alone* is not sufficient: Sweden pairs law with social services and gender-equality policies. Even then, traffickers adapt to demand wherever it exists.

International Perspective

Beyond these case studies, international instruments and studies offer perspective. The UN Palermo Protocol (to which India is party) defines trafficking in persons as any recruitment or transfer for exploitation, explicitly including prostitution[15]. It emphasises that *consent is irrelevant* when exploitation is involved. This treaty frames trafficking as distinct from voluntary sex work. However, global anti-trafficking efforts (UNODC, IOM) focus on prosecution and victim protection, not on legalisation of prostitution per se.

In global data, countries with varied prostitution laws all report trafficking. For example, ASEAN or African countries often have total bans and still face massive trafficking. Likewise, some legalised states (New Zealand decriminalised in 2003) claim improved health outcomes for sex workers, but New Zealand is too small to gauge trafficking impacts robustly. The overall international **consensus** (e.g. UNODC, UN Women) is that trafficking thrives on demand and vulnerability, regardless of prostitution laws. No UN resolution recommends legalising prostitution as a counter-trafficking measure. Instead, focus is on enforcement, reducing poverty and inequality, and rescuing victims.

In summary, international experience suggests that **law alone cannot eradicate trafficking**. Both legalisation and criminalisation approaches have pros and cons. Some factors that influence trafficking appear unrelated to legality: for instance, countries with higher GDP and gender inequality sometimes report more trafficking (likely due to stronger reporting systems). Notably, Cho *et al.* also observed that even prohibition (as in India’s case) has a negative scale effect: forbidding prostitution *does* reduce formal markets, but it did not necessarily reduce trafficking inflows, because demand and black markets still exist[31][8].

Impact on Trafficking: Myth vs Reality in India

Bringing the focus back to India: does legalisation reduce trafficking, or is this notion

unfounded? The evidence suggests caution.
Legalising prostitution is no panacea.

If India legalised brothels, we would first need a regulatory infrastructure (licenses, health checks, labor oversight). In theory, traffickers might find it harder to hide victims if brothels must register. But given India's institutional weaknesses (police corruption, slow courts, poverty), illegal networks would likely persist. Traffickers could simply operate unlicensed. As seen in the Netherlands, traffickers exploit loopholes in regulation and often coerce women before they enter legal markets[3]. In India, with its vast size and porous borders, closing informal brothels would be nearly impossible.

Furthermore, the assumption that legalisation saturates demand and so reduces trafficking (substitution effect) is empirically contested. The Cho study implies the opposite – that legal prostitution *expands the market*[8]. In India, demand is already high: brothel districts and street solicitation persist despite criminal law. Legalising might initially increase visibility, but over time could normalize and expand the industry, potentially attracting traffickers from poorer regions or countries (Bangladesh, Nepal). India's neighbors are known source regions; a legal market in India might draw more victims across borders.

On the other hand, some argue that in **India's current repression model**, sex workers are so marginalised that they have *no legal protection whatsoever*. Decriminalization could improve their bargaining power and let NGOs reach them. For example, Nepal's partial decriminalization (until 2008 it allowed voluntary sex work) coincided with strong community mobilization. If India followed suit and offered social security, health and education, it might reduce the vulnerability of women who would otherwise fall prey to traffickers out of desperation. Indeed, the real battle against trafficking arguably lies not in the legal status of prostitution but in addressing

socio-economic vulnerability of women and children.

Studies in India have shown that poverty, lack of education, and gender discrimination are root causes of why girls end up in prostitution (voluntarily or by coercion)[32]. Unless those are tackled, traffickers will find clients willing to pay for young women. Legalisation alone would not change the underlying inequalities.

Finally, consider judicial attitude. Indian courts have shown sympathy for sex workers' rights (Budhadev, PUCL guidelines), but they have not equated prostitution with trafficking. The existing law (ITPA) already *tolerates* private sex work[27]; the problem is enforcement. Any move to legalise would likely also revise ITPA radically, which is a formidable legal undertaking. Parliament has not shown willingness to do so, focusing instead on more severe anti-trafficking laws (e.g. the 2018 Trafficking Bill amendments).

Conclusion and Suggestions

This analysis indicates that **legalising prostitution is not a guaranteed solution to human trafficking** in India; the hypothesis appears largely **mythical** if taken in isolation. The comparative cases suggest that legal markets do **not eliminate** trafficking. The Netherlands shows that regulated sex work can coexist with pervasive trafficking and exploitation[3]. Sweden's model suggests that demand reduction can help, but even there trafficking persists in less visible forms. Cross-national research confirms that legalized prostitution countries often report higher trafficking inflows on average[8].

For India, the priority should therefore be multi-faceted:

- **Enforce anti-trafficking laws vigorously:** Strengthen and strictly implement IPC §§370–373, ensure speedy prosecution of traffickers, and protect victims (e.g. through witness protection and rehabilitation, as

envisaged in the Trafficking Prevention Bill).

- **Improve sex workers' rights without legalisation:** Even without full legalisation, India can reform police practices. The Supreme Court's directives (PUCL v. India) should be followed: sex workers acting with consent must not be arrested[24]. States should train police to distinguish trafficking from voluntary work.
- **Regulate where possible:** A compromise could be partial legalisation: for example, decriminalising solicitation or pimping (to reduce police harassment) without officially licensing brothels. This could be coupled with health and safety regulations (accessible clinics, periodic check-ups without mandatory detention).
- **Provide social support:** A major flaw in India's approach is lack of choice. Schemes to ensure education, vocational training and income for at-risk women and girls would reduce the pool vulnerable to traffickers. Programs to rehabilitate and reintegrate rescued victims (as recommended by law and Preamble) must be funded and implemented.
- **Public awareness and demand reduction:** Campaigns to change attitudes (as Sweden has done) may reduce demand over time. Criminalising buyers, as Sweden did, could be considered carefully, but India's context (where prostitution is often seen as corrupting rather than a gender issue) might affect public support.

In conclusion, legalising prostitution *could* have some benefits for worker safety, but **on its own it is not sufficient** to "combat trafficking". Evidence suggests that traffickers follow demand and vulnerabilities, not just legal status. A strict focus on legalisation might

distract from more effective anti-trafficking measures. The government should therefore approach sex work reform cautiously. Policies must emphasize human rights – of sex workers *and* trafficking victims alike – and address socio-economic roots. Only through such a holistic strategy can India make meaningful progress against the scourge of human trafficking, rather than counting on a legalistic shortcut.

Suggestions: We recommend that Parliament consider a white paper on prostitution that clearly separates consensual sex work from trafficking, in line with UN guidelines. The ITPA should be reviewed to remove any paternalistic provisions that infringe sex workers' rights, while enhancing victim-centric provisions against forced prostitution. Police reform is urgently needed to end corrupt practices in red-light areas. Finally, India should enhance international cooperation to prevent cross-border trafficking. These steps, rather than blanket legalisation, offer a more evidence-based path toward reducing human trafficking.

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