



PARTITION, WOMEN AND LIMITS OF REHABILITATION: TRAFFICKING, COMMERCIAL PROSTITUTION AND STATE INTERVENTION IN POST-INDEPENDENT WEST BENGAL

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RESEARCH ARTICLE



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Abstract

The Partition of India in 1947 brought not only independence but also displacement, insecurity, and violence, with women facing particular vulnerability. Many experienced abduction, rape, forced marriage, and trafficking, while displaced and abandoned women became increasingly vulnerable to commercial prostitution. This article examines the growth of women trafficking and prostitution in post-Partition West Bengal and explores the socio-legal measures adopted by the government to address the problem. It also highlights the significant participation of women legislators in shaping anti-trafficking legislation. However, inadequate rescue homes, limited rehabilitation facilities, lack of vocational training, and the absence of alternative livelihoods restricted the effectiveness of these measures. The article argues that despite legislative efforts, the persistence of trafficking and prostitution revealed a significant gap between law and its implementation.

Keywords: *Partition of India, Women Trafficking, Commercial Prostitution, West Bengal, Legislative Assembly*

Introduction

The 1940s drew to a close with attainment of Independence and the Partition of India, events that brought not only the joy of freedom but more profoundly the fear of an uncertain future and unbearable pain of being uprooted from one's own homeland. For women, the impact was twofold: alongside the trauma of displacement, many had to endure physical and mental abuse, memories of which haunted them for the rest of their lives. Women who were separated from their families faced this plight, but so did those who migrated with them. In both instances, they became targets of predatory individuals. It is a well-known fact that a woman's body has consistently been a primary target of patriarchal society. Consequently, in the wake of partition, women's bodies were singled out to assert the supremacy of one's own religion, which resulted in numerous rapes, forcible conversions, and marriages in both Hindu and Muslim communities. Furthermore, women were subjected to forced prostitution, a practice rooted in the trafficking of women. So, in this essay, an initiative has been taken to trace the extent to which women trafficking and commercial prostitution permeated independent West Bengal, as the partition led to a rise in incidents such as rape and abduction, alongside an increase in the trafficking of women. How the government of India interpreted the issue of women trafficking and what socio-legal measures it adopted to combat it will be a key focus of this discussion. Furthermore, it is equally significant to assess the extent to which the legal changes introduced were implemented and succeeded in achieving the desired outcome.

Abandoned women, exploitation and the perils of displacement

During 1950, several government officials started panicking about the future of almost 10,000 destitute women who began to take shelter in various railway stations and rehabilitation camps. As these women came without any families, the officials were overly concerned about the possibilities for greater danger for such lonely women, which was very much realistic. After speaking with some of them, it was learnt that each of them had been put on a train in East Pakistan by the male members of their families, and the men had also boarded the train with them, but after reaching the destination, the women could no longer find any trace of their husbands or relatives. So, it was not difficult to understand that those women were deliberately sent off to an unknown and unfamiliar destination, as they had been considered a burden by their husbands and families! These incidents reminded me of the memories of the 1943 famine, wherein, in a similar way, a lot of women were abandoned by their husbands. Labanya Prava Sen highlighted several potential dangers these women were likely to face. For instance, one day a simple, natured girl

approached her seeking shelter in the camp located at the station premises; yet, the very next morning, she was seen leaving the station with another girl. Fortunately, she was intercepted within the Sealdah station area; although she managed to escape, the girl she was taking away with her was rescued and brought back to the camp. According to the rescued woman, she received an offer from someone for better accommodation and food. In another incident, a housewife, who had endured abuse from her husband and other family members at her marital home for seven or eight years, finally reached her breaking point; after striking up a friendship with a man from another camp, she clearly declared that she would no longer silently tolerate mistreatment from her husband or his family and would henceforth make her own life decisions ("Fate of 10,000 'Unattached' Women from East Bengal", 1950, pp. 1 and 8). These incidents demonstrated that Independence and Partition compelled the women to choose a different life; unfortunately, for most of these women, the consequences were overwhelmingly negative. The young woman who left the rehabilitation camp had almost certainly fallen under the influence of someone with malicious intentions, who lured her with promises of a better future, a trap she unwittingly walked into. It was also possible she herself was an agent of a women trafficking network, whose primary objective was to lure helpless, unaccompanied women. These unscrupulous women did not hesitate to take advantage of the special edge they enjoyed in gaining trust simply by virtue of being women. In the last instance, a housewife tormented by domestic violence sought a taste of 'freedom' through some vague 'promise' made by another man. It is not difficult to understand the likely consequences of placing her trust in such uncertain assurances.

