

CHAPTER VII

PROSTITUTES IN DIFFERENT ROLE

Social Contribution of the Public Women :

Prostitution is considered as 'the oldest profession' in this world and the prostitutes are called by various names such as 'fallen women', 'public women' etc. from those previous days. Some insulting and derogatory terms are also used viz. *randi* or *veshya*. The similar in tone to the English word is 'whore'. In Malwa of Madhyapradesh those girls are known as '*Khilawari*'.¹ Japanese soldiers called them 'comfort women' in the period of second world war.² Although few peoples choose to use the more respectful description for those women, which is 'sex worker'. It has fewer connotations than the word prostitute, there is no denying that she receives no respect whatsoever. Sex workers are an outcast group. They are rejected by mainstream society and hidden away in red light areas. They are represented in popular Indian films and literature through stereotypes of 'bad' women or stigmatized.

Noti Binodini expressed her grievance :

'Aami jagat majhe kalankini patita, amar atmiya nai, samaj nai

*Bandhu nai, bandhab nai, ei prithibite amar bolite emon kehoi nai.*³

It means, I have no relative, no society, no friend; I have none in this world. I am a stigmatized prostitute in this world (free translation).

On the other hand we have seen a lot of instances where the women of this particular community are giving, dedicating, sacrificing and contributing their last savings to the society since the long past. They constructed roads, temples; dug well and tanks, planted trees on the roadside, raised gardens and groves, etc. Some of them procured money from their paramours' pockets for giving to a pregnant fellow or help her mite in her treatment. They used to making gifts to deserving peoples.

In the history of medieval India, we have seen the reference of such *ganikas* from south, who constructed temple or donated for temples. As an example we refer *Vinapoligal* is mentioned in a dateless inscription of *Vijoyditya's* reign. Similarly *Chhelebbe* endowed three pillars in *Vijnaneswara* temple.

We have heard about Lata Singh, the prostitute who helped the Indians at the period of Sepoy Mutiny in 1857. A group of prostitutes from Jalpaiguri met Deshbandhu Chittaranjan Das and Mahatma Gandhi when they came to Jalpaiguri. Those women contributed to Indian National Movement by giving guinea (gold coin), two bunches of money and rice.⁴

We have heard about the contribution of the prostitutes in Indian National Movement. They provided shelter to the *Swadeshi* boys (freedom fighter) in their pros-quarters. Sarala Sundari, the professional prostitute of Balurghat in South Dinajpur district donated her all savings in *Swadeshi* Movement of India. If we go through the book '*Shikhhito Patitar Atmacharit*' by Manada Devi, we can see the contribution of the prostitutes for the victims of flood in North Bengal.⁵

Noti Binodini's contribution in the world of theatre no body can deny. Having seen the play '*Chaitanyaleela*', on 21st October, 1884 at Star Theatre in Bidon Street, Ramkrishna Paramhansa Dev became very pleased and he blessed *Binodini*. Not only Ramkrishnadev but also Bankimchandra, Vivekananda, Father Lanfo, Eduin Arnold, Cornel Olkot were admirers of her acting. The contemporary news papers adorned her as 'Flower of the Native Stage', 'Moon of Star Company', 'Prai-madona of the Bengalee Stage' etc.⁶

Noti Binodini contributed her savings to the formation of Star theatre. Not only that, after finishing rehearsal she herself carried the basket full of soil when Star theatre was constructed. At the last phase of her life she left theatre and dedicated into writing. She composed '*Amar Katha*', '*Vasona*' etc.⁷

At the phase of Indian National Movement under the leadership of Mahatma Gandhi, a huge number of prostitutes had taken membership in Indian National Congress and they donated fees to *Tilak Swarajya Bhandar*.⁸

Charan-kabi Mukunda Das, (the bard-poet) came to visit Siliguri. A function was organized by the prostitutes of Siliguri where *Mukunda Das* performed.⁹ The prostitutes never hesitate to donate for the victims of flood, draught or earthquake. During the survey was going on in that area, the present writer herself witnessed those ladies collecting fund to send Kathalguri tea estate, where the poor people suffering from starvation in the year of 2005.¹⁰

The trend for their contribution is still going on in different sectors of the society. Jyotsna Bibi, the secretary of DMSC, Changrabandha branch in Cooch Behar district, though she is also a sex worker, donated money to buy a plot.¹¹ She has purchased the plot for making a health centre for the sex workers of Changrabandha.

On the occasion of *Maha-Ashtami* in *Durga puja*, one hundred seventy sex workers from Sonaganchhi (Kolkata) donated their eyes (after death). A puja committee from North Kolkata invited fifty four of them to visit the *puja pandal* for taking the oath of eye donation.¹² Communication Director, Smt. Maheshweta Mukherjee on behalf of DMSC (Sonaganchhi, Kolkata) has given the information in a press meet. The news published in *Uttarbanga Sambad* on 19th October, 2007.

Demands for their Right :

Chhandyogya Upanishada narrates the story of *Satyakama*, the son of *Jabala*, the prostitute. *Rishi Gautama* praised him as '*Satyakulajata Dwijatyma*' for his honesty. Because *Satyakam* did not hide the incident of his birth. From that evidence we can say, in those days such type of confession was not so usual. Although we have heard about *Shakuntala*, the deserted daughter of *Menaka*, was brought by *Kanyamuni*. *Jibaka*, the famous physician was also a son of prostitute. The ancient law-givers grant the property rights to the '*dasiputras*' on their fathers' property.

