

WRETCHED CONDITION OF BANCHHADA COMMUNITY WOMEN: AN ETHNOGRAPHIC RESEARCH ON THE SOCIO LEGAL EXCLUSION OF THE COMMUNITY

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Abstract

The study examines the social legal and economic exclusion of sex workers of Banchhada community which is a tribe in central India that is traditionally identified with prostitution. Mandsaur districts of Madhya Pradesh, India has social sanction for work related to prostitution. Sex work in India has existed even before many ideologies that thrive in recent times, earlier people and civilisation use to rely on this as form of business.

Today, in India many things have been reformed and many things have been abolished for the sake of the welfare of the country and society. In India, today prostitution is something people degrade, bad mouth, compares it to violence. People also believe sex work as taboo and exclude it from the society. This paper examines the contrast in the living of the Banchhada community with rest of the society. Few members of the community were directly asked set of questions related to their social, and economic status. and accordingly, conclusions were drawn. The authors also attempts to explain the wretched condition of women who are being forced to work as a sex worker.

Keywords: *Banchhada Community, India Prostitution, Socio-Legal Condition*

Research Methodology

The researchers have mainly relied on Ethnographic method while drafting the research paper. Pre-determined set of questions were directly asked from the few samples population which included both men and women of Mandsaur, Madhya Pradesh, India. The interview were directly taken by the first author of this research paper and the interview was conducted in physical mode. The sample population is randomly selected and mostly sample size is 10 mix lot of Banchhada Community Members. The researchers have also adopted and relied on secondary source of data in order to analyse the entire study in comprehensive manner.

Introduction

Flesh trade in India is partly legal, giving certain allowance to the people who are indulged in this business. Mandsaur, Madhya Pradesh, is a small village in India and their lives a community called “Banchhada”. This community, the tribe most of the time had been excluded from the village itself. The community have been in the news for the prostitution work and other crimes as well. The community have been always looked down and discriminated, often degraded based on their caste. In a country like India where caste-based discrimination is still prevalent, this community is listed as Schedule Caste category has suffered a lot in terms of social, legal and economic aspect. The practice of engaging the community women in prostitution as a source of living affected the entire community badly.

Not only in India but prostitution is considered as taboo in many countries. For example, in country like France where in 2003 through the implementation of a law on domestic security, Loi pour la s curit int rieur (LSI), introduced by Nicolas Sarkozy, the then Minister of the Interior. This law was included in a broader series of measures concerning public order and security and it directly targeted sex workers. It extended the penalty for soliciting from a fine (contravention) to an offense.¹

It is horrifying to know that out of three million of population who are engaged in prostitution, majority is of children who are forced to engage in this profession. This clearly shows how child trafficking activities are at alarming stage in many regions of India.

According to National Crime Record Bureau (NCRB), the increasing rate of girl trafficking has been raised to 14 times over the past decade². The worst part is that people who are in this profession faces lots of issues as criminal laws, law enforcement practices, stigma and discrimination increase risks of violence for sex workers such that 45% to 75% of adult female sex workers are assaulted or abused at least once in a lifetime.

Banchhada Community

Banchhada community, is a community where the women and girls are turned into prostitution for their

¹ C Calderaro and C Giametta, “The Problem of Prostitution”: Repressive policies in the name of migration control, public order, and women’s rights in France’, *Anti-Trafficking Review*, issue 12, 2019, pp. 155-171, www.antitraffickingreview.org.

² Human Trafficking (National Crime record bureau), <https://ncrb.gov.in/en/chapter-14-human-trafficking-0> (last visited on August 12th 2022).

livelihood. The flesh trade had always been a threat to society but for women it's a curse, and if we talk about Banchhada Community, the women are forced to live this life without having a say.

Around Neemuch-Mansaur highway in Madhya Pradesh, India there are many evidence of the community's prostitution/ business as women are there around the fields, with bright clothes and loud make ups, in certainty to attract their clients, that could be the passer-by from the highway, truck drivers or someone from the village.

As given social sanction to prostitution, the people of Banchhada Community often find it auspicious when a girl is born thinking that she will basically be the provider of the family and bring prosperity to the family according to the business.

In the tender age of 12-14 years, girls are bound to contribute in their so-called family business. The family somehow compel them to join in the prostitution business.

Basically, flesh trade is the primarily source of earning for their family members. The business had been from ages, the practice of prostitution had been passed down to generation and generation and girls from their adolescent are given training to become a prostitute, leaving the male members to live on their earnings. Women and girls are given the respect everywhere, but the same treatment isn't given to the women and girls of Banchhada Community.

The Birth Ratio in Banchhada Community

In a country like India where laws against female foeticide have been legislated in order to protect them and the nature's balance between male and female ratio is maintained accordingly but the situation is completely reverse in Banchhada Community. In 2012, it was shown that about 24 villages of Banchhada community had a dominance of women in major population of Madhya Pradesh, India, Women Empowerment often conduct surveys and in 2015, the department conducted a survey wherein the data revealed that the women around 38 villages in Mandsaur are 3,435 with 2,243 and men are 1,192³. The population of Banchhada Community varies as well, it is widespread around over 75 villages in three district and have 23,000 people where the woman are 65 percent of the population⁴. These figures clearly hints that the community prefers girl child because of the very obvious reason, ie, prostitution.

