

Impact of Anti -Trafficking Laws and Policies on Women in Sex Work

Community Validation
of Research Findings

24,25,26 FEBRUARY 2016 BANGALORE, INDIA

Organised by SANGRAM, VAMP.

Supported by R4C, AJWS, FGHR, HCF and LSF



LEVI STRAUSS
FOUNDATION

Human Capability
Foundation

1. Overview

This report captures the proceedings of a 3-day discussion held in Bangalore from 24th-26th February, 2016 to validate the findings from a research on the impact of anti-trafficking laws, policies and initiatives on the lives of women in sex work.

Representatives of Srijan Foundation (Jharkhand), Kerala Network of Sex Workers (KNSW, Kerala), Saheli Sangh, Pune and Veshya Anyay Mukti Parishad (VAMP), Sampada Grameen Mahila Sanstha, (SANGRAM) Sangli and Satara (Maharashtra) and (Uttara Karnataka Mahila Okkuta (UKMO, Karnataka) and Me and My World (Andhra Pradesh) participated in the meeting.

The discussions had around thirty participants (aged between 25 and 55 years) from the above organizations which work with sex workers of different socio-cultural identities. The participants included women in sex work, men whose mothers have been in sex work and social workers whose primary responsibility was to interpret the discussions by the sex workers. Participants sat according to their groups to facilitate translations and discussions but could mingle with and share thoughts, experiences and ideas with each other.

While all the sessions had a mix of presentations, discussions, questions and answers, a few also had group work. The presenters/speakers were requested to provide material that they planned to use during the training and a brief idea of the session flow in advance, to enable framing of the agenda and translation. As the participants comprised of semi-literate people in sex work, they received Hindi and Marathi versions of most presentations and handouts apart from simultaneous translations. The participants were assured that only VAMP and the participating and partner organizations would use the audio and video recordings, text and photo documentation for reference and not share them outside.

SANGRAM and VAMP provided the travel, stay and logistics related to the training with support from the American Jewish World Service (AJWS) and Levi Strauss Foundation (LSF).

Note - Throughout this document, the words “we”, “us” and “our” refer to sex workers.

2. About the Research

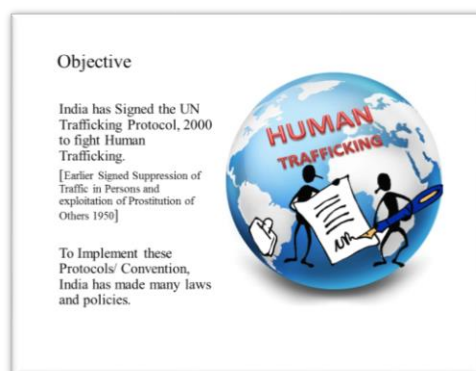
There have been a surfeit of policy initiatives and programs aimed at strengthening the anti – trafficking response across India. However, consequently emerging laws and policies have raised concerns around their efficacy and purpose and whether they are geared to fight trafficking or whether they are meant to abolish sex work in India. Sex work activists and leaders have been drawing attention to the violations of rights that are occurring on women in sex work as a consequence of raids, rescue and other coercive rehabilitation measures. SANGRAM and VAMP, identified the need to collect and collate evidence of the acts of forced rescue, denial of rights that was happening due to the anti trafficking initiatives. In partnership with Rights For Change which has developed a tool called the Rights Guide: Understanding the impact of anti trafficking policies, SANGRAM and VAMP embarked on a research process to undertake a Human Rights Impact Assessment and document the rights violations in the lives of sex workers.

Following an intensive training on human rights organised earlier (*training report titled Impact of Anti - Trafficking Laws on rights of sex workers.*) VAMP and SANGRAM undertook the research. During the process other partners from Pune (Maharashtra), Karnataka, Kerala, Jharkhand, Andhra Pradesh and Telengana were asked to join in the research.

3. Introduction – Session 1

Shantilal Kale, SANGRAM welcomed the participants and our partners namely Rights for Change Foundation, Netherlands (RFC), AJWS and LSF. Following an introduction by participants, the objective of the workshop was discussed among the participants. It was clarified that the community members had to be placed at the forefront of the discussions and the supporters were tasked with ensuring that appropriate translations were done so that the participants could freely express themselves.