Generally the prostitutes are not educated, so they can't develop a proper sense of value, which gives them a social situation full of security. Through the project the surveys reveal that a number of women of this profession have achieved some success in their life struggle. Some of them have started to learning education. They become self conscious and more organized. They have come to realize such an undignified life full

of uncertainty should not be a choice for their daughters. Their daughters should be given proper education and training on other co-curricular activities which would bring a happy future in their life. Earlier it was even out of imagination that prostitute's children would be allowed admission into schools. But it is now a reality that a daughter of a prostitute would be accepted as a bride in a common gentle family could not be even dreamt of. The women of this community desire to be live a life of wife. In 1913, *Nati Binodini's* letters to her mentor, Girish Chandra Ghosh, were published as '*Aamar Katha*' (My Story). In this presentations, *Binodini* expressed no love for her former profession (prostitution), but rather stated her desire to be a wife. She states: 'We (*Binodini* refers to 'our type') too desire a husband's love, but where do we find it?... There is no shortage of men who come to us in lust and charm us with their talk of romance; but which of them give his heart to test whether we have hearts too?'¹³

The present author has come to know that a few sons of brothel area have got rehabilitation in the society. A few of them working as doctor, football coach and even as lawyer. But their identity is not disclosed by their mothers. Bachhu Dutta (Mrinalkanti Dutta), is exceptionally different from all of those. He is a son of prostitute from Sonagachhi (Kolkata). Not only that he is the first, who has been qualified the board exam (Madhyamik) of West Bengal Secondary Education.¹⁴ And now he is managing the post of project director in the office of DMSC at Sonagachhi efficiently.

The efforts of getting rights and rehabilitation for prostitute is still going on but the main problem remained in the mental set up of the society, which is dominated by middle class values. However, it is already mentioned that the women of red light areas are not called prostitutes any more rather they are called commercial sex worker. The commercial sex workers are arguing for their rights though the traditional outlook towards them is not welcoming. First of all they demand to recognizing them as labour and their service as industry. They argue as they are involved in the system of production and they invest their income somewhere. Although there is a controversy regarding to categorizing them as forced labour or willing labour. A particular group disagree to recognize them as forced labour because forced labour do not paid for their service.

But one has to look to the context in which it is developed. The suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) was amended in 1986 as central government introduced the Immoral Traffic in Persons Prevention Act. SITA (1956) aims at abolishing traffic in women and girls for prostitution. So it penalizes brothel keeping, pimping, procuring, detention of a woman or girl for prostitution and seduction of a woman in custody. The practice of prostitution woman in custody. The practice of prostitution individually, independently and voluntarily by a woman does not constitute an offence. But punishment was given when there is prostitution in or near public place and seduction and soliciting for prostitution. Interestingly SITA criminalize the prostitute and set free the client which is an example for double morality and challenging the women's right. D'cunha observes that penalties imposed on prostitutes are for more severe than those on brothel keepers and pimps. Immoral Traffic in Persons Prevention Act 1956 (ITPA) includes both male and female (not merely females) who engage in prostitution. It also defines prostitution as any form of sexual exploitation or abuse or commercial purpose. There is also organizations of prostitutes for their rights. They demand the legalization and licensing of prostitutes. They protest the police harassment. This organizations include - '*The Bharatiya Patita Uddhar Sabha*', '*The Asahay Tirskrut Nari Sangha*' and '*The Pune Devdasi Sangathana*'. The international committee for prostitute's Rights has drawn up a world charter for their rights which guarantees the prostitutes all human rights and liberties including the freedom of speech, travel, immigration, work, marriage and motherhood and the right to unemployment insurance, health insurance and housing.

The prostitution is an evil which is necessary in the society because of sociological and economic factors. Prostitutes are the marginalized group who are to be rehabilitated, as a structure should be created, to reinstate them. The society contributes to prostitution as it is irresponsible and it is male chauvinistic crisis is found in dealing with their issue. It is important to protect the rights as a prostitute, at the same time, redeeming the prostitutes from this evil situation is another responsibility.¹⁵

The question of complete eradication of this system did not trouble the thought of the then social potentates of India by whom it was considered to be both a useful institution

and means of satisfaction of a definite biologic need. On the other side, this opinion has been recently repeated by the highest authorities on this subject in Europe and America. But that they, nevertheless, attempted a systematic regulation of the prostitutes and aimed at the relentless suppression of slave traffic and abduction of minor girls for immoral purposes, is evident from the details of *Kautily's 'Arthashastra'* and some other *Samhitas* codified about ancient period.¹⁶

It is already mentioned that India's legal approach towards the sex industry is double standard. Debates about the future of the sex trade have focused on its legal position. There are two groups which hold two absolute different opinion regarding the issue of prostitution. The first one argues for the legalization of the profession as a means of regulating it and removing the criminal element, while the other is advocating for attempting to abolish the sex trade by criminalizing it and rigorously enforcing the law. Those who are pro-legalization often argue that commercial sex workers reduce the incidence of rape. However; now a days it can't be said that prostitution reduces this type of crime while rape culture is increasing all over the world. The first group also thinks, commercial sex workers provide sexual pleasure those men who have no sexual partner, or who have different sexual preferences. Professional sex workers help them to express their sexuality in a harmless way. Many sex workers themselves use this arguments, pointing out that as their work serves a social purposes they should be free of police harassment and discrimination. Those who argue for the abolition of the sex trade caters to and perpetuates the commodification of women, that it could actually increase abuse against women because it reinforces the attitude that women can be purchased and used by men. Legalizing it would legitimize the myth that men have an uncontrollable sex drive. These arguments are often used by feminists who are working to change society's attitude to women and sexuality.¹⁷

There must be some vital causes which persuades women to take this profession; dissatisfaction in conjugal life, the changing digital world, internet café, cell phone, free movement etc. create a social ambience which provoke people of both sexes to go for cheap sex, for their momentary pleasure. Keeping the general tendencies in mind it would be impractical to ban the institution of prostitution legally; it should rather be

legalized. In favour of the legalization of prostitution it would be put across the following arguments.