Flesh Trade and Human Trafficking

Banchhada community have been a matter of discussion in all the authorities who are worried about the trafficking of woman and girls. Since in the community the primary source of income is through the earning of females who many a times as a part of family tradition voluntarily joins in the work and it becomes difficult for the government to filter cases which can be registered in human trafficking. In fact, to improvise the business the community had gone to many unfortunate levels whether its forcing

³Banchhada, a community that celebrates birth of girls, but for flesh trade
http://timesofindia.indiatimes.com/articleshow/63353897.cms?utm_source=contentofinterest&utm_medium=txt&utm_campaign=cppst (last visited at August 5th 2022)

⁴ Ibid

women to accept the business or finding women and girls from other state or neighbouring countries. Often, they consider buying new-born girl child from other parts of India and even before they develop the basic understanding, either asked to do the business voluntarily or they are forced to be a part of it. Apart from the girls of the community, it has been reported that females are imported from other regions of India at a very cheap price which starts from Rs.2000-10000. Even after knowing the fact that human trafficking is an offence under section 370⁵ of the Indian Penal Code, 1860 where the accused will be punished with rigorous imprisonment for a term which shall not be less than 7 years and which may extend to 10 years and shall also be liable for fine. The people of this community do not give heed to such laws and are continuously engaged in such illegal activities.

Health Risk considering AIDS

Recent, results of two districts, have found that 15-16 per cent of the prostitutes are suffering from AIDS. Sex workers who use drugs are more inclined or there are high chances of having AIDS. Globally, female sex workers are 13.5% more likely to be living with HIV than other women of reproductive age⁶: Considering the lack of safety and education these cases could be more or in coming times it could be engaged more. In 2019, approximately 8 % of new adult HIV infections globally were among sex workers of all genders⁷

Custom of Banchhada Community

Banchhada Community has some specific tradition which the community especially the women are compel to follow. The tradition is to engage in the business of prostitution as early as possible. The females are forced to work in such profession as it is the only source of livelihood in the family or we can say the easiest way of earning wherein male members are just need to sit and live on the earning of females. Merely by quoting such tradition as caste sanctioned prostitution, the wretched condition of the community could not be ruled out. The young girls with loud makeup standing on near to Neemuch-Mansaur highway hints towards the unfortunate future. This custom of the community have been in the news many a times but the flight of the women is still not changed from a long time.

Public Awareness about Banchhada Community

The question of exclusion of social and economic status of the community was highlighted when many news reporters visited the area and wrote in the newspaper about the condition of the community. In

⁵ In *Bhagubhai Patel v. State of Gujrat* (2017), the question arose before the court was whether a customer at brothel is covered under Section 370 of Indian Penal Code. The learned Judge with a note of caution stated that a customer is also Included in Section 370. It was further stated that Section 370 which deals with the offence of Trafficking of Persons, the term “EXPLOITATION” included “PROSTITUTION” itself.

⁶ Global HIV, Hepatitis & STI s programmes – Sex workers , <https://www.who.int/teams/global-hiv-hepatitis-and-stis-programmes/populations/sex-workers> (last visited on August 10th 2022)

⁷ HIV and Sex Worker , https://www.unaids.org/sites/default/files/media_asset/05-hiv-human-rights-factsheet-sex-work_en.pdf (last visited on August 15th 2022)

1983, the state had taken the issue in their consideration and had adopted resolution in front of the government, encouraging to make measures to eliminate this social evil.

In recent time, Principal correspondent N.K. Singh and staff photographer Pramod PushKarna⁸ visited the community in the regional areas of Mandsaur and Ratlam district only to find out that everything is same.

Harijan leader Sakharam Devkara, who leads a government committee, has also put his efforts to exclude this social evil as well, he explains, “since selling the body is considered neither derogatory nor detestable, the *khilawadis* command respect and affection in the family and community⁹.”

What Indian Law says about Prostitution?

Even though in Bachadda Community, this caste sanctioned prostitution work is prevalent but in India the practice of forcefully engaging women in sex work has been condemned many a times by Apex Court of the country. In this year, a drastic change took place in favour of the sex workers. The Apex Court of India issued a historic order stating that Sex workers are entitled to dignity and equal protection under the law and recognising sex work as profession. The Supreme Court also said that if the sex work was done “voluntarily” with the consent then it is not illegal. In the past also, Supreme Court (SC) has given several judgments for the protection of the sex workers. In 2011, *Budhadev Karmaskar v. State of West Bengal*¹⁰ case, the SC has clearly said that every citizen of India has the right to dignity guaranteed by Article 21¹¹ of the Constitution of India, irrespective of their profession, gender, caste, religion etc. In 2019 the high court of Calcutta said that under “The Immortal Traffic (Prevention) Act” (1956)¹², no sex workers who is exploited for the commercial sex can be tried as an accused until or unless there is some substantial evidence to prove that she is a co - conspirator in the crime. Just two years back, in September 2020, the High court of Bombay ordered of releasing of three women sex

⁸While interacting with the community people, they found that Poverty most often forces women into the flesh trade but there are some well – off families who push their daughter into this profession. Further they came to know that the married women cannot involve in this profession and should remain loyal with their husband, breach of this results in severe punishment.

⁹Tradition compels prostitution among Banchchara community in Madhya Pradesh , <https://www.indiatoday.in/magazine/living/story/19880131-tradition-compels-prostitution-among-banchchara-community-in-madhya-pradesh-769015-2013-11-19> (last visited on September 5th 2022)

¹⁰ *Budhadev Karmaskar v. State of West Bengal* (2011) 10 SCC 283(INDIA)

¹¹ Article 21 of the Constitution of India talks about Protection of life and Personal Liberty – No person shall be deprived of his life or personal liberty except according to procedure established by law.

