
EXAMINING THE INTERSECTION OF LAW AND SOCIETY IN THE CONTEXT OF PROSTITUTION AND DRUG ABUSE IN NAGALAND, INDIA

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ABSTRACT

Prostitution, the act of engaging in sexual activities and services in exchange for payment, has been in existence throughout history's texts and records. Although legal in India, activities like running a brothel, soliciting in public, trafficking and pimping are illegal. Despite its legal status, this profession in India faces many challenges and is often stigmatized in society as unethical. In some, it is viewed as an insult to the moral and societal values as a human being. Nagaland, known as the Land of Festivals, is famous for its rich culture, heritage and diverse tribes surrounded with heavenly natural biodiversity. However, beneath its natural beauty of rich culture and biodiversity, there lies a thriving underground sex industry and illegal substance abuse that has been a long cause of concern in the State. The drug menace and prostitution in Nagaland involve both indigenous and non-indigenous people who engage in abusing illegal drugs coupled with sex work willingly or are being forced or pressured to do so. One of the districts that thrives from this issue in Nagaland is the bustling commercial district of Dimapur. A place that is populated with many people from all walks of life and ethnical backgrounds, it is often caught in such acts. This paper will discuss and explore the intersection of law and society in the context of illegal drug use and prostitution in India, giving special reference to the concerning rise in the number of cases in Nagaland.

Keywords: Prostitution, Nagaland, Illegal Substance Use, Immoral, Socio-legal.

Introduction:

Prostitution is a controversial and complex subject that is present in different degrees in most of the corners of the world. Although it is considered as a profession, most of the countries view prostitution as morally and ethically wrong and even consider it a sin in some (Ericsson, 1980). And people who engage in such activities or work are often discriminated in the society and some severely punished, viewing it as a crime (Platt et.al, 2018). However, lights must be shed on the fact that prostitution is considered as the oldest profession, which has been in practice throughout history among different cultures and civilizations and also “the earliest known record of prostitution dates back to 2400 BC in ancient Babylonia” (Hager & Schwartz, 2023). The ancient Greeks and Romans mandated that prostitutes wear distinctive dress and pay severe taxes while Hebrew law did not forbid prostitution but confined the practice to foreign women, and among the ordinances laid down by Moses to regulate public health were several dealing with sexually transmitted diseases (John, 2023).

The criminalization of prostitution takes its roots from various forms of obligations which are persuaded due to social, moral, ethical and legal concerns. Just like any other countries in the world, prostitution in India also formed an integral part in the beginning of the civilization of Indian history (Jha et.al, 2016). It can be seen that, the earliest mention of prostitution occurred in the Rigveda, the most ancient literary work of India. At first, we hear of the illicit lover, Jara and Jatini, male and female lover of a married spouse. What distinguished such an illicit lover from the professional prostitute or her client is the regular payment for favours received (Sukumari, 1987). In ancient Indian society, there were different types of prostitutes who catered to different types of clients. Famously known as concubines, some of them were associated with high-class diplomats or the royals who enjoyed a higher social status (Monica, 2006). They were often highly educated, trained in various arts and skills, and besides providing services of sexual pleasure they also engaged in entertainment, music, dance, and intellectual companionship. While the concubines of such high society clients enjoyed wealth and royal treatment, there also existed street prostitutes or in another term, lower-class sex workers whomostly catered to the common population. They were often marginalized, facing social stigma and discrimination was nothing new to them but some of them had to engage in giving sexual services as a mean to survive and support their families. Though prostitution has been in practice for many ages, it is also important to note that people’s perception and social acceptance of prostitution have changed over time. In today’s time and age, prostitution

remains largely illegal in India, with the passing of the Immoral Traffic (Prevention) Act of 1956 (Immoral Traffic Act, 1956) which criminalizes various aspects of sex trade with the concern for public health, women's rights, human trafficking, and the overall well-being of sexworkers. Many individuals involved in the sex industry, particularly women and children, are often subjected to violence, abuse, and exploitation (Nair & Sankar, 2005). Criminalizing illegal prostitution (Nicole, 2008) serves as a means to protect this vulnerable group and uphold their basic human rights.