Women's Legislative Agency and Making of Anti-Trafficking Law in Independent India

Prior to independence, there was no single law in force across India to curb the trafficking of women; instead, provincial laws existed in various regions. However, following independence, an initiative was undertaken to enact a unified law for the entire country to combat this type of criminal activity, leading to the introduction of the Suppression of Immoral Traffic in Women and Girls Bill in 1954. A significant change can be observed in the post-independence era in the sense that not many women's voices were heard in the legislature during such legislative debates as before independence. Women were the most vocal in getting the bill into law in the legislature. While explaining the necessity of this bill, Smt. Maniben Patel highlighted the situation of Bengal and stated how partition had created a negative impact on the lives of women. According to her, women who got displaced because of partition were venturing out in search of employment and housing and have become targets of the lecherous gaze of numerous individuals roaming with malicious intent. At the same time, she also severely criticized various social organizations in Kolkata that, under the guise of providing shelter to women, were actually forcing them into prostitution. The situation had spiraled so far out of control that the West Bengal legislature appealed to the government to bring the matter under control (Parliament Secretariat, 1954, pp. 5518-19). Smt. Jayashree also expressed her support for the bill and urged the government to open a greater number of rescue homes. She further suggested that the government should provide various forms of assistance to privately established institutions already operating for this purpose (Parliament Secretariat, 1954, p. 5523). The Union Deputy Home Minister had also informed the legislative assembly that although the government was considering such a bill, when some women representatives met him and pointed out the need for such a law, the government naturally turned its attention to the matter promptly (Parliament Secretariat, 1954, p. 5527). It is therefore clear that women's power became the driving force behind passing the bill and subsequent legislation. The independence of India greatly increased the participation of women both inside and outside of the legislative assembly, and this was one of the positive aspects of gaining freedom. Naturally, no obstruction arose after the introduction of this bill. However, women like Smt. Durgabai Deshmukh suggested certain amendments to some of its clauses. She proposed raising the age limit for legal protection for girls from 18 to 21 years. In her view, any girl under the age of 21 found in a brothel required immediate legal protection. Ultimately, however, her request was disregarded. Since the Indian Constitution recognized 18 years as the age of legal adulthood, raising it to 21 in this case was regarded as unconstitutional. She also emphasized that after the bill becomes a law, state governments must play a significant role in its proper implication. Although, she made it clear that enacting laws solely to stop women trafficking while completely excluding the issue of prostitution would be futile, as both are interconnected (Ministry of Home Affairs, Police Section, pp. 2, 5-6). Pandit K.C. Sharma was one of those who questioned the efficacy of the bill and the resulting law. He stated unequivocally that the law would never succeed unless India's socio-economic structure underwent a transformation. In this context, he advocated for employment opportunities for all Indians, emphasizing that such opportunities were particularly crucial for women. He believed that only then would women be able to move away from a profession like prostitution. Prostitution can never be a means of sexual pleasure for any woman; rather, they enter into this profession after being victims of helpless circumstances. The existence of such a desperate situation demonstrates the Independent Indian government's failure to establish a modern social system. Dr. Rama Rao had expressed similar views, where she said how specific government measures had eradicated prostitution from China. Key among those was educating the womenfolk and providing employment opportunities for all of those women who were willing to work. Unless the government of India undertook such a task, no law would be able to resolve the problem. Ultimately, in 1956 the bill became a law after certain amendments. The legislation prohibited earning a living through commercialized prostitution. Moreover, it outlawed the operation of brothels, the luring of women into this illicit profession, and all forms of vice related to this trade had been declared prohibited. The statutory guidelines stipulated that shelters must be established for these women, and the responsibility for managing them was likely intended to be entrusted to women themselves. It was also decided that a government-appointed board of inspectors would visit these ashrams in every state. Provision was made for state governments to constitute their own inspection board to visit these ashrams once a month. While the women of these ashrams could be released with the permission of state governments, the state governments also had the power to re-arrest them if necessary. Even after being released by court order, these women had to report their movements to the local police officer

once a month (Mukherjee, 1958, pp. 138-39). However, this law was not beyond controversy either. A close examination of its provisions reveals the perspective from which the law approached the issue. The characterization of women involved in prostitution in 19th-century Bengal finds a reflection in the act of 1956. During the colonial period, the prostitutes had been held responsible in the name of protecting the soldiers from venereal diseases. Similarly, this act in post-independence India branded women who were involved in commercial prostitution as offenders. However, the law contained no specific provision regarding the clients, who regularly visited brothels and paid for sexual services to gratify their sexual desires. No legal provision was there to penalize these male clients! Moreover, this act portrayed prostitution only as a female-centric profession, while many men also engaged in the same profession, but the law never classified them as 'offenders' (Cunha, 1991, p. 44). So, this can be viewed as a glaring example of the double standards inherent in a patriarchal society.