Aarhi Pai provided a background to the study. She gave a brief overview of the origin of anti trafficking laws in India. India ratified the UN “International Convention for the Suppression of immoral traffic in persons and



Exploitation of Prostitutes and others” in 1950. Following this, India drafted the Suppression of Immoral Traffic in Women and Girls 1956. (SITA). The understanding was that the law was aimed at “suppressing the evils of prostitution in women and girls and to provide opportunity to fallen women and girls to rehabilitate themselves as decent members of society”.ⁱ

The Act was amended in 1978 and in 1986.

The Act was made more stringent by these subsequent Amendments, hence in the 1978 amendments provisions relating to probation for good conduct were repealed and the stricter and higher penalties were provided under the new Act. Under the Act in 1986, male prostitution was also covered and the new legislation uses the term “persons” to cover both male and female. A crucial amendment came in terms of the definition of prostitution.


In the original Act, prostitute was defined as a female who offers her body for promiscuous sexual intercourse for hire, whether in money or in kind. And prostitution was accordingly defined as the act of a female offering her body for promiscuous sexual intercourse for hire whether in money or in kind. In 1986, this definition was amended to mean sexual exploitation or abuse of persons for commercial purposes.

In the 2000, the UN framed the anti-trafficking protocol to fight human trafficking better known as the Palermo Protocol, UN member country representatives met to revisit the anti-trafficking protocol and created an advanced protocol which linked trafficking with organized crime. India signed this protocol in 2000 but ratified it in May 2013. The Palermo Protocol took a much broader approach towards trafficking. It provided a definition to trafficking. India until the Criminal Law Amendment did not have a definition of trafficking despite having a legislation to fight trafficking. The Palermo Protocol enlarged the scope of trafficking from the initial construction of just transportation from one place to another and included

recruitment, receipt. Secondly, the definition extended the understanding that trafficking was for commercial sexual exploitation and included other practices such as forced labor, slavery like practices. In India the major legislation remains ITPA. In 2013, the Government amended the Indian Penal Code to introduce a definition of trafficking. However it also succeeded in introducing clauses which criminalise demand. This is one part of the research that we are currently doing.

Objective

- These laws and Policies have benefited many and harmed many others
- Our Aim
 - Seek better policies that protect rights of sex workers and their right to work
- Understand Impact of Anti Trafficking Policies,
 - How our rights are being violated
 - Who is Violating
 - At What points are our rights being violated
- Examples
 - Our families, livelihoods



agreements must be adhered to internally through amendments in laws or new laws. When we are in our country we are governed by our own laws. But when two countries get together we must agree to be

governed by mutual principles. However, in the UN, the members are bound by principles that they sign. These are treaties and are much stronger than bilateral agreements.

She concluded her opening comments by stating that “Laws and treaties against human trafficking can help some but also harm others almost equally. We are here to discuss about advocating for changes in laws that are impacting our rights as women in sex work specifically and our right to work. We must understand the impact of anti-trafficking policies and who violates our rights, how and when.”

About the Rights Guide, Introduction

Marjan Wijers, founder and director, RFC and Lin Chew, RFC wrote a book called the Right Guide to help communities understand the impact of anti-trafficking policies. She stated, “After a 3-day training programmer held in Panhala in June 2015, we decided to do a study in VAMP’s work areas based on our learning. In December 2015, we decided to include partners form more places and organizations in the study. We created this tool as we saw that in many countries, anti trafficking policies are affecting sex workers badly. Hence we decided to help them study the impact. We created this tool by working with anti-trafficking groups, sex worker rights groups, labour rights groups and human rights groups. We plan to work with the Jharkhand group on this. Anti-trafficking groups, sex worker groups and human rights groups can use this tool. Trafficked persons, sex workers and undocumented migrants who are rescued can use this tool to understand if their human rights are respected.

Marjan reflected on the experiences of other countries and stated, “In Mexico, groups working with table dancer groups and anti-trafficking groups are using the tool. In Mexico, anti-trafficking laws are used to raid restaurants to arrest sex workers and bar dancers similar to India. The law in Mexico says that all sex workers are trafficked. But the real victims of trafficked are not helped.