One of the Northeastern states of India, Nagaland's issue of prostitution is noteworthy. The tribes in Nagaland have diverse and distinct cultural practices and tradition (John, 1956) which have been evolving with time. And alongside these traditional and cultural practices, there also exist modern influences that have resulted in shifting the social dynamics. In Nagaland, there seem to be a thriving underground sex industry that has been a cause of concern to the public and the state's well-being. One of the common factors that contributes to the existence of prostitution in the state is the socio-economic conditions faced by many individuals in the state. Nagaland, like many other Northeastern states in India, is deprived from lack of economic opportunities and infrastructure (Paranan, 2015). This results in many young individuals, especially the vulnerable category i.e, women and children, are being forced to seek employment outside of their comfort zone and traditional occupations, while some indulge in this kind of activity just for the sheer pleasure. Prostitution becomes an attractive option for those seeking financial stability and independence (Deborah Rose, 1998). And this makes the vulnerable groups an easy target for exploitation from organized crime syndicates.

The Issue of Illegal Substance Use in Nagaland.

Nagaland is greatly affected by the use of illicit drugs use and trafficking networks. The state also serves as one of the transit points of transporting these drugs. Over the years there have been many operations to capture such trafficking and some have been successful in penalising such acts, which are worth over lakhs and crores of amounts. The porous international borders with Myanmar also make it a hotspot for the smuggling of heroin, methamphetamines, and other narcotics. Despite strict laws like the Narcotic Drugs and Psychotropic Substances Act (NDPS Act) 1985, enforcement remains weak due to exploitation in the system, lack of good resources, lack of unity between the government officials, and the complexity of the cross-border drug trade.

It is a known fact that drug addiction fuels criminal activities such as theft, prostitution, and violence, as addicts turn to crime for financial aid to support their habit. Nagaland has seen an increase in petty crimes and more severe offences linked to drug abuse. While the state government has initiated programs to rehabilitate addicts, the lack of proper de-addiction infrastructure and services, support systems, and societal stigma hinders the effectiveness of these rehabilitation efforts. Additionally, there is often a lack of awareness or education especially among the youth, about accessing such legal rights, that leads to limited access to rehabilitation.

The Nagaland government have made efforts to combat drug abuse through social and legal awareness campaigns and several rehabilitation programs. However, there is still no comprehensive policy in place that addresses both the prevention of drug abuse and the rehabilitation of addicts and how to properly handle such cases.

Local Non-Governmental Organisations (NGOs) and churches in Nagaland also play a very prominent role in rehabilitation and awareness. The strong Christian community in the state often steps in where government resources fall short, but collaboration between these organisations and law enforcement agencies often lacks good communication and needs to be more systematic. Efforts were made to introduce harm reduction strategies, such as needle exchange programs and counselling, but they are not widespread or well-funded. Expanding such initiatives would help mitigate the health impacts of drug use, especially in terms of HIV/AIDS prevention as the state is also grappling with a high number of HIV/AIDS positive patients.

Judicial and Human Rights Issues

Many addicts face heavy criminal charges instead of being treated as individuals in need of medical help. The legal framework in India generally leans toward punitive measures rather than rehabilitation, which complicates efforts to tackle the root causes of addiction. Many drug users come from marginalized communities that lack access to legal aid. This creates a cycle of incarceration without adequate rehabilitation, leading to recidivism and long-term entanglement with the criminal justice system. Law enforcement agencies have often been accused of violating the human rights of those suspected of drug-related offences. This includes arbitrary arrests, long-term detentions, and a lack of legal recourse for addicts.