The persons, who visit the prostitutes, live normal and 'respectable' life in our society like other gentlemen, attend the social functions and take part in any kind of ceremony of festival. In contrast, the prostitutes who stay in the corner of the society or in the darkroom, stigmatized, 'othered'. In our patriarchal society they are unable to express their talents and qualities; they are di-senfranchised and denied of the universal human rights, like the rights to live and work with dignity and participate in normal social life.

The group which believes on the legalization of prostitution, thinks the positive aspect of prostitution is that if they get legalization sex workers would be relieved of their tension. Those women would not be harassed in their everyday life. If they get legalization as the citizens of a free country the prostitutes should be allowed to attend the social functions. They can get access in educational institutes and different festival like other citizens. This would allow them to bring up their children in a normal atmosphere without facing much of social discrimination.¹⁸

Sex workers are demanding their right for franchise from the last decade. However, the sex disqualification in respect of voting right of women was a big issue once upon a time. On 1st September, 1921. Mr. S. M Bose, the elected member from East-Maymonsingh non-muslim assembly placed a proposal in the session of Bengal Council for giving voting right to women. He also given proposal to eradicate sex disqualification of women according to the Rule - 7A of Bengal Electoral Rules. **Rai Sahib Panchanan Barma** strongly opposed him. His speech on 5th September, 1921 in the meeting of council is quoted here.

Speech of Ray Sahib Panchanan Barma :

"I am afraid I must oppose the resolution. Considered as simply as political beings, I think women can claim to have votes equally with men because they own property and pay taxes, and to pay taxes is the criterion on which the vote is based; in that case it would happen that women would have votes equally with men, but if that is the case taxes have got no morality at all; so we cannot refuse votes to the public women also;

and if we allow votes to the public women they will come forward and swamp the women of home life; and we shall see fine women, public women adorning the council, and what will be the effect?"¹⁹

Here is the contradiction remained with us and our society. We have heard the contribution of Ray Saheb Panchanan Barma for distressed women in previous chapter, on the other hand he himself strongly opposed the voting right for public women.

Sex workers and several NGOs demanding legalization of sex trade as an industry and also recognizing commercial sex workers as labour. An organization '*Bachpan Bachao*' (save childhood) does not support their demand for legalization. That organization litigated Supreme Court for save the childhood of the children of sex workers. Supreme Court declared if government would not success to stop this business rather this profession should be given legal recognition. **Ruchira Gupta**, the founder of '*Apne Aap*' (NGO) had stated - legalization indulges the profession of prostitution. '*Prerna*', the NGO of Mumbai, does not support their demand for legalization as it increases flesh trade all over the country.²⁰

While several NGOs and sex workers advocating for legalization of prostitution as an industry, here is a twist that, the prostitutes from western countries do not want legal recognition. The prostitutes belong to first world do not want to confine themselves into red light areas.²¹

Many women's organization in abroad do not support legalization of the sex industry because it is perceived as supporting an attitude to women's bodies that degrading and controlling their sexuality, while further the myth that male sexuality is uncontrollable and needs to be expressed in a situation devoid of anything other than purely physical intimacy. It is these same images of male and female sexuality that may lead to violence against women.

The prostitutes prefer to call them sex worker rather *veshya* or prostitute. Smt. Manu Basak, the representative of international women organization, was disagree to call them worker. According to her view the concept of worker does not fit with sex. She goes for the term 'prostitute'.²²

Sumanta Banerjee had said, customers give up their sex purity before taking entry into brothel. As a result a lot of moral purity is being gathered on the threshold of pros-quarter. Hindu scripture prescribes a handful earth from the threshold of strumpet's house is still required in the making of the holy image of *Durga*. *Durbar Mahila Samanway* Committee declines to accepting this honour as they are still stigmatized in this society, not accepted in the main stream of the society.²³

Being organized, the women from this community has started to raise their voice where they deprived. The sex workers of Champabag in Islampur (North Dinajpur) boycotted vote in the year of 2006. Because they were suffering from several problems including sanitation, drainage, electricity, education and medical facility. Jahanara Biwi, the president of DMSC in Islampur, given the above statement in a press meet.²⁴

At present the commercial sex workers become more organized. Now they are much more conscious about their needs, rights, demands. It can't be deny, the NGOs playing the most crucial part in respect of their (prostitutes) welfare.

One of the important achievement of the organized sex workers under the leadership of DMSC, was the **parliament march** in 2006 with the demand of repeal the ITPA. A large number of sex workers from North Bengal has participated in that convention.²⁵

Arguments of Sex workers for repeal of ITPA :

They argued why the so-called Immoral Traffic (Prevention) Act of India should be repealed is given here in detail²⁶:

1. We, sex workers, provide sexual services to our customers. That is why we should be recognized as service sector workers. We demand workers' rights.
2. The principal legal obstacle in the path of our recognition as service sector workers is the Immoral Traffic (Prevention) Act of India. Why?
3. Let us begin by taking a look at the very title of the Act. It is called the Immoral Traffic (Prevention) Act' [IT (P) A]. At issue here should be the trafficking of humans, which is the business of buying and selling of human beings. This Act avowedly aspires to prevent 'immoral trafficking'. Does it not

suggest by implication then, that some forms of human trafficking are moral? Indeed it does so, when it collapse the terms trafficking and sex work (in its jargon 'prostitution'), in all the sections of the Act. In, all sectors of the labour market some human beings are trafficked, but not all and, this is true of the sex sector too. We need comprehensive law (s) for fighting all forms of trafficking of human beings in all sectors of the economy, like, agriculture, transport, mining, manufacturing, cottage industry, domestic services, hotels.... At Kolkata and in some of the districts of West Bengal, We the sex workers are putting up a battle against trafficking of human beings in the sex sector, through our own self-regulatory boards. Trafficked labour in the sex sector is indeed a very small part of the total number of workers trafficked into and from our labour market. The conflation of sex workers and trafficked persons in the IT (P) A is thus untenable.