In Serbia, an anti-trafficking group and sex worker groups are using this tool. Sex workers are unorganized and arrested for thirty days due to the law which criminalizes sex workers. The research was done on trafficked and other sex workers. Sex workers cannot complain to the police if they face violence as they fear arrest. Also, trafficked persons do not get assistance. Hence you are not alone. In reality, you have

strong evidence to tell your government that your rights are being violated. It is tough work and takes long. And the government may not agree or change laws easily. To be able to talk with the government you need evidence for which you need to do research.”

What should We Do	Objective
1. Establish State Accountability to Protect Our Rights	
2. Generate Evidence of the Violations through data, testimonies	
3. Ensure Participation of Communities of Sex Workers so that they own the process and the evidence	
4. Work with Other Rights Movements to raise concerns	

Following this some participants posed the question that if this tool is used globally why cannot it be used to dialogue with the government?

Marjan responded that the first step towards that was to establish state accountability with data and evidence. Testimonies of violence must be collected from the communities. The leaders of the sex workers communities must be strong and ensure the participation of members so that they own the process and evidence. The community must work with other movements that include women's rights and human rights groups.

Aarthi further explained “The community voice is the most important especially when collecting details of violation of rights and laws, raids and rescue of sex workers. Then the environment existing in India is key. We should know the current laws, media portrayal of the community. Also, the international commitments, agreements and treaties that India has signed are vital as they impact sex workers.”

Research process

Aarthi went on to explain the research process to the participants

She stated that the research was undertaken in five states in India – Maharashtra, Andhra Pradesh, Karnataka, Kerala and Jharkhand.

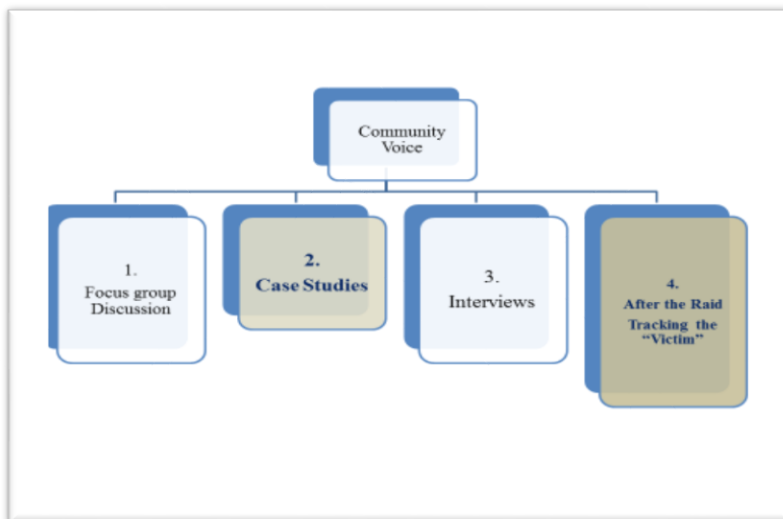


The criteria for partner selection were:

- Existence of CBO/network/federations which can handle backlash and trauma, if any
- New sex workers' collectives
- Old collectives with a track record of work in sex work and anti-trafficking groups with a rights based approach

In Kerala a recent member of the National Network of Sex Workers (NNSW) was asked to partner. In Maharashtra and Karnataka established collectives like VAMP, Saheli and UKMO undertook the research. In Jharkhand the research was conducted by an NGO Srijan Foundation.

On the process of collecting data, Gurukiran stated that in Andhra Pradesh collectives of sex workers were joining hands with strong abolitionist and anti-trafficking groups in Anantapur. He stated that organisations working with sex workers, such as WINS were in places where it is tough to get information about how sex workers are struggling. Hence data from there may vary from other places. In Sangli, the situation is very different as we are strong. In Andhra Pradesh, there are a few anti-trafficking groups that respect the rights of sex workers. Aarthi stated that the research undertaken in Andhra Pradesh was a little different in nature.



The community's voice has been documented through Focus Group Discussions (FGD's), case studies, interviews with sex workers, detention home authorities, police, and tracking the victim after the raid.

149 participants in 14 districts across 5 states namely Maharashtra, Karnataka Jharkhand, Kerala, AP and Telangana participated in the

Focus Group Discussions.