The handling of drug victims in Nagaland raises significant judicial and human rights concerns. Victims often face delayed justice due to slow judicial processes and inadequate legal support, which can lead to impunity for traffickers and offenders. Human rights issues are equally pressing, with victims frequently subjected to threats, violence, and extrajudicial killings, especially those individuals involved in or affected by the drug trade. Social stigma and discrimination further marginalize victims, particularly women and marginalized groups, obstructing them from accessing basic legal and health aid services for their social reintegration. Many victims lack access to essential rehabilitation, medical, and psychological support, and this hinders their recovery and reintegration. There has been some reports of torture, illegal detention, and forced confessions during investigations and this highlight serious violations of their fundamental rights.

Addressing these challenges is necessary for strengthening legal frameworks and policies in the state especially when illicit drug use and trafficking has become a critical issue. This will ensure swift justice, providing comprehensive support services, promoting accountability, and nurturing community awareness and destigmatization to uphold the dignity and rights of drug victims in Nagaland. The role of traditional Naga values, family structures, and community relationships are also very important in combating drug abuse. Community leaders, elders, and local organizations could be more effectively engaged to create culturally sensitive anti-drug campaigns and awareness especially among the younger generations that align with local values.

Is prostitution legalized in India? What are the legal provisions related to prostitution in India?

Prostitution is a highly controversial topic in India and its legality is an issue of debate with varying opinions (George et.al, 2010). Currently, prostitution is not explicitly illegal under the Indian laws, however, it must be kept in mind that the activities associated with it, such as solicitation in public places, running brothels, and prostitution near religious places or schools, are prohibited (Geetanjali, 2000). Though theoretically illegal in some instances, prostitution is nonetheless permitted in India. Even though prostitution is legal, many Indians nevertheless believe it to be unethical and a violation of cultural and societal values (Geetanjali, 2007).

The Indian Constitution does not specifically address the subject of prostitution. However,

certain provisions in the Constitution can be applied to the regulation and prevention of exploitation in the sex industry. They are elaborated below:

1. Article 14: Right to Equality – This article ensures that the state shall not deny equality before the law and equal protection of law (Indian Constitution, Art 14). All individuals are protected from discrimination. It can be interpreted to mean that sex workers should be treated equally and should not be subjected to any form of discrimination or harm just because their profession is morally and ethically different from other professions.
2. Article 21: Right to Life and Personal Liberty (Indian Constitution, Art 21)- This article being considered and known as the mini constitution of India, provides a vast variety of rights to the citizens of India and even to non-citizens. It can be interpreted in such a way that women especially, who indulge in sex work should have the right to choose their profession and should not be subjected to physical or mental abuse and discrimination.
3. Article 23: Prohibition of Traffic in Human Beings and Forced Labour (Indian Constitution, Art 23) – Although this prohibits trafficking of human beings, which includes trafficking for prostitution, forcing someone into sex work to exploit them commercially, it does not directly address prostitution itself. But this article can be used to protect individuals who are coerced or forced into prostitution.

The Immoral Traffic (Prevention) Act, 1956 (ITPA, 1956), also known as the “Suppression of Immoral Traffic in Women and Girls Act”, is a legislative measure enacted to address the growing issues of human trafficking, particularly the exploitation of women and children. This act was a prominent step and effort to combat the scourge of trafficking, which had long plagued the Indian soil. The historical context of crimes against women in India is deeply rooted in the socio-cultural and legal frameworks that have evolved over centuries (Ayurshi, 2018). During the pre-colonial era, patriarchal norms were firmly embedded in Indian society, where women were often the subject of various forms of discrimination and violence. Additionally, the post-colonial rule brought additional challenges, as the British authorities sought to regulate and control the activities of sex workers, leading to the marginalization and stigmatization of the vulnerable population (Ratna, 2000).