¹² In 1956, Government of India passes the Suppression of Immortal Traffic in women and Girls Act, 1956 (SITA) for the suppression of Immortal traffic in persons and the exploitation of the prostitution of other. Later, SITA was Amended in 1986 and Immortal Traffic Prevention Act was passed, it speaks of illegality of prostitution and any person involved in transporting, transferring or receiving of people for purpose of prostitution is also liable to be punished.

workers from the jail and stated that sex work is not a criminal offence and every girl who is above 18 has the right to choose her profession.

Impact of Covid – 19 on Sex Workers

During the Covid –19 Pandemic, one of the most suffered community is of Sex Workers. Despite the fact that they are adversely affected by the pandemic, still they are excluded from the government relief and Health services programme as during this crucial time, gender-based violence from the clients, not paying the agreed fees, refused to pay etc. problems have been noticed. It's very difficult for the sex workers to find the clients as because of Covid -19, lockdown was imposed in majority of the states of India and the Covid was also at its peak that no one wants to put their life in danger. This resulted in a very serious shortage of income and disturbs their family budget.

The second reason is as the clients were afraid to go to the sex worker's home because of the fear of embarrassment and fear of losing their reputation and even its not possible for the sex workers to go to their client's home as its very dangerous as they were alone with their client and can put their life at risk.

One major reason is as Covid -19 protocols made necessary for the people to keep social distancing and it's very difficult for them to do, so many clients decline due to the fear of transmission of Covid -19. It was indeed very terrible and pathetic time for the Sex Workers to manage their family as they know only one profession which is at its worst situation. Covid -19 Pandemic shuts down or imposed restrictions on the entertainment places such as bars, brothel homes etc. where they can meet their clients. The Sex Workers cannot go to the cities to meet their clients due to the huge travel expenses which will going to occurred with this meet . Even the clients were also facing financial challenges and therefore they could not afford or work out to pay less to the sex workers.

Prostitution against Will

Doing sex against the will or without the consent is illegal. As this term "consent "has a wide meaning. Sex without consent results in "Rape" which is punishable in the Indian Penal Code, 1860 under Section 376 for which the person is punished with the rigorous imprisonment for a term which shall not be less than 10 years but may extend to imprisonment for life and shall also be liable to fine. Even there are females who don't want to indulge in this profession but traditional practices of a particular culture coerce the natives into the following it without questions. They have to become part of this as their will is immaterial. The females born in this community doesn't have the freedom to get education, to fulfil their dreams or marrying in a reputed family. They believe in the statement that "their body is not theirs, they cannot do anything, this is their destiny and they have to accept it, nobody can change it".

Problems faced by the kids of sex workers

A large population of this community is illiterate. Many children are dropout from the school. The kids of the community are teased by the children of other communities. To figure out this problem, some parents have started sending their children to schools which are in the cities so that they can get good education. This is so weird to see that the children don't reveal this fact that they belong to this community. The people of this community even believe that their occupation is a social stigma for other

people.

Conditions of Sex workers after retirement

The Sex Workers of Banchhada Community started working at a age of 18 and retires at an age nearly of 42. The sad reality of the Sex workers is when they earn, all family members give respect to them and treat them nicely. But soon after retirement, nobody cares about whether they are alive or not. Even there is no one to care about their health, medicines etc. they spend their whole life in one corner of a room. Post retirement they work as a labourer in the agriculture land for their survival and sometimes their clients help them financially.

Data interpretation

The researchers have mainly relied on Ethnographic method and below pre-determined set of questions were directly asked from the few sample population which included both men and women of Mandsaur, Madhya Pradesh, India .The interview were directly taken by the first author of this research paper and the interview was conducted in physical mode. The sample population is randomly selected and mostly sample size is 10 mix lot of Bachhada Community Members. The researchers have also adopted and relied on secondary source of data in order to analyse the entire study in comprehensive manner.

(1) What is the age group of the Bachhada Community involved in sex work?

The age group is generally from eighteen years old, till the age of forty-five, according to the research. This shows that soon after they attained 18 years of age they were put into this profession. **Figure No.1 represents the same.**

(2) How many children?

The women of the community, according to the data, have children. Above 18 years old, it is found that they have one, two, or three children. This shows that at a very young age, they have to not only take care of themselves but also take care of their small kids alone. **Figure No.1 represent the same.**

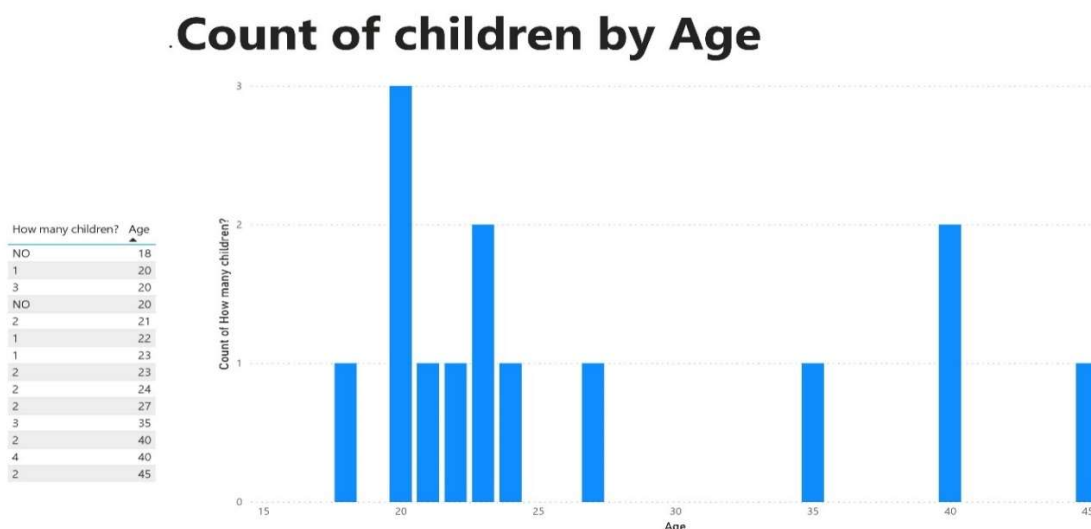


Figure No.1

(3) Do you have your own house? Yes/No. and If Yes, then, Kachcha or Pakka?