Rescue Homes and Limits of Rehabilitation in Post-Independent West Bengal

A question had been raised in the legislative assembly regarding the number of rescue homes in West Bengal. As it had been evident since the colonial period that merely passing law to rescue women would never solve the real problem. In response to the above-mentioned question, it was stated that until 1956 there was only one government-run rescue home in West Bengal, located at 45, Upper Circular Road. However, records indicate the existence of ten other private but government-aided rescue homes in Kolkata at that time, details of which are given below:

Name	Address	Number of boys	Number of girls	Total number of inmates	Rescued girls according to Bengal Suppression of Immoral Traffic Act (1933)
1. Rescue Home	45, Lower Circular Road	0	Adult-2 Under age-48	50	1
2. All Bengal Women's Union Home	89, Elliot Road.	Adult-9 Under age- 7	Adult-105 Under age- 9	130	9
3. The Refuge	125, Bowbazar Street.	Adult-22 Under age- 118	Adult- 51 Under age- 112	303	2
4. Nikhil Bharat Nari Sikkha	Nil	0	Adult- 68 Under age-2	70	0
5. Nari Seba Sangha	45, Jhawtola Road.	0	Adult- 28 Under age-5	33	0
6. Hindu Mahasabha Sishu O Nari Rakkha Kendra	Nil	Under age-9	Adult-12 Under age-17	38	0
7. Hindu Sishu O Prosuti Sebasadan	139, Ramdulal Sarkar Street.	0	Adult- 6 Under age- 0	6	0
8. Calcutta Orphanage	12/1, Balaram Ghosh Street.	49	49 (all were under 10 years old)	98	0
Convent of our Lady of Provinces	75, Lower Circular Road	0	Adult-70 Under age-10	80	0
9. Calcutta Muslim Orphanage	8.Syed Sally Lane.	268	78	346	0
10. Bani Mandir Industrial Home and Workers Center	2, Williams Lane.	Adult-0 Under age- 11	Adult-100 Under age- 40	151	0

Among the above-mentioned homes, serial numbers 1,2,4,5,7 and 9 were meant for women only. Seven rescue homes were there too in other parts of West Bengal (except Calcutta) which were built only for women, details of which are given below: (Home, Police, 1958)

District	Number of Rescue Home	Number of Inmates	Total
Howrah	2	Adult- 84	92

		Under age- 7	
Burdwan	1	0	0
Medinipur	2	Adult- 56 Under age- 78	134
24 Parganas	1	194	194
West Dinajpur	1	Adult-0 Under age-4	4

The first thing to note regarding the above-mentioned homes was the inadequacy of rescue homes compared to the numbers of inmates. This situation should have improved after independence. But in reality, that didn't happen. Furthermore, the lack of adequate facilities for the female inmates was evident from the conditions at the Lower Circular Road Home alone! Although it was managed by the Kolkata Police, they were not particularly successful in this task and sought to transfer the responsibility to another department of the government. In this context, the Police Commissioner of Calcutta wrote a letter to the Chief Secretary of the West Bengal Government, highlighting several issues regarding the home. He noted that even after the expiration of the detention period of the girls housed there, legitimate guardians could not be found, and even when guardians did appear, they were reluctant to take the girls back into their families. Consequently, the authorities were compelled to keep the girls over there. Moreover, there were no provisions for vocational or educational training that would enable these girls to stand tall in society. The All Bengal Women's Union stepped forward to address this issue. R. Sinha, the chairman of the aforementioned home, recommended the formation of a committee to tackle the problems that had arisen. She further suggested that the majority members should be women. Most notably, she herself wanted to take over the responsibility of the government-run homes on behalf of the All Bengal Women's Union. However, the government made it very clear that they would not hand over this responsibility to any non-governmental organization. (Home, Police, 1957)

Between Law and Reality: The Limits of Anti-Trafficking Legislation in West Bengal