The ITPA of 1956 was intended to address these long-standing issues by criminalizing the act of trafficking, as well as the exploitation of women and children in the sex trade. Prostitution

is not considered a criminal offense, but this Act seeks to combat and prevent sex trafficking and forced prostitution, various aspects in the sex industry such as trafficking, soliciting, or forcing individuals into prostitution, living on the earnings of a prostitute, prostitution in hotels and maintaining or running a brothel is illegal (Poonam, 2002) and is punishable under the ITPA 1956. This legal framework aims to protect the rights of sex workers and prevent their exploitation from such unfortunate events.

The current scenario of prostitution in Nagaland.

An alarming rise in the number of sex workers in Nagaland has been flourishing, most prominently in the bustling city of Dimapur (Nuken et.al, 2013). It is important to note that prostitution is a complex subject that often involves issues of poverty, vulnerability, and exploitation. The reasons behind part-taking in the act of prostitution are diverse, ranging from poverty, lack of education, unemployment, and in some cases, the family's financial status (Kamalesh et.al, 2008). There have been numerous instances of police and social activists conducting raids on brothels and keeping the individuals involved in prostitution under their custody. Some for protection and some for questioning for their involvement in the illegal act. NGOs and government agencies also work to create awareness about the issue and provide support to victims of trafficking and prostitution.

In the past years and months, the Dimapur Police and the Indian Reserve Battalion (IRB) has busted down such illegal businesses run in Dimapur. It has been reported that, "In Dimapur city, spread over almost every corner of the city is an estimated 4000 female sex workers comprising of 50% local girls and 50% non-local girls between the age group of 16 to 40 years. Police and IRB raids have not stopped the rise in the figures" (Nagaland Post, 2025). Some of the girls involved in such acts were educated, some uneducated and also school drop-outs. And the reason for getting into such activities are because of poverty, unemployment, wanting to maintain high standard of living and also to earn extra pocket money. The women involved in such acts are local inhabitants of Nagaland but most of them are from Assam or Bangladesh immigrants (Islary, 2010) who hailed from poor economic background and are uneducated or unemployed. While some take part willingly, some women are coerced into doing sex work by their husbands and some are exploited by individuals who take advantage of their vulnerable conditions.

In Dimapur, the places where such illegal activities take place are usually in and around

Dimapur railway station, supermarket areas in small dingy hotel rooms and in some places where people serve and sell alcoholic products. The sex workers, usually women, walk around in and about in search for clients. The administration and the police have been working on the issue to eradicate illegal running of brothels and sex work in Nagaland. However, this unlawful easy money business still seems to be flourishing to this day. Government authorities like the Police, IRB, the administration and non-governmental organizations (NGOs) etc, are actively working towards addressing the issue of prostitution in Nagaland. Initiatives are focused on skill development, education and awareness campaigns which are being implemented to empower women involved in prostitution to choose alternative livelihood options and to transition out from the industry.

However, the issues of prostitution in Nagaland are further complicated by social stigmas and the lack of support systems. Prostitution remains a highly taboo subject and instead of uniting together to curb the issue and trying to find a solution to eradicate the illegal activities, the society being governed by conservative moral values and norms often show cold shoulder to those involved in the sex trade. This societal discrimination and conservative moral ideologies push sex workers further into the shadows, depriving them of basic human rights and protections from such vulnerable situations (Juno & Molly, 2018).

One of the negative consequences that prostitution has brought in the state is the high rise in number of HIV and AIDS. The state of Nagaland already has a significant problem with HIV/AIDS transmission, and prostitution is considered a major contributing factor. The HIV-positive women under Antenatal Care (ANC) in Nagaland stood at 1.61 per cent as against the national average of 0.22, which is the highest in the country (Zeenews, 2018). Sexual activities like unprotected sex and having multiple partners, are common among sex workers and their clients and this increases the spread of sexually transmitted infections, including HIV/AIDS in Nagaland (Kathryn et.al, 2011). In addition to this high-risk contagious disease, the presence of prostitution also attracts criminal offences such as pimps, traffickers, and organized crime mobs (Milissa, 2006). These criminals often exploit and coerce vulnerable individuals into the sex trade, leading to human trafficking and other forms of modern-day slavery. This further sustains the cycle of exploitation and abuse which undermines the well-being of sex workers and violations of their human rights.