Above the count of 10, people in the community have opted yes. They do own their houses. Where above the count of 2 people have kaccha house so this data shows that majority people have their own house and they are earning good money from this profession and above the count of 10, they own pakka house. However, below the count of 2, people have agreed they don't own a house. Whereas, below 2, they rented a house or lived in a kaccha house. **Figure No.2 represent the same.**

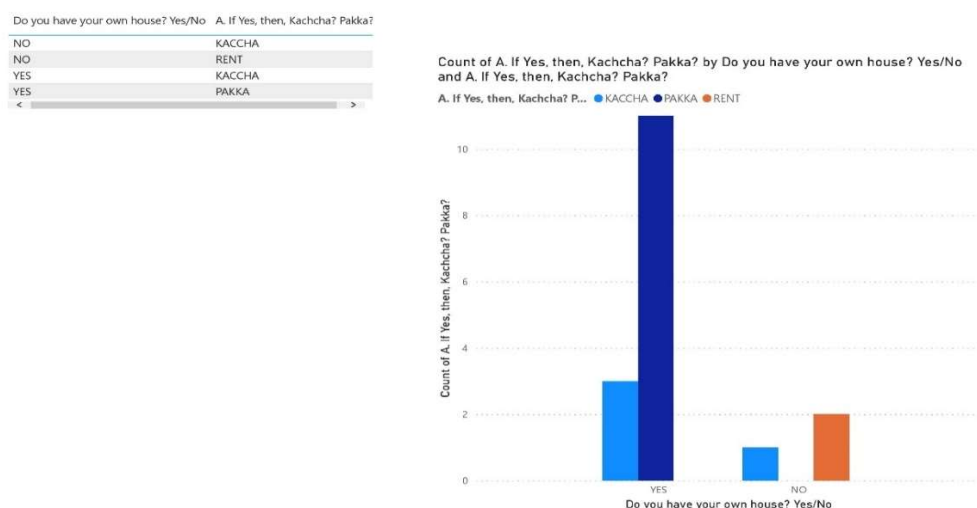
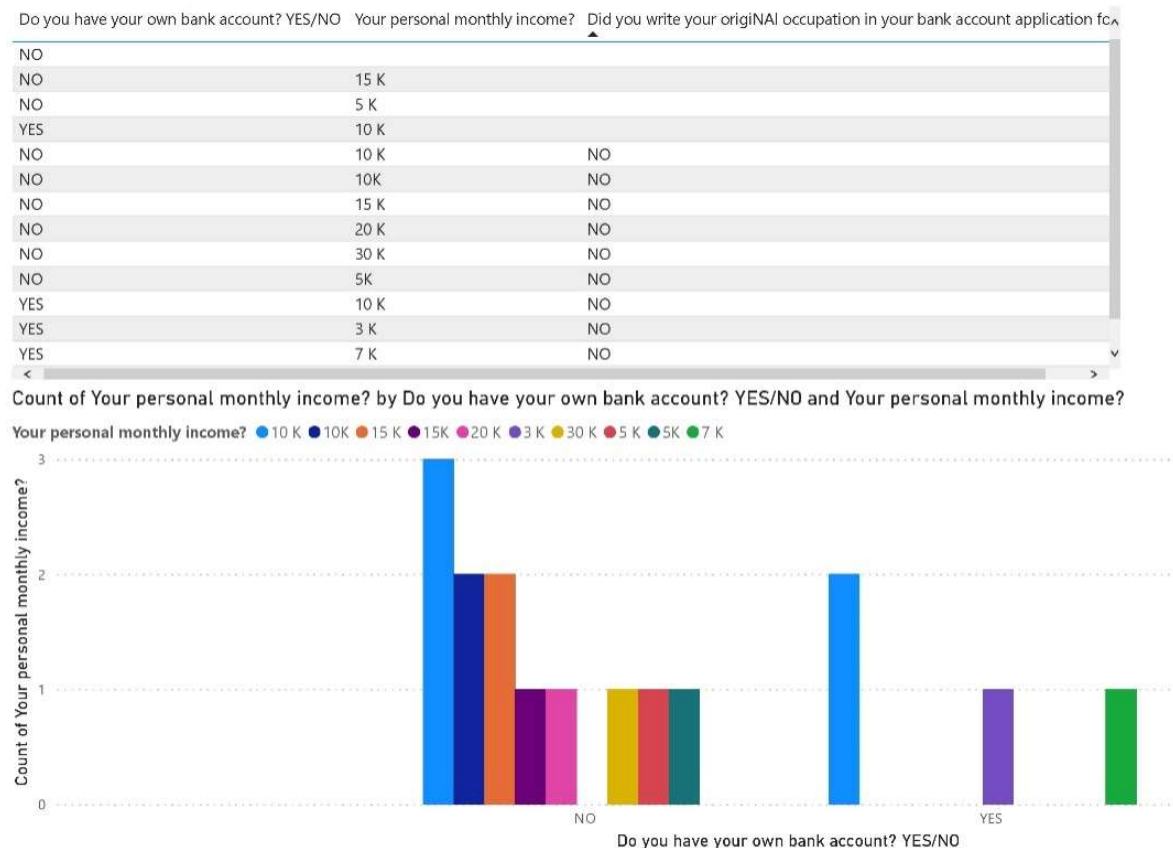


Figure No.2

(4) Do you have your bank account? YES/NO?