The FGDs were conducted by supporters, but there was participation of a community team in Sangli (VAMP) and Karnataka (UKMO). Interviews were conducted with people from rehabilitation homes, police officers in Kerala, Pune, Sangli.

14 FGDs, 149 participants, five states, 14 districts
1. Maharashtra (VAMP, Saheli Sangh, SANRGRAM, Saheli
Sangli (Brothel 13 and Street 11), Satara (Karad- 18) (Street), Miraj (Brothel - 9) - 4 FGD's, 51 participants
Pune (2) - 2 FGDs (senior leaders, brothel, street), 25 participants, 3 Interviews
2. Karnataka – UKMO, Samraksha
Koppal, Kumta (with sex workers from Raichur, Koppal, Gadag, Haveri, Uttara Kannada) - 2 FGDs, 22 participants
3. Kerala – Sex Workers Network
Thrissur, Kozhikode - 2 FGD's, 23 participants
4. Jharkhand - Srijan Foundation
Ranchi - 1 FGD, 9 participants
5. Andhra Pradesh / Telengana - Devadasi (traditional) – Me and My World, WINS
3 FGD's – 44 participants Chittoor, Anantpur, Mehboobnagar

After the Raid - In 2005 in Sangli, and 2008 in Pune there were large raids where fifty or more sex workers were picked up. We are trying to find out whether the relevant sex workers have discontinued their work after the supposed rescue, if they have relocated after almost 10 years and other impacts. Once the analysis of these raids is completed, this process will be replicated in Andhra Pradesh.

Discussion on Research Harms

Aarhi then spoke of the challenges of doing research by exposing participants to potential harm. She stated, “We have to do a risk assessment in this research. Should we publish the data? Can that harm the community? The data that you share may be used and presented in a different manner. When you collect the data, please remember that we would rather protect the communities participating in this research than publish the data. For instance, in Bangladesh we are working with undocumented migrants but are safeguarding their identity. Should we include research on undocumented migrants and expose them to action by law enforcement etc.” She stated that the community validation process should try and arrive at conclusions on these ethical issues also.

Aarhi stated that following community presentations, the interim report would be compiled. Based on the challenges, gaps, help required, supporters would work with the community organisations to finish the report. SANGRAM and VAMP will do the final collation.

4. International Treaties, Protocols, Conventions – Brief Overview of Findings – Session 2

In the second session, Aarhi Pai provided a brief overview of the findings on the international treaties and protocols to which India was a signatory. After providing an overview on the treaty body and special rapporteur processes, she explained the process of signing and ratification of treaties. It was decided that a more detailed workshop would be undertaken to explain the international treaty body processes for participants who were interested.

Major Conventions signed and ratified by India

India signed the Convention to Eliminate Discrimination Against Women (CEDAW) in 1980 and ratified it 13 years later with reservations relating to communication procedures. It has not ratified CAT (convention against torture) like many other countries despite being asked. Ratification implies that India has to amend contentious legislations such as Armed Forces Special Powers Act (AFSPA), or put specific measures in

place. Similarly, India has not signed the Convention governing the rights of migrants. India has signed the Convention to Eliminate Racial Discrimination (CERD) but reiterates that caste is different from race. Dalit groups who have been pressuring India to admit that caste discrimination is rampant despite laws against it and have raised it at the UN, faced backlash from the Indian government. The Government on the other hand states that caste is not equivalent to race and hence does not qualify as racial discrimination. Rakesh Shukla stated that Scheduled Tribes can probably be considered as belonging to a different race.

India has ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Cultural and Social Rights (ICESR) in 1975 and reports on them as required every 4-5 years. The last reported was submitted in 2012. India acceded to the UN Convention on the Rights of the Child (UNCRC) directly and ratified UN Convention on the Rights of People with Disabilities (UNCRPD) and also submitted a status report. Unsurprisingly, India has not ratified the convention on enforced disappearances which includes extrajudicial (encounter) killings.

She explained that the special rapporteur on violence against women had been advocated with on her visit to India in 2013. Though the final report had been contentious for the Indian government, it had been used by the sex workers rights movement to raise concerns of rights violations by the anti- trafficking laws.

Aarthi concluded by mentioning that each of these reporting processes had made recommendations, which could be used to strengthen the debate on sex worker rights and highlight violations.