Conclusion

Prostitution is widely stigmatized in many societies, which includes Nagaland where traditional values, ethics and morality play a significant role in shaping social behaviour. The deeply rooted societal attitudes towards prostitution, coupled with the conservative moral values of the Naga society make it difficult to establish a meaningful decision on how to tackle this issue (Saba, 2021). There is a need for widespread prevention awareness, campaigns and educational programs especially in schools and colleges, by educating youngsters on the risks, legal aspects of prostitution, human trafficking, and the rights of sex workers, educational institutions can foster a well-informed, well-equipped and socially responsible generation. This will also aid to overcome the stigma and misconceptions surrounding sex work.

Also, the issues of prostitution in Nagaland cannot be addressed in isolation as it is often interconnected with broader issues like illegal immigration, poverty, gender inequality, and the lack of economic opportunities in the state (Priyanka, 2022). To put a curb to such issues, various approach is required, which not only involve NGOs and advocacy groups but also government agencies, community leaders, and most importantly the general public to address and raise such concerning issues. On the other hand, the effects of prostitution on women's rights and gender equality in Nagaland cannot be ignored. Prostitution is a gender base issue, as it is evident that the majority of sex workers are women and the majority of clients are men (Gutiérrez, 2015). The unequal power dynamics between the two parties increases gender inequalities and strengthens patriarchal norms. Women who engage in such acts are often exposed to face discrimination, violence, and exploitation (Lara, 2015), from their employers, clients and society at large. Their liberty and freedom to take their own decisions are compromised, and are the subject to physical, mental and emotional abuse. This inflicts a system of gender-based violence and inequality which hampers the efforts made towards achieving gender justice and upholding women rights (Melissa, 2006).

In conclusion, the aftermath that illegal prostitution has brought in Nagaland are complex and critical. It may provide economic opportunities, monetary support for some individuals to support their way of life. However, the negative consequences are far more significant in Nagaland as it contributes to the spread of HIV/AIDS and other criminal activities which also paves a path for human trafficking and exploitation, it undermines social values and norms and promotes gender inequality. Addressing the issue of prostitution requires a widespread

approach inclusive of awareness campaigns, sex education, economic empowerment, health services, stringent law enforcement, and societal change. Ultimately, the end goal should be to create a society to eradicate illegal sex activities where all individuals can live with dignity without being compelled or coerced to engage in such activities.

REFERENCES:

1. Bowen, Kathryn J., et al. *Life circumstances of women entering sex work in Nagaland, India*, APJPH, 23.6, 843-851(2011)
2. BROCK, DEBORAH ROSE, MAKING WORK, MAKING TROUBLE: PROSTITUTION AS A SOCIAL PROBLEM. UNIVERSITY OF TORONTO PRESS, 11-19, (1998).
3. DITMORE, MELISSA HOPE, *ENCYCLOPEDIA OF PROSTITUTION AND SEX WORK : [2 VOLUMES]*, BLOOMSBURY PUBLISHING USA, 2006.
4. Dr. R.B. Thohe Pou, Sex Workers but No Red-light Area in Nagaland - Part I, (June 20,(2011)https://epao.net/epSubPageExtractor.asp?src=education.Health_Issue.Drug_Awareness_Education.Sex_workers_but_no_Red_Light_in_Nagaland_Part_1.
5. Dutt, Ayurshi. *Locating patriarchy in violence against women in India: Social, legal and alternative responses* PEOPLE: IJSS 4.2, 212-228, (2018).
6. Ericsson, Lars O, Charges against prostitution: an attempt at a philosophical assessment, *Ethics* 90.3, 335-366, (1980)
7. Farley, Melissa, *Prostitution, trafficking, and cultural amnesia: What we must not know in order to keep the business of sexual exploitation running smoothly*, *Yale JL & Feminism* 18, 109, (2006).
8. Gangoli, Geetanjali, *Immorality, hurt or choice: How Indian feminists engage with prostitution*, IFJP 9, 1-19 (2007).
9. George, Annie, U. Vindhya, and Sawmya Ray. *Sex trafficking and sex work: Definitions, debates and dynamics—A review of literature*. Economic and political weekly, 64-73, (2010).
10. Gerassi, Lara, *From exploitation to industry: Definitions, risks, and consequences of domestic sexual exploitation and sex work among women and girls*, JHBSE, 25.6, 591-60, (2015).