In the given data, to the count of 3, people have opted "no," as they do not own their bank account. This shows that there is a lack of awareness among the people as majority of them does not hold any bank account. They do all deals in cash; this is the reason why the development is not going with good pace as when India is moving to cashless era. However, count of 3, people are eligible to earn 10k, and to the count of 2, they earn 10k, again to the count of 2 they earn around 15k, whereas to the count of 1 they earn 20k. Therefore, to the count of 1, they earn 30k, including 5k and more. Their earning amount is not fixed but earning nearly 15-20 k is pretty good in this era of unemployment. However, to the count of 2, people have opted 'yes' as they have their bank account. Their monthly income is as follows, to the count of 2, they earn 10k, some in the count of 1 earn 3k or 7k. **Figure No.3 represent the same.**

**Figure No.3**

(5) Your monthly income? Did you write your original occupation in your bank account application form?

In the given data, to the count of 3, they earn 10k, and they have opted 'no' in writing their original occupation in the bank account application form. To the count of 2 people earn 10k and have opted for 'no' as in writing their original occupation in the bank account application form. To the count of 2 people who earn 15k and has opted for 'no' in writing their original occupation in the bank account application form. To the count of 1, people earn 15k and have opted for 'no' in writing their original occupation in the bank account application form. To the count of 1 person earning 20k and has opted for 'no' as in writing their original occupation in the bank account application form.

In the given data, to the count of 2 people earn 15k and have opted for 'yes' as in writing their original occupation in the bank account application form. To the count of 1, people earn 3k or 30k and have opted for 'yes' in writing their original occupation in the bank account application form. To the count of 1, people earn 7k and have opted for 'yes' in writing their original occupation in the bank account application form. So, we can conclude with this data that very less number of people states their occupation, this is due to the fear of embarrassment so this is the high time when people should know that the Apex court of India has welcomed Sex work as a profession and has entitled to equal protection by law. **Figure No.4 represents the same.**

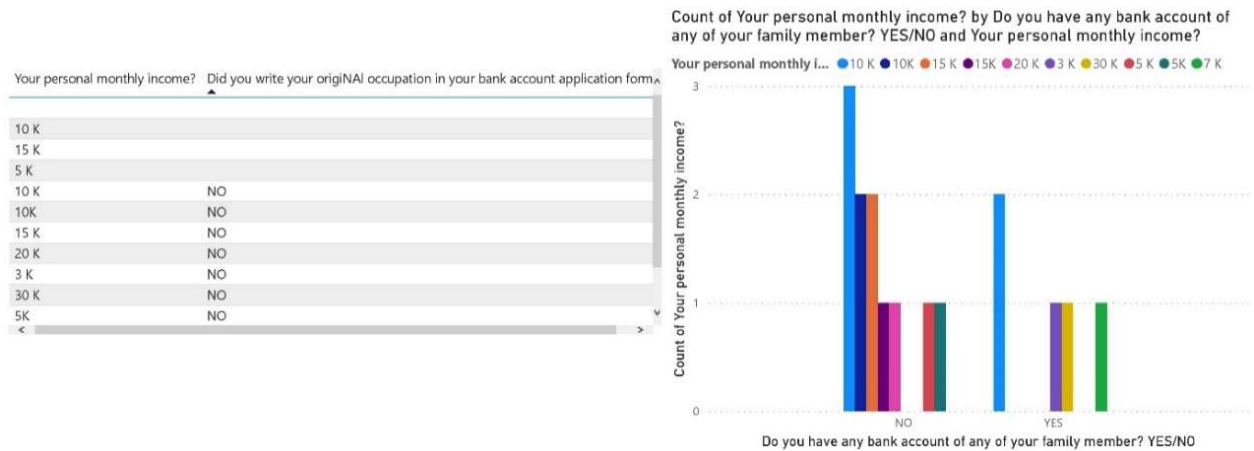


Figure No.4

(6) Have you ever received help from a government welfare scheme? YES/NO and. If yes, then what kind of Economic welfare? Health-Related, Social Awareness or others?

In the provided data, it is found that to the count of 15, people have opted for 'no,' as they have never taken any help from the government welfare scheme.

And below the count of 5 people have opted for 'yes' that they have you ever taken any help of government welfare scheme in the form of social awareness. This shows that they haven't receive much help from the government. It is the responsibility of the government to look into their problems as they are also among the oppressed class of the society and should focus more on making schemes which will reach to maximum people. **Figure No.5 represents the same.**

Have you ever taken any help of government welfare scheme? YES/NO	A. If yes, then what kind of? EcoNomic welfare. Health related. Social awareness. Others.	Age
NO	NO	27
NO	NO	18
NO	NO	20
NO	NO	21
NO	NO	22
NO	NO	23
NO	NO	35
NO	NO	40
NO	NO	45
YES	SA	24

Count of A. If yes, then what kind of? EcoNomic welfare. Health related. Social awareness. Others. by Have you ever taken any help of government welfare scheme? YES/NO and A. If yes, then what kind of? EcoNomic welfare. Health related. Social awareness. Others.