5. The Legal Discourse – Session 3

Following this Rakesh Shukla, a senior advocate in the Supreme Court (SC) of India, presented his findings of a study done on court cases relating to sex work and trafficking which have come before the district, state and Supreme Court since 2014.

Rakesh stated that the law could differ in theory and practice – what is written on paper and is in practice. The Immoral Trafficking Prevention Act (ITPA) 1956 was originally called Suppression of Immoral Trafficking Act (SITA) and its name was changed after thirty years. India ratified the Convention and then bought this law in 1956. However there was no clear definition in the law book on what is trafficking till very recently. According to Rakesh, “this difference in theory and practice has been used to harass, arrest, rescue and rehabilitate or reform sex workers.”

He stated further “In our research of the law in action, which is the cases how they are interpreted and how they are decided. We scrutinized cases decided by courts, analysed court judgments concerning sex work,

in 2014 and 2015. In addition a couple of cases of the Delhi High Court (HC) and sessions court in Delhi in 2016. Most of the cases are trial court cases and we are not able to get the cases since they are not reported. Most of the cases are of 2014 and 2015 and there is one case of 2016.

In 2016 – there was a case regarding section 18 which was challenged by a group of petitioners stating that it was not proper.

2008 Raid and rescue case Delhi High Court and discussion

Another case that was considered outside this sample was one where the Delhi High Court took *suo moto* notice. It involved an NGO Shaktivahini and was titled Court of its own motion through Shaktivahini.” Rakesh Shukla remarked that, “This also raises a point for discussion on the role of NGOs in litigation and consequent interpretation of the law.”

Participants requested that Rakesh share more information on what exactly Shaktivahni’s role was in the case.

Rakesh stated that in such cases, the beginning of this case was positive and it was felt that the court would bring good recommendations from this - the court asked for data. The opinion of the court, government and Shaktivahini was the same. So nothing much came of it. The court asked for data of the raids and rescues that have taken place since 2012. Then nothing came of it and the case was disposed. The government of Delhi stated that it would follow the anti- trafficking guidelines and shaktivahini was also in agreement with this. Hence nothing much emerged. This was based on a raid on G. B. road in 2012 where women sex workers from outside Delhi were raided. The HC asked how many raids happened and the number of brothels and sex workers were found.

The background of this case is in 2008, a raid was done on G B road where many sex workers were found from Andhra Pradesh. I have also done a study with Saheli on the number of ‘rescues’ in Delhi. Raids in Pune found 25 women from Anantapur district in Andhra Pradesh. The FIR was in Andhra Pradesh and it was implemented in Delhi in GB Road. All the women in the raid were arrested and detained in Delhi. The girls from Pune stated that they didn’t want to go back.

Tejaswi from Saheli Pune stated that one of the girls died in transit from Pune due to many complications during that raid.

Satish Consultant for UKMO stated that in Koppal, during the FGD we met a lady who is a sex worker and knows her rights. She was from Koppal who had worked in Delhi. After the raid on G. B. Road, she relocated to northern Karnataka where she continued doing sex work. She recounted during the discussion

that she was forcibly sent back to Andhra Pradesh along with the minor girl and she narrates the incident of being told “not to return ever”. She was now with the collective in Koppal still in sex work and she is still connected with Delhi. It was not her child but just some minor child who was thrust upon the woman and asked to return her to her parents. It was discussed that case studies like this would be included in the section on After the Raid: Voices from the Community.

Meera Raghavendra from WINS Andhra Pradesh also shared on behalf of one of the community participants who was recalling her own role in accompanying the women who were raided in Bellary; back to Anantpur. She stated that Jamini was trying to now recall her own role in the raid and rescue frame. Jamini from Pragathi Mythri Mahila Sangam (PMMS) stated that in Bellary in 2012, the members heard there were young girls managed by a madam who were part of the police. The police conducted a raid and they saw a lot of young girls. From Bellary they were taken to Guntakal and the CBO provided them clothes and then they were taken to Hyderabad. Jamini says that at the time the CBO did all this but did not stop to analyse what actually happens to the women and the girls. This for her reflects how much the organization is made a partner in these raids.