4. Out IT (P) A was promulgated in pursuance of the Anglo-American legal-sexual culture inspired International Convention for the Prevention of Immoral Traffic (New York, 9th May 1950). The IT (P) A defines any house, room, conveyance or place or any portion of such spaces used for the purposes of sexual exploitation or abuse, for the gain of another person, as a brothel [see : IT (P) A, 2. (a)]. Under patriarchy, in all transactions, men gain at the expense of women. In all patriarchal homes a vast majority of women are routinely sexually exploited or abused by their husbands and other relatives or acquaintances. Hence, according to the aforementioned definition 2. (a) of the IT (P) A, the whole of patriarchal India is one big brothel. However, according to sub-section 6. (1) (b) of the same IT (P) A it is only in these patriarchal homes that we conduct our legally approved, non-criminal, inter-spousal, marital, sexual activities. This makes the sub-sections 2. (a) and 6. (1) (b) mutually inconsistent.
5. In fact the entire Act is guided by this pre-second-world-war Anglo-American legal-sexual belief, inserted as a cluster of words in 6. (1) (b), that all non-spousal, non-marital interpersonal, sexual activities are crimes. This dogma criminalizes all forms of services provided in the sex sector of our economy, and also all non-commercial inter-personal sexual activities outside marriage. This spirit of legal-

sexual puritanism, borrowed from the Anglo-Americans is completely at odds with the reality of our sexual life, including our sex sector.

6. In accordance with this spirit, section 3 of IT (P) A declares that all work sites and homes of our sex workers are sites of criminal activities. This helps hooligans and gangsters, in cahoots with the police, to keep us sex workers under conditions of perpetual homelessness and insecurity. Further, its section 4 declares that all adults eating our bread, including our parents and children, are criminals.
7. The IT (P) A conflates all non-material sexual activity with sex work and, further, all sex work with trafficking in human beings. This double conflation effectively criminalizes all non-marital sexual activity, including sex work, on one hand and, turns a blind eye to the vast sea of human trafficking in all sectors of the economy on the other.
8. The revised draft of the IT (P) A awaiting approval of the parliament has deleted, revised and added some sections / sub-sections, while basically retaining its anti-sex worker and anti-human-sexuality spirit intact, even enhancing it in some cases. According to the new sub-section 5 (c) of the revised draft the customer of a sex worker will be considered a culprit. Why? No one knows. Perhaps because it is fashionable to do so in some North-European countries. When the customer is persecuted, neither the market demand for sexual services vanishes, nor does the security of the sex worker increase. The entire sex sector, however, is forced to go underground. This is not only going to be very dangerous for the sex worker, who will be delivered to the wolves of the underworld on a platter, it will also have catastrophic consequences for the sexual health of our people. The service providing workers and customers of our vast sex sector will no more visit our STD / HIV clinics. Nobody will be able to ensure safe sex practices or monitor incidence of STD s or of HIV / AIDS in the sex sector. In reality our marketized sex sector and domestic sexual life happens to be one continuous borderless territory. In this borderless sexual field, the AIDS pandemic will spread like a wild fire. Several generations of Indians will die, due to the idiocy of a few.
9. We demand that the IT (P) A be repealed in the interests of the millions of workers and customers of our sex sector and, that of the sexual health of our

people. We demand that sex work be put in the occupation schedule of the Ministry of Labour. Once we sex workers start enjoying all the rights that the other workers of the land enjoy, then the STDs and, the raging HIV/AIDS pandemic can be successfully tackled by us, as occupational health hazards of the sex sector. We are, and can continue to be, the best allies of the government in its fight against AIDS, if it is really serious.

10. Being moral is about being good. The effect of ITP (A), even with the proposed amendments and perhaps even more so because of some of them, upon our sex sector and our sexual health is simply evil. On that count our so-called 'Immoral Traffic (Prevention) Act' is itself singularly immoral. This anti-sex-worker Act only helps line the pockets of the immoral guardians of our law.
11. So why put up with this immoral IT (P) A, which is singularly clueless about human trafficking in our country? Let us scrap it. Let us tackle real issues instead. These are the realities of: sexual exploitation of girls and child brides in the vast majority of our homes, where trafficking begins; our stunted, topsy-turvy yet multi-faceted sexual culture; our sex ratio imbalances; our avoidance of sex education; and the reality of human trafficking in our vast human ocean of wage less slavery.
12. Our country is facing an AIDS pandemic. This is the worst possible time for indulging in patch working upon a basically anti-people law. It is high time we recognize the reality of our sex sector and, repeal the IT (P) A, lock stock, and barrel.