A. If yes, then what kind of? Eco... ● NO ● SA

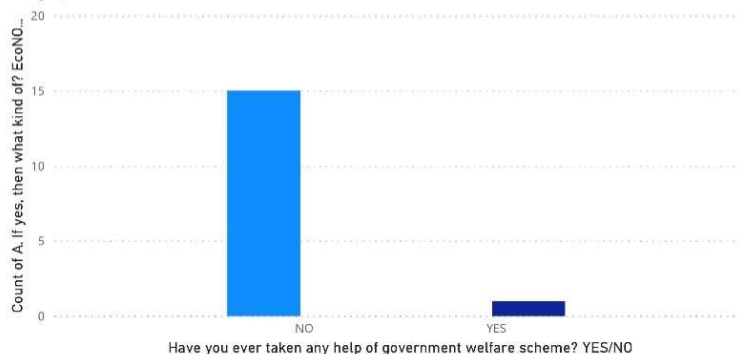


Figure No.5

(7) Do you have any debt? YES/NO and How much do you have debt in rupees?

In the provided data, it has been found that people have no debt to the count of 10. Below the count of 5 people has a debt of around 10k. Up to the count of 0, people have a debt of 10L, 2L, and 5L.

(B) How much do you have debt in rupees? by Age, and. How much do you have debt in rupees?

In the given data, to the count of 2, people have no debt around 20. To the count of 2, people do not have debt until around 20. To the count of 2, people do not have debt until around 40.

However, it is also shown that to the count of 2, and people have a debt of 10k around the age of 20. To the count of 1, people have a debt of 5L around 20-30 years old. To the count of 1, people have a debt of 5L around 40 years old. The data shows that people of around 40 years of age have taken debt so we can analyse with this that the amount which they are getting from this profession is not sufficient to meet their needs. **Figure No.6 represents the same.**

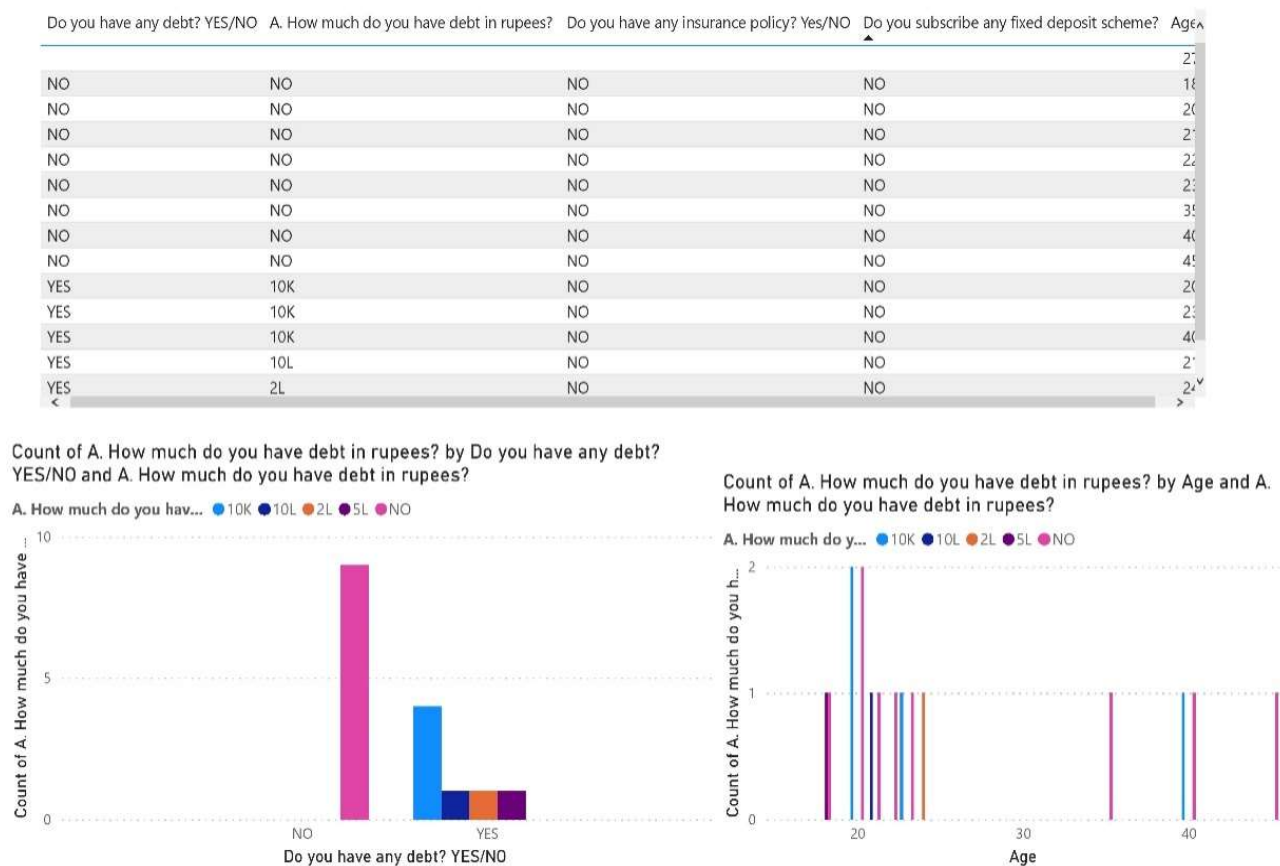
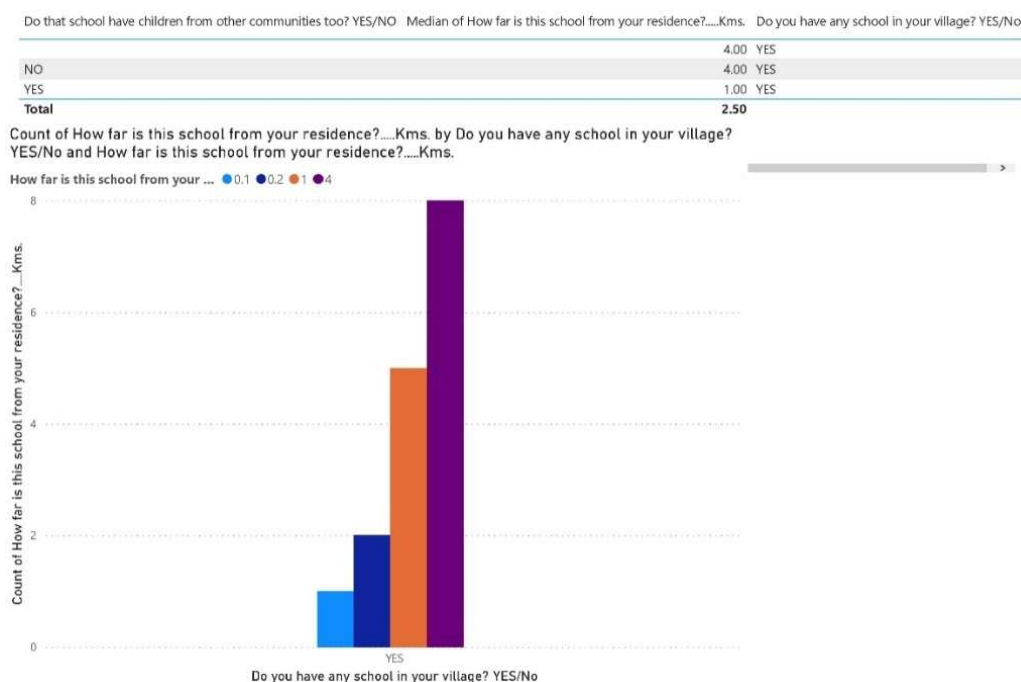