11. Gupta, Oshin. *Human rights approach to human trafficking: With specific reference to regulating prostitution in India*. Diss. IL, NU, (2021).
12. Gutiérrez, Enrique Javier Díez. *Prostitution and gender-based violence*, PSBS, 161, 96-101, (2014).
13. Hager & Schwartz, P.A., The World's Oldest Profession: Prostitution, Hager & Schwartz PA (May 11, 2021).
14. Hutton, John H. *The mixed culture of the Naga tribes*. TJRAIGBI, 95.1, 16-43, (1965).
15. INDIA CONSTITUTION, art 14.
16. INDIA CONSTITUTION, art 21.
17. INDIA CONSTITUTION, art 31.
18. Islary, Nironjon. *A study on trafficking in women and minor girls in Kokrajhar district of Bodoland, Assam*. Diss. TISS, (2010).
19. Jha, Divyendu, and Tanya Sharma. *Caste and prostitution in India: Politics of shame and of exclusion*, Anthropology 4., 160, (Feb. 29, 2016)
20. John Phillip Jenkins, Prostitution, *Britannica*, (Aug. 31, 2023),
<https://www.britannica.com/topic/prostitution>.
21. Karlebach, Nicole J. *Recognizing women's worth: The human rights argument for ending prostitution in India*. BCTWLJ 28.2, 483-510, (2008).
22. Konwar, Paranan. *Socio-economic conditions, inequality and deprivation in North East India*, MPRA, (2015).
23. Misra, Geetanjali, Ajay Mahal, and Rima Shah, *Protecting the rights of sex workers: the Indian experience*, HHR. 5, 88, (2000).
24. Nagaland Post, <https://nagalandpost.com/index.php/2013/07/29/rising-number-of-sex-workers-in-dimapur>. (Last accessed 8 March 2025)

25. NAIR, P. M., AND SANKAR SEN. TRAFFICKING IN WOMEN AND CHILDREN IN INDIA. ORIENT BLACKSWAN, (2005).
26. Platt, Lucy, et al. Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLoS medicine* 15.12 (2018)
27. PTI, HIV prevalence rate third highest in Nagaland, highest in Manipur: Study, ZEENEWS, <https://zeenews.india.com/health/hiv-prevalence-rate-third-highest-in-nagaland-highest-in-manipur-study-2092696#:~:text=With%20a%20prevalence%20rate%20of%200.76%25%20among%20adults%2C,Nagaland%20State%20AIDS%20Control%20Society%20%28NSACS%29%20has%20said.> (March 22, 2018).
28. Saxena, Monika, *Ganikas in Early India: Its Genesis and Dimensions*, 34, no 11/12, Social Scientist, 2-17, (2006).
29. Shukla, Priyanka. *Immoral Trafficking of Women from North-East India: A study from Human Rights Perspective*. Diss. (2022).
30. SMITH, MOLLY, AND JUNO MAC. REVOLTING PROSTITUTES: THE FIGHT FOR SEX WORKERS' RIGHTS. VERSO BOOKS, (2018).
31. Sukumari Bhattacharji, *Prostitution in ancient India*, JSTOR, Vol 15, (Feb 1987).