The Fact Sheet on the Efforts of the DMSC and the National Network of Sex Workers at Sensitizing the people, ministers and, the Parliament of India at Delhi (February & March 2006)²⁷:

1. The 28th of February 2006, a seminar titled 'Morality vs. Rights' was held at the India International Centre (New Delhi), organized by DMSC and the National Network of Sex Workers. The seminar was attended by over 50 sex workers from different organizations and activists like representatives from the Lawyers' Collective (HIV Division) and Gender Health.

Discussion centred on the issue of morality and law around sex work in India. Sex workers vociferously argued that what they did was not immoral and they strongly put forward their demand for recognition of sex work as work and, demanded that it be included in the Schedule of Professions of the Department of Labour of Government of India.

Mrs. Tripti Tandon of the Lawyers' Collective traced the history of the Immoral Traffic (Prevention) Act or IT (P) A and, clearly elucidated how this law, from its inception and through its amendment (1986), criminalized sex work and its practitioners. She also described in detail the newer proposed amendments to the Act that was due to be tabled during the Budget Session of the parliament and how these would further directly affect sex workers' livelihoods.

Responding strongly during discussion on IT(P)A, sex workers from West Bengal, Delhi and elsewhere said that they felt that rather than sex work being 'immoral', it was this law that was immoral; it denied sustenance to their families, particularly aged parents, dependents and their children. Krishna Gupta of DMSC reacted strongly, saying that if this act said that any adult who 'lived off the earnings' of sex workers was a criminal, then what about children of sex workers who depended on their mothers to see them through higher education? She went on to ask: was it the State's desire then to prevent children of sex workers from attaining higher life-skills to better their (and their mothers') lot? Other sex workers were also strong in condemning this and other sections of the Act that would criminalize their aged dependent parents for "living off the earnings" of sex workers.

At the end of the discussion, the sex workers and activists present agreed that the Act in its present form and in the proposed newer amendments and/or modification was never going to help them. Rather, all sex workers present felt that the proposed modifications would further marginalize them, push them underground and this would 3/4 in addition to robbing them of all human rights (as guaranteed to all Indian citizens) 3/4 adversely affect the ongoing HIV/AIDS prevention programmes all over India. Additionally, these amendments would reinforce trafficking contrary to all popular belief. The sex workers finally added

that prevention of trafficking in sex work has been made possible by the activities of Self-Regulatory Boards in West Bengal run by the DMSC. They reiterated that the new amendments would actually make the Self-Regulatory-Boards dysfunctional and thereby negate all gains made by the sex workers' movement in preventing trafficking, improving their lives and in preventing HIV/AIDS. At the end of the session all the sex workers demanded that the Self-Regulatory Boards should be recognized to control trafficking.

2. The 2nd of March 2006. DMSC in collaboration with the Justice Sunanda Bhandare Foundation organized a seminar on 'The Problems Faced By Sex Workers' at Stein Auditorium, Habitat Centre, New Delhi.

Mr. Murlidhar Bandare gave the welcome address, where he addressed the sex workers as 'community sisters'. He observed that the working and living conditions of sex workers are pathetic. Apart from HIV/AIDS, he mentioned anemia as a problem, along with other issues faced by sex workers such as the fact that their children are removed from their custody.

Renuka Chowdhury, Minister of Women and Child Development, Govt. of India made the inaugural address. She remarked that the government would help in removing the reasons that led to women joining the sex industry. There are micro finance and micro credit schemes launched by the government that can generate money for women.

She spoke on health issues faced by sex workers and said that health cannot be compromised on at any cost. If a customer refuses to use protection, then he must be turned away at any cost.

She observed that members from her Ministry had not come to the seminar to be judgmental about what work people do, but to give dignity and safety to the women. Safety at the workplace is a fundamental right, and in this context she mentioned the right to be free from sexual harassment. She mentioned that section 8 and section 20 of IT (P) A (soliciting and removal of prostitutes) have been removed in the amendments proposed to the Act.

Dr. Jana, Asst. Country Director from CARE India agreed that we should we should not be judgmental and that safety in the workplace is important. However,

the experience of working with sex workers has shown that they are judged based on what sexual practices are seen as 'moral'. This is an obstacle to the HIV prevention programme. Any attempt to criminalize sex workers needs to be abolished.

The proposed amendments to IT (P) A deals only with trafficking into the sex industry and this will encourage trafficking into other sectors.

The Self Regulatory Boards in Sonagachi, Kolkata, have proven to be the most successful example to prevent trafficking, but they have not been replicated in other parts of the country. Dr. Jana concluded by questioning whether this was because of external forces, or because of a mindset.

Krishna Gupta, a sex worker from DMSC, Kolkata, observed that the attempt to criminalize clients would be detrimental for sex workers. Sex workers will find it difficult to earn, and HIV/AIDS will spread. She observed how the sex workers of Sonagachhi project successfully prevent trafficking by regularly checking who is under aged and who has been forced to join the profession.

Justice Leila Seth stated that we have to work with empathy and not with moral condemnation. The law has to strike a balance between consensual sex and those who are forced into sex work.

Ashok Alexander from the Gates Foundation stated that tackling HIV/AIDS in India is a challenge, which can be tackled by keeping the infected persons and high risk groups (sex workers) at the centre of the intervention and not merely as a target. This approach is fundamentally about giving respect to the marginalized community. Sex work is largely invisible and is fraught with stigma - and for this reason, HIV is more complex than any other epidemic.

Meenakshi Dutta Ghosh from the planning commission stated that she had three messages for the sex workers present at the seminar - one, that should you want to discontinue, there are options, two, if you want to continue then protect yourself, and three, do not constrain your children and their education.

Uma Sharma, *kathak* dancer, spoke and the remarked that sex work is as much of an art as dance is.