Figure No.6

(8) Do that school have children from other communities too? YES/NO How far is this school from your residence? How many Kms? Do you have any school in your village? YES/NO.

In the data, it is provided that to the count below 2, the distance of school for children in communities is 0.1 kms far. To the count of 2, the distance of school for children in communities is 0.2 kms far. Below the count of 6, the distance of school for children in communities is 1 kms far. To the count of 8, the distance of school for children in communities is 4 kms far. We can estimate with this given data that the children were send to the nearby schools and it's good to see that the place where they live has schools build by the government. **Figure No.7 represents the same.**

**Figure No.7**

(9) Have you ever experienced any problem during customer reception based on age.

According to the data, it is stated that to the point of 2, around the age of 15-year-old to 20 years old have experienced problems during customer reception.

To the count of 1, around the age of 20 to 25 years old have experienced problems during customer reception.

To the count of 1 around the age of 30 to 35 years old have experienced problems during customer reception.

To the count of 2, around the age of 40 years old have experienced problems during reception of the customer.

To the count of 1, around the age of 45 years old have experienced problems during customer reception. The younger age group of people of this community has experienced this problem, this problem needs to be addressed. **Figure No.8 represents the same.**

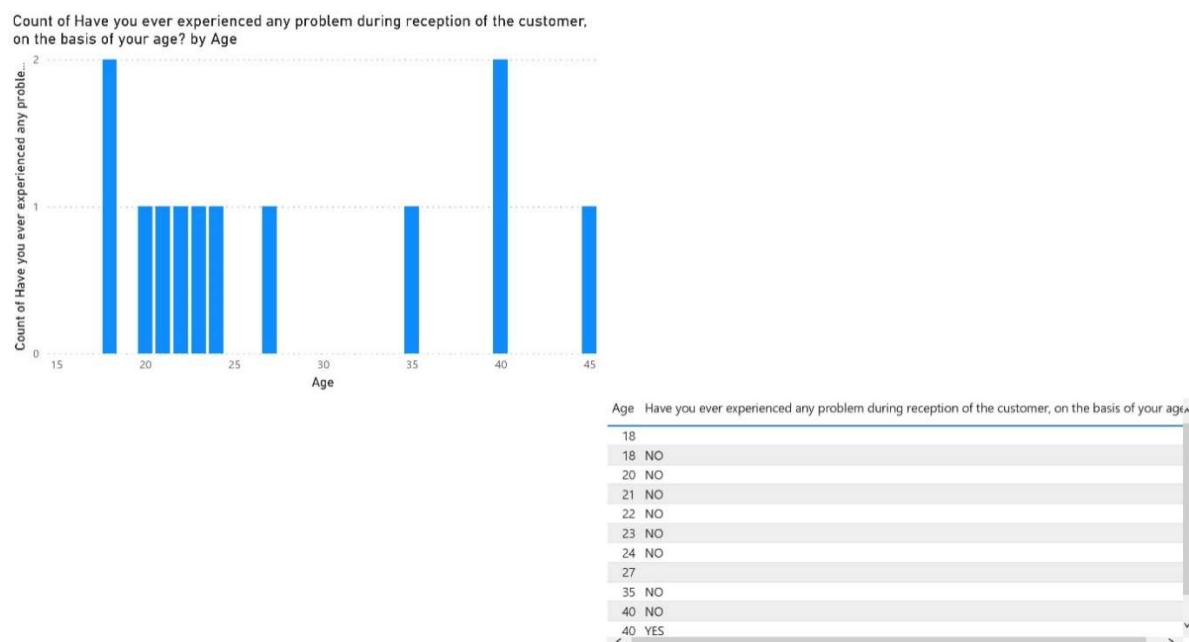


Figure No.8

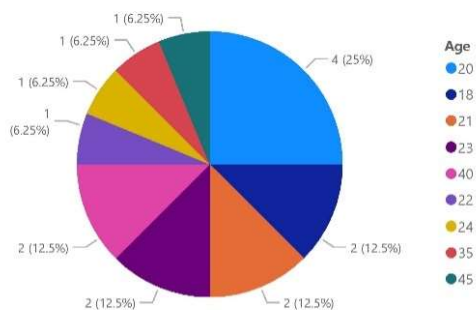
(10) Do you subscribe to any fixed deposit scheme? Do you have any insurance policy? Yes/No.