Rakesh stated that the courts have the authority on its own to take notice of an issue and give a decision. He stated that in this particular case, there was no discussion or debates by either of the parties, the Delhi Government, the court or the NGO Shaktivahini. The order is also a very short one. Till the individuals don't pursue the case and take interest the courts rarely push the issue too much – some times it is only because media reports have come which has made the courts take notice. “Unless you pursue the case at your end on your own, nothing will happen following that. After asking for data and facts, the courts don't bother to take it further. The second thing is what happens after the raids and rescue and what is happening to the lives of the people. This is often a subject matter that is not picked up by the courts.”

Lin from R4C asked whether courts ordered these raids to which Rakesh responded, “The court is approached and issues a warrant. The police and prosecutors present evidence seeking the warrant. The court does nothing on its own and issues an order based on what the police requests. There are special officers who can raid without a warrant if they suspect the presence of a minor. Police comes under state government except in Delhi. However, to raid without a warrant certain preconditions must be fulfilled.”

Aarthi Pai mentioned that according to the ITPA law, a special police officer and a warrant was necessary. However in cases where a minor is involved, the officer can bypass this requirement for the raid and conduct it without a warrant with the proviso that it has to be recorded in a case diary why the raid was conducted without obtaining a warrant. There is misuse of the provision since minors are used as an argument many times to justify the absence of warrant. Rakesh said that there were judgments that such

raids could be conducted without warrants. However the conditions had to be fulfilled, so that people were not harassed.

Rakesh stated that 45 cases were analysed and details of individuals, analysis, facts, decision, critical comments were collated. He stated that an earlier study of court judgments was done from 2010. In comparison there was an increase of the cases in court. He stated that these were worth discussing whether these were because more organisations were using court or whether there was an increase in trafficking cases in the country.

Some of the reasons include:-

- a. Reporting by the media increased
- b. Lobbying by sex work abolition groups
- c. Strategy to use the law
- d. Public Interest Litigation by Freedom Firm and Apne Aap Women Worldwide trust

We can find 27 varying directions given by court based on Public Interest Litigations, NGO's, writ petitions (WP's) by sex workers etc. Some of the cases analysed are below.

Closure of Brothels and Eviction

Case #1 An order on a brothel closure in Nitu (brothel owner) versus the government of Delhi case was challenged as follows:

- The law can be challenged as violating fundamental rights and bad in law.
- It challenged section 18(1) of the ITPAⁱⁱ which empowers the Sub Divisional Magistrate or District Magistrate to order the closure of brothel as it was felt that it gives them arbitrary powers as in the Madras High Court judgement of 2014

The Delhi High Court which came in 2016 upheld the lower court's verdict saying that the power to close brothel is valid as:

- A preventive measure to close brothel within 200 metres of public place
- Notice to residents is unnecessary – (Rakesh stated that this judgment implies that people who are staying there don't need to be given any notice. Generally the principle in law is that if there is a demolition of any building etc. then notice must be given to the person who is affected but in this case it is not so, it reflects the attitude of the court towards sex workers in general.)
- Notice to owner or landlord or manager or agent or tenant is sufficient
- Power to remove sex worker is valid.

Case #2. Rakesh mentioned an earlier case which had dealt with the right of women in sex work to move freely and carry on her business and profession. This was one of the earliest cases of a woman in sex work who challenged the law. The validity of the power to remove sex workers was challenged in 1964 in Kaushalya Bai versus the state of Uttar Pradesh case as below:

- She was ordered to be removed from her residence in Kanpur
- It violated article 14 (right to equality), 19(1)(d) (right to reside in place of choice), 19(1)(e) (right to move freely) of the Constitution.

The Allahabad High Court ruled in her favour and struck down the provision and said it was bad. Sex Workers also have the same rights as other people and their right to equality was violated.

The Supreme Court overturned it on the following grounds:

- The real difference between women and woman prostitute does not violate the right to equality. The High Court had held that it was violative of the right to equality
- The “evil of prostitution” must be curbed
- Prostitution destroys public morals and health
- Hence the law was reasonable restriction on the right to reside and move freely

This was similar to different rulings on the Indian Penal Code (IPC) section 377 by the Delhi High Court in July 2009 and the Supreme Court in December 2013.