Ratna Kapur from CFLR (Centre for Feminist Legal Research) spoke on trafficking and questioned why so much emphasis and money is going into it, when the data on trafficking is very poor. She said that exploitation of women is considered mandatory in commercial sex workers.

Around 12 years ago, the government was progressive on the issue of sex workers, but by 1998, trafficking became an international concern and this led to legislation which violated sex workers rights.

The new Cabinet approved IT (P) A amendments define prostitution in an expensive manner, and trafficking is limited to prostitution.

She remarked that there is a difference between demanding legalization of sex work and decriminalization. Legalization can lead to a new system of exploitation where licensing and zoning bureaus take the place of the police.

In conclusion, she observed that the stigma attached to sex work is attached to sex more generally. Sex workers should participate in sex education programmes and HIV commercials.

Anand Grover from Lawyers Collective explained the proposed amendments to IT (P) A to the sex workers. He explained that the Minister, Renuka Chowdhury, had given assurance the Bill would not be passed until consultations are held.

Justice B. N. Srikrishna observed that as a sitting judge, he could not take a stand on this issue. He stated that Article 39 of the Constitution does not aim to prevent sex work but aim to prevent force. He agreed that criminalizing clients would not help sex workers - rather, it would push the issue underground and increase the spread of HIV/AIDS.

Oscar Fenandes, Minister of State, was present at the concluding session.

3. The 3rd of March 2006. International Sex Workers Rights Day. A team from the DMSC, West Bengal, a part of the National Network of Sex Workers (NNSW) of India, organized an 'Art Camp' with the help of its cultural wing '*Komol Gandhar*' and, 15 students and ex-students of the Delhi Art College. On the same day Ms. Renuka Chowdhury, Minister-in-charge of the Department for Women and Child Development, Government of India, met 50 representatives of sex workers' organizations from West Bengal, Andhra Pradesh, Karnataka and Delhi,

at the India International Centre, New Delhi. The Minister interacted for over three hours with these male, female and transgender sex workers, who voiced their criticism of the existing IT (P) A and, the IT (P) Amendment Bill 2005. Though sympathetic to the sex workers, the Minister failed to give any assurance that the Bill will not be tabled in the parliament in its present form. The Minister also did not indicate that the Bill would be discussed with the health agencies within and outside the government that are conducting intervention programmes in our sex sector, for the prevention of STD and HIV/AIDS.

4. The 4th - 6th of March 2006. Two terms of '*Komol Gandhar*', joined later on by a team of tribal dancers from West Bengal, performed street theatre, dance drama and, distributed leaflets at 14 places in Old and New Delhi, to highlight the plights of our sex workers. Their aim was to sensitize the people of the capital city about the need : to repeal the IT (P) A; to recognize sex work as a kind of work; to enlist sex work in the occupation schedule of the Ministry of Labour of the Government of India; and to recognize the fact that sex workers' self-regulatory boards are the best means of managing the sex sector and, for ensuring proper implementation of social welfare measures for sex workers and their family members.
5. The 7th of March 2006. The representatives of the National Network of Sex Workers were unceremoniously denied an earlier promised audience with the Chief Minister of Delhi, Ms. Sheila Dixit. A workshop on 'Negotiation skills Building through Cross Learning' was conducted at the Bharat Scouts and Guides camp, Nizumuddin, in 8 parallel sessions, for 1200 sex workers from all over the country.
6. The 8th of March 2006. Ms. Sujata Rao, Director NACO and, Ms. Nafisa Ali together with the leaders of the sex workers' organizations from different parts of India, attended the ceremony of hoisting the flag of the NNSW, at the Bharat Scouts and Guides Camp. A rally of about 4000 sex workers from 16 states of the country marched to Jantar Mantar from the Ramlila Ground and, submitted a memorandum of appeal to reject the IT (P) Amendment Bill 2005, at the Prime Ministers' of Home, Health & Family Welfare and, Women & Child Welfare

Departments of the Government of India and, to Mrs. Sonia Gandhi. Sex workers' collectives shared their experiences, at the Bharat Scouts and Guides camp, about combating violence, their encounter with law, the attempts at implementing STD / HIV intervention programmes and, anti-trafficking programmes. The concluding session was attended by Mr. Denis Barun of India office of UNAIDS (The Joint United Nations Programme on HIV and AIDS), Dr. Gilada from Mumbai, Mr. Anand Grover of Lawyers' Collective. Delhi, famous Malayalee sex worker author Nalini and, many other friends and well wishers of the sex workers of India.

7. Meeting with some lawyers of the Tees Hazari Court, High Court and Supreme Court at Delhi on the 10th of March.
8. A meeting was organized on the 24th of March where the Director of NACO, an Ex - M. P. Ms. Saiyada, some women's groups, media persons and students of Jamia Milia Islamia University participated.

Activities aimed at Opinion Mobilization at the Capital after March 2006²⁸ :

1. NNSW representatives met some politicians, members of parliament, heads of the country offers of various multilateral organizations, Ms. Sujata Rao, Director, NACO and Ms. Sayeeda Hameed of the Planning Commission during the month of May 2006.
2. On the 12th of May 2006, NNSW and UNDP jointly organized a meeting on the IT (P) A. Members of the Lawyers Collective - Delhi, DMSC - West Bengal, STOP, Savera, Shakti Vahini, Centre for Feminist Legal Research, *Sahabragini* - Andhra Pradesh and Mona Mishra of the United Nations Development Programme (UNDP) participated in the meeting. At the meeting a memorandum was drafted and sent to the Government.
3. NNSW and Lawyers' Collective organized a press conference on the 24th of May 2006, after the Government introduced the IT (P) A Amendment Bill 2005 in the Parliament on the 22nd of May 2006. Here it was pointed out that the proposed bill, if passed as law make millions of sex workers of the land jobless. It will drive the entire sex sector of the HIV/AIDS pandemic. According to the government, nearly 1 lakh sex workers of our land are HIV - positive. Over 400 government aided HIV/AIDS prevention programmes are working with sex

workers. These interventions will come to naught if the proposed amendments become law.