The pie chart shows that 25% of people around the age of 20 do not have any insurance. 12.5% of the people around the age of 18 do not have any insurance. 12.5% of the people around the age of 21 have no insurance. 12.5% of the people around the age of 23 have no insurance. 12.5% of the people around the age of 40 do not have any insurance. 6.25% of the people around the age of 22 have no insurance. 6.25% of the people around the age of 24 have no insurance. 6.25% of the people around the age of 35 have no insurance. 6.25% of the people around the age of 45 have no insurance. This data made it very clear that even a single person of this community does not have any type of insurance. This is something not good to listen as their profession is of such type that they are at high risk of getting health issues such as Aids etc. So it is at the paramount importance that the government should do something to figure out this problem. **Figure No.9 represents the same.**

(11) Do you subscribe to any fixed deposit scheme? By Age

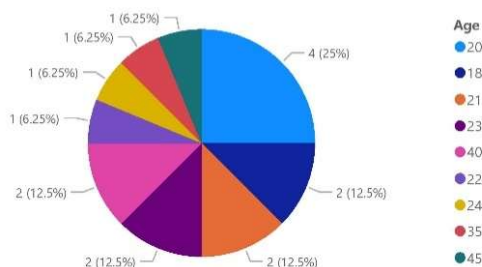
The pie chart shows that 25% of people around the age of 20 do not have any fixed deposit scheme. Hence, these facts made it very clear that like insurance policy, no one had subscribed for the fixed deposit scheme. **Figure No.9 represents the same.**

Count of Do you have any insurance policy? Yes/NO by Age and Do you have any insurance policy? Yes/NO



Age	Do you subscribe any fixed deposit scheme?	Do you have any insurance policy? Yes/No
18	NO	NO
20	NO	NO
21	NO	NO
22	NO	NO
23	NO	NO
24	NO	NO
27		
35	NO	NO
40	NO	NO
45	NO	NO

Count of Do you subscribe any fixed deposit scheme? by Age and Do you subscribe any fixed deposit scheme?

**Figure No.9**

(12) Do other communities invite you as a guest for their social ceremonies? The given data shows that above the point of 10 other communities does not invite people of a community as a guest for their social ceremonies.

Below the point of 5, other communities invite people of the community as a guest for their social ceremonies. This data shows that in majority cases, the community people are not invited in the social ceremonies of other communities and the reason of this is impliedly clear that because of the fear of losing the reputation if they attend the ceremony. **Figure No.10 represents the same.**

Age	Family occupation	Do other communities invite you as a guest for their social ceremonies?
27	SEX WORKER	
18	SEX WORKER	NO
21	SEX WORKER	NO
22	SEX WORKER	NO
23	SEX WORKER	NO
24	SEX WORKER	NO
35	SEX WORKER	NO
40	SEX WORKER	NO
45	SEX WORKER	NO
20	SEX WORKERS	NO
20	SEX WORKER	YES

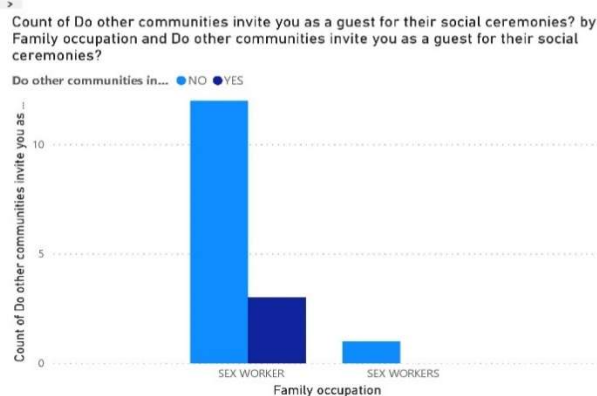


Figure No.10

Conclusion

From the above data interpretation and the materials referred through secondary sources one thing is very clear. i.e. the wretched condition of Bachadda Community is still not improved and urgent involvement of government is needed. Also, primary education of the community members is required in order to understand about the basic rights that are available with each Indian Citizen. Unlike any other community, Banchhada had a problem that needed to be addressed since it involves a potential violation of human rights and might endanger someone's life. With discourse analysis, the focus of this research shifts to the ways in which the Banchhada community's individual members have been hurt by the community's sanction on the working of women as sex worker for the living. Although on this sensitive topic of prostitution the apex court of India have pronounced several judgments in terms of the dignity and equality for these workers. However, the government needs to take measures for the protection of women who are forcefully indulged in this profession/business. Many a times even by consent they agree to engage in this flesh trade but since no other options are available for earning income they are bound to accept the unfortunate faith. From the research it can also be concluded that how the profession of the Banchhada community had a negative impact on their social and economic status in general. Through few of the questions it leads to an analysis that the community people do not prefer to highlight about their identity.

Through the study few recommendations might be given such as the government through various awareness programs should encourage the Banchhada community people to send their girl child to school and make them understand the importance of education. Their main focus should be on to make them realise that profession of prostitution can provide employment only for a shorter period or temporary period of time but if they educate then this can help them to live a peaceful life . Along with this government should focus on generating alternative source of income for the community in order to

raise their standard of living.

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