Case #3 A brothel closure was challenged in the Andhra Pradesh and Telangana HC in 2014 in the Ramakrishna versus SDM case as below

- Notice and opportunity to be heard must be given before closure
- Immediate closure violates the principle of natural justice

However, the HC upheld the immediate closure of brothel by the SDM under section 18(1)(a) of the ITPA

Gurukiran asked a pertinent question that if the constitution guarantees equality before the law, how could it be applied differently for sex workers?

Aarthi stated that in an earlier analysis done in 2012, 25 cases were found on sex workers / trafficking while in 2014 there were 43. She stated that anti-trafficking groups had become aggressive in using legal means to get judgments through the high courts. She stated that sex worker rights groups lacked the resources to fight cases or file PIL's against discriminatory laws and sometimes lawyers refused to handle such cases. For instance she stated that SANGRAM had been trying to file a PIL to challenge section 18(1) of the ITPA but no lawyer was willing to take it up.

Rakesh stated sex workers in or near public places were arrested or detained indiscriminately during raids even if their actions were an offence. The magistrate remanded them to custody by default and the prosecution charged them as accused. Only a few women were able to approach higher courts of law for relief. Since ITPA did not penalize customers, HC's used to quash charges against customers. However, lower courts were displeased as they considered sex work immoral.

Arrest of Customers

Case #4 A customer's arrest was challenged in Naveen Kumar versus the state of Andhra Pradesh in the Andhra Pradesh and Telangana HC in 2015 as follows:

- The accused should have been given only a week
- The HC quashed the charge as customers are not offenders under any law

However, the HC directed the prosecution to charge the accused under the IPC section 370A,ⁱⁱⁱ showing judicial activism. This portends towards customer penalizing as the government plans to amend the ITPA to punish customers.

Aarthi stated that till very recently India had no definition of trafficking or a trafficked person. Under the NALSA (National Legal Services Authority) judgment on sexual exploitation, once a person is considered trafficked, she remained trafficked for the purpose of understanding agency and consent. Police personnel were beginning to implement IPC (Indian Penal Code) 370A (exploitation of trafficked person), which was introduced in the criminal law amendment in 2013. Freedom firm an organisation working in Mumbai was using this strategy regularly stating that it would discourage clients from visiting brothels. In VAMP's brothel areas, there were instances where the police was accosting customers and threatening to seize their driving license, etc. Police demanded bribes of about 5000 rupees to avoid arrest or being taken to the police station. Hence the purpose of the law and its actual application on the ground were at cross purposes.

Rakesh stated that the ITPA authorizes special police officers to undertake measures against harassment. West Bengal and Punjab authorize all officers above inspector and DSP's respectively to act against suspected traffickers. The corresponding HC's upheld these authorizations (Ashok Hazra and Preeti cases).

The Kerala HC said that special police officers can act in trafficking cases. The police raided massage parlours and spas suspecting that sex work happens on their premises although the law does not prohibit them. This violates section 15 of the ITPA. The police also does preventive detention under the Kerala Goondas, Immoral traffic offenders and Slum grabbers Act 1982.

Case #5: Sex workers of Nagpur filed a writ petition in the Latabai Keshav Maundekar versus the state of Maharashtra case as follows:

- There was harassment, raids, violence and rape by the police
- No law permits beating but it is common during raids
- The court accepted written undertakings from the police give that were never followed

Case #6: Compensation for illegal detention was claimed in the Allahabad HC in the Chandani Yadav versus *Adhikshika Rajkiya Nari Sarakshan Grih* case of 2015 as follows:

- Though section 17 of the ITPA authorizes 3 weeks detention, the petitioner was detained for 7 months. This is unlawful and violates the right to life and liberty
- The HC granted 5 lakh rupees as compensation

Case #7: In the state versus Deepak case, the petitioner appealed that sex without consent is rape in the Delhi sessions court:

- Criminal law does not distinguish between sex worker, judge or anyone else
- None can violate the right of a sex worker to refuse having sex. However, it is difficult to complain and prosecute in incidents of a sex worker being raped

There could be self-regulatory boards in sex worker communities to check the entry of minors and trafficking. In a specific case, the wife of a brothel owner made efforts to return a minor home. Such instances could reduce raids and rescue that violate rights of sex workers, typically.