It has been proved that legalization of prostitution is an ineffective way of tackling trafficking and exploitation in those countries where the registered prostitutes are always fewer in number to the unregistered ones.²⁹ Legalization is implemented in a country like India, where sex trade underground. Women do not want to be publicly stamped as sex workers or forced to have medical check-ups. They do not support any kind of govt. interference in their profession. On the other hand they demanding legalization from govt. So it is clear that a double standard mentality also working in their mind. It is fact that in India, today legalization could simply give the state more power to interfere in the lives of the women. A sensitive administration is the basic need to operate the system of registration and regular medical check-up for prostitutes. The bureaucracy system in our country indulging bribes, extortion etc. Insensitive handling of registration, enforced medical check-ups, bribes, extortion, police harassment all these would no doubt push the trade underground.³⁰

Throughout all the conversions with the workers of DMSC, the organized group of commercial sex workers, the present writer perceives that legal recognition is their first demand. Establishment of board comprised with sex workers is their another demand. The board would regulate the entry of new comers into this profession. The women of red light areas want to stop the police control over them. Security, rights and protection for their children are also necessary. The commercial sex workers demanding the equality with other workers in the informal sectors. Not only the police harassment, but also abuse from clients, pimps, landlords making troubles in the life of sex workers. They demanding the end of all these harassments. The workers of DMSC said force trafficking should be stopped. No girls should be removed from the brothels without her consent. Sex workers beaten by local hooligans is a very common incident.³¹ The women of red light area want to get rid from this type of oppression. The sex workers think when their work would be legalized they would be acceptable in the society.

some possible future interventions must help to address both the short term and long term needs of the sex workers. Carolyn Sleightholme and Indrani Sinha have given the

following suggestion which are undoubtedly important for an effective approach in working for sex workers' rights³² :

- i. Support existing local initiatives and promote networking and co-ordination between different sex worker groups, locally and nationally.
- ii. Improve coordination between NGOs, and enhance dialogue and networking between NGOs and the government.
- iii. Support or establish centres in red light areas that can offer legal advice, counselling and crisis intervention to sex workers, staffed by local residents, assisted by local volunteers.
- iv. Equip red light areas with child-care facilities, ideally night-shelters, employing and / or being managed by elderly former sex workers and ensuring that timings are suited to the working hours of the mothers.
- v. Open short-stay shelter homes and refuges for girls and women victims of violence and sexual abuse.
- vi. Broaden the scope of HIV-related projects away from purely epidemiological goals to broader social objectives, such as strengthening sex workers' negotiating powers and building up local leadership.
- vii. More research and action on sex - workers' own prioritized health problems.
- viii. Promote savings and credit schemes as a group activity to improve women's economic situation and release them from indebtedness to moneylenders. Credit groups can also be an excellent means of building group capacity and fostering group identity.
- ix. Reach out to male sex workers and floating sex workers who are even more isolated than the female sex workers who live in red light areas. See clients as an important target group for STD interventions, and reach clients through their workplace, village men's groups, mainstream media, social centres, and so on.
- x. Challenge the division of labour by gender that confines and limits women's options in the labour market. Employment - generation schemes must go beyond sex stereotypes, and women should be trained in marketable skills that will enable them to be independent.

- xi. Lobby for more women police officers, particularly in stations near red-light areas.
- xii. Train and sensitize the police regarding the laws on the sex trade. Lobby for severe penalties and action against state representatives who harass sex workers, extort money, make deals with traffickers and collaborate with the organizers of the sex trade. Sensitize the police to the issues relating to crimes against women, and to the rights of sex workers to protection from the law.
- xiii. Lobby for review of the laws on prostitution, strongly involving sex workers in the debate. Reduce police powers to harass sex workers.
- xiv. Lobby for better enforcement of laws against trafficking, for tightening up border control between Nepal and Bangladesh, and for communication and co-ordination between the relevant authorities and NGOs in sending and receiving countries.
- xv. Sensitize government and NGO staff working in the red-light areas to gender issues relating to and arising from the sex trade, and raise awareness of the link between the sex trade, its artificial isolation and patriarchy. This can be done through gender training, evaluation of existing interventions and media from a gender perspective, and through giving sex workers a platform for airing their own views and experiences.
- xvi. Lobby against representations in the media that portray women as sex objects and convey messages about women as commodities to be purchased and possessed.
- xvii. More dialogue and co-operation between women's rights activists and sex workers is needed. Sex workers could form links with a movement that challenges women being judged by their sexuality, women having limited options for economic independence, and so on. In turn, the women's movement in India could be strengthened by lobbying for the rights of sex workers as women who have a right to society's support and respect.