Let us now turn to the question of the law's implementation and its success, specifically, whether it was at all able to address the problem of women trafficking. Anxiety arose among sex workers immediately following the announcement to abolish commercialized prostitution; they feared eviction from their homes. So, many women began fleeing brothels right after the legislation was passed. In Calcutta, numerous marriages were even solemnized on 30th April and 1st May under the Hindu Marriage Registration Act so that these women would not fall under the purview of the above-mentioned law. (Mukherjee, 1958, p. 143) Kanak Mukherjee was certain that eviction of brothels or complete eradication of commercialized prostitution would not be possible through enactment of law only. She cited the example of colonial Bengal during the time of the 1943 famine and reminded the government that when the Social and Moral Advisory Committee conducted raids on brothels in Calcutta, those brothels were transformed overnight into ordinary "family homes," which made it impossible to identify the real sex workers! (Mukherjee, 1958, p. 143) Shri A. K. Sen, the Law Minister of Independent India, remarked that if magistrates were to evict sex workers from their homes without arranging alternative accommodation, the consequences would likely be more harmful. (Parliamentary Debates, 1958, p. 3634) The statement by Kanak Mukherjee regarding the 1943 famine, mentioned earlier, validated the concerns later expressed by the law minister. Transforming brothels back into ordinary households in post-independent India would not have been a very difficult task at all. Moreover, there was no doubt that it would become extremely difficult to curb clandestine commercialized prostitution and the associated trafficking of women; the law minister likely intended to highlight precisely these adverse consequences. However, the strongest evidence that commercialized prostitution did not stop its operations even after independence and the enactment of legislation emerged when residents of the Garia area of Calcutta petitioned the West Bengal Government and the Calcutta Corporation to shut down a brothel located on the Garia-Baruipur main road. They complained that the brothel's proximity to a nearby school was adversely affecting the mental well-being of the students, both boys and girls. In response, the government stated that the brothel could not be closed immediately because the 1956 act had not yet been implemented in that specific area. Although the government had assured that steps would be taken to enforce the law there as soon as possible (Home Dept., Police Br., 1958). A similar situation arose regarding a brothel in the Puratan Bazar area of Kharagpur, where a local resident named Gyanchand Bhaduri wrote to the Chief Minister regarding the brothel's location near Silver Jubilee School. So, he raised the demand that the brothel be shut down immediately and the prostitutes evicted from the area. However, a letter written to the District Magistrate of Midnapore by the SDO revealed that attempts to enforce the 1933 act had been made previously but had failed. He did, nevertheless, instruct the owner or owners of the brothel not to permit any women to practice this profession in the building again. Arrangements were also proposed to donate two kathas of land in a separate location for these sex workers (Home, Police, 1956). Yet, one crucial issue of how they would earn a proper livelihood remained unaddressed. It was discussed before that even the only government-run home provided no educational or vocational training for women rescued under the Suppression of Immoral Traffic Act, a fact clearly borne out by official records. So, the government's responsibility was deemed fulfilled merely by evicting the prostitutes from their workplace without providing or facilitating alternative livelihood. Similarly, the society of Independent India hadn't managed to transform its mindset much in this regard. The negative social attitude remained unchanged. Yet, a brothel couldn't have continued to exist for so many years situated near a marketplace or a school without a steady influx of customers. Needless to say, the majority of these customers were men from the local area. Ironically, some of these very men might have been among those who vocally

demanding the closure of the brothel! This glaring contradiction within the patriarchal society survived not only after independence but even in the 21st century.

Conclusion

The success of the first central legislation to curb commercial prostitution and women trafficking remained elusive because the country was economically crippled. Even though temporary accommodation was provided by the government, particularly to the refugee women, those who bore the burden of the entire families were compelled to turn to other professions, with prostitution being one of them. No alternative avenues were open for these illiterates, homeless, identity-less women. In particular, the presence of opportunistic touts (both men and women) all around acted as a catalyst in leading the aforementioned women astray. Even under the law of independent India, no restrictions were imposed on that so-called 'respectable' class of men who played the most significant role in sustaining commercial prostitution, so there were no discernible differences between the actions of the British government and those of the government of Independent India in this regard. Even the societal attitude towards these women was not beyond doubt. Amidst the perils that befell women in the wake of the Partition, a segment of society sought to exploit the situation to harm them. However, the voices of women raised inside the legislative council to enact laws regarding women trafficking and commercial prostitution demonstrate a significant level of women's participation in the legal process, a scenario rarely witnessed in colonial India. This could be regarded as a positive development. Although the discussion makes it clear that neither legislation nor legal recourse has led to any significant resolution regarding the abuse faced by these women. Shutting down their source of income without arranging alternative livelihoods for prostitutes effectively demonstrates the government's reluctance to provide even minimal protection to them as citizens of an independent nation!

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