The following trends were observed during the research:

- Persons in and near brothels are arrested, indiscriminately. Magistrates remand them routinely.
- Massage parlours are raided and people (owners, customers, workers, etc.) are harassed
- A category called immoral traffic offender is created for detention in some states

The above trends and the synopsis below could be discussed:

- Moral disapproval of sex work governs working of the law
- There are disproportionate efforts to arrest sex workers using decoy customers
- Judgments on Writ Petitions by sex workers versus those of NGO's contrast sharply
- There must be judgments stating non-consensual sex with a sex worker is rape
- Anyone illegally detained must be compensated
- Demand a law ensuring the right to life and liberty of sex workers
- There must be compensated for violating rights of sex workers
- Customer penalization is increasing and being legalized
- The role of NGO's and others in PIL's pertaining to sex work

Discussion on Model of Regulation

Aarthi stated that sex worker groups and rights activists opposed regulations. She stated, "For example VAMP had created Tanta Mukti Samiti (grievance redressal committee) where community members resolve work disputes through discussion and negotiation. In this set up a brothel owner was not a criminal and the main objective was to root out exploitative practices, loan sharks and violence. In the last three months, girls have complained about being trafficked. When a girl from Nepal wanted to leave after working for a year, two women from VAMP accompanied her home. UKMO also does not believe in regulation as it may also involve external interference by lawyer or anyone else. Saheli also does negotiation. Sex workers use their individual and collective wisdom to resolve disputes."

Maya from VAMP stated that the Courts traditionally were against sex work and the judiciary did not make an attempt to understand the lives of sex workers and their realities. Raju said that sex workers were routinely denied constitutional rights and rights of citizenship.

Maya said that the community must discuss about the impact our earnings being impacted if clients are arrested. The challenges of home based or undisclosed sex workers needed to be discussed.

Mallava also from VAMP stated that there were many girls were below eighteen when they started and had sexually transmitted diseases (STD). They worked and advised Gharwalis to protect the health and choice of sex workers as they cannot earn otherwise. Today minors are almost nil. Yet, sex workers were targeted, tracked and their neighbourhoods raided. She further said that even elderly sex workers were not respected and sometimes institutionalized. Mother-daughter relationships between gharwali and sex workers exist. She should not be criminalized as she safeguards sex workers' interests. The Tanta Mukti Samiti believed in dialogues with brothel owners who exploit sex workers. Despite complaints about goons, the police only harassed paying clients.

Kiran from VAMP stated that sex work was always linked to violence and exploitation. Laws were also used to harass sex workers and this practice was becoming more complex and common. For example in the case of Nitu, she was chasing courts and her rights were disrespected. Kiran observed that courts ignored sex workers or gave minimal space and voice. Sex workers were stigmatized and ridiculed. To that extent the Allahabad HC understood, heard and gave Kaushalya Bai temporary relief. But the SC did not respect her and sidelined her rights. According to her the choice of the woman had to be respected.

Sangita VAMP stated that sex workers self-regulatory board. The community can handle any problems pertaining to brothel owners, trafficking or age of sex workers. Structures such as Tanta Mukti Samiti were freely able to redress the grievances of sex workers. There were 22 members (with around two members per street) who know our sex worker rights in the Tanta Mukti Samiti. We must see the status of girls sent to correction homes.

Renuka from VAMP said that police accepts the version of NGO's or anti-traffickers but not us even though we follow the law. She said that Tanta Mukti Samiti did the same work as anti-trafficking groups and NGOs.

Sujatha: When institutionalizing sex workers no one thinks about their families' safety.

KNSW stated that they disagree with a self-regulatory board. Punishing clients would affect the livelihoods of sex workers who will move to isolated sites or go underground - it will increase violence on sex workers who will be criminalized. Sex workers need healthcare support by law.

6. Media analysis – Discussion

The next session was sharing broad findings of the media research initiative on news on trafficking and sex work. Asma, a former journalist with Indian Express and currently training communities on media advocacy. She analyzed a section of news clips/articles (reports, features, opinions, profiles, etc.) which appeared in the national print media on trafficking and sex work for the period July 2015 to February 2016.

Asma stated that the general belief was that media must reflect public sentiments and was meant to be a watchdog of democracy. However that was not so when it came to issues of sex work. She asked the