Before to make the end a pause here is necessary to think over at last but not least what Parent Duchatelet uttered in pious conviction about a century ago : "With

prostitution itself it is as with vice, crime and disease, the teacher of morals endeavours to prevent the vices, the law giver to prevent the crimes, the physician to cure the disease. All alike know that they will never fully attain their goal; but they pursue their work none the less in the conviction that he who does only a little good, yet does a great service to the weak man."³³

NOTES & REFERENCES :

- 1 *Khilwari* : Neemuch is a town in the Malwa region of Madhya Pradesh where birth of a girl is welcomed and celebrated by a tribe known as *Banchhara*. The people of the tribe engage their daughters in the profession of sex work. The girls are groomed for earning money through this obnoxious service. The guardians encourage the service, there is no obloquy in the matter rather the girls are given extra care and they hold a good position in the family as long as they can supply money to their families. According to local information this practice had started with the establishment of British garrison in neemukh. The British authority brought the *banchharas* from Rajasthan and resettled them in said areas. The purpose was to make *banchhara* women available to the soldiers for sexual gratification. This easy way to getting money, it is believed, made the males of the tribes apathetic to work and that changed the social situation and women's position within the tribe. Though the British cantonment was disbanded in 1932, the practice is still in vogue.

Bandopadhyay, P., 'Khilwari', in *Rabibasorio, Anandabazar Patrika, Siliguri* Edition, 10/03/2013.

(The mention of *Khilwari* girls may not seem to be out of context here if we take the point of Lock Hospital. In Darjeeling that is in the hills of North Bengal there was Lock Hospital which in the interest of imperial army kept vigilance on sex workers so that spread of venereal disease could be arrested. Sex workers as usually had to go under painful medical test but the poor women got some medical treatment as is evident from chapter five. In the case of neemuch women, who do not get such information for any medical aid. It is quite evident that the *banchhara* women used for sex were thrown to their destiny.)

- 2 Comfort Women : At the period of second world war, the Japanese soldiers were provided Korean girls to fulfill their sexual desire. Those women were called comfort women.

- Mukhopadhyay, S., 'Aramer Meye', in *Rabibasorio, Anandabazar Patrika*, Siliguri Edition, 17/01/2016.
- 3 Dey, A., 'Notikatha' in *Sahityer Ei Samay, Uttarbanga Sambad*, Siliguri Edition, 09/03/2008.
 - 4 Dasgupta, K., 'Rajnaitik Samajik Andolone Zelar Mahila Samaj' in Kar, A., (ed.) *Kiratbhumi 125 Barsopurti - Jalpaiguri Zela Samkhya (1869-1994)*, Jalpaiguri, 1994, p. 539.
 - 5 Devi, M., *Shiksita Patitar Atmcharit*, Chirayat Prakashan Pvt. Ltd., Kolkata, 2004, p. 68.
 - 6 Dey A., *op. cit.*
 - 7 *Ibid.*
 - 8 Bandopadhyay, S., 'Itihaser Aloke Ganika Theke Barbanita : Ek Swatantra Sangram' in Chatterjee, M., (ed.), *Itihas Anusandhan 24*, Paschimbanga Itihas Samsad, Kolkata, 2010, p. 890.
 - 9 Interview with Bimal Paul (Communist and social worker of Siliguri) on 10. 09. 2006, in Siliguri.
 - 10 Interview with sex workers in red light area in Siliguri, on 10. 09. 2006.
 - 11 *Uttarbanga Sambad*, Siliguri Edition, 21/04/2009.
 - 12 *Uttarbanga Sambad*, Siliguri Edition, 19/10/2007.
 - 13 Kumar, R., Devi, R., Pruthi, R. (eds.), *Women and the Indian Freedom Struggle*, Pointer Publishers, Jaipur, 1998, p. 105.
 - 14 Dutta, K., *Lalbatir Nil Porira*, Ananda Publishers, Kolkata, 2006, p. 129.
 - 15 Stephen, R. M., *Human Rights Concepts and Perspectives*, Concept Publishing Company, New Delhi, 2002, p. 43.
 - 16 Sinha S. N. & Basu, N. K., *History of Prostitution in India*, Cosmo publication, New Delhi, 1994, Preface.
 - 17 Sleightholme, C. & Sinha, I., *Guilty Without Trial : Women in Sex Trade in Kolkata*, Stree, Kolkata, 1996, p. 5.
 - 18 Sengupta, I., 'The Morality in Prostitution and Law' in Bagchi, A, & Roy, S. K., (eds.) *Changing Faces of Indian Women*, Levant Books, Kolkata, 2009, p. 71.

- 19 Women Suffrage Bengal Legislative Council, Proceedings, August 29 to September 6, 1921, (4th Session), Proceedings of Meeting held on 05/09/1921, Barman, K. C., *Thakur Panchanan Smarak*, Behala Central Government Quarter, Kolkata, 2001, p. 201.
- 20 *Uttarbanga Sambad*, Siliguri Edition, 18/12/2009.
- 21 Dutta, K., *op. cit.*, p. 189.
- 22 *Ibid.*, p. 13.
- 23 *Ibid.*, p. 4.
- 24 *Uttarbanga Sambad*, Siliguri Edition, 30/11/2006.
- 25 Interview with Smt. Mithu Chakraborty, co-ordinator, DMSC, Siliguri, on 15.09.2007 in Siliguri and Smt. Bharati Dey, President, DMSC, at the office of DMSC, 12/5 Nilmoni Dutta Street, Kolkata - 6 on 27.12.2009.
- 26 Manifesto of DMSC published in 2006.
- 27 *Ibid.*
- 28 *Ibid.*
- 29 Sleightholme, C. & Sinha, I., *op. cit.*, p. 67.
- 30 *Ibid.*
- 31 The Statesman, Kolkata Edition, 08/10/2002.
- 32 Sleightholme, C. & Sinha, I., *op. cit.*, p. 148.
- 33 Sinha, N. K. & Basu, N. K., *op. cit.*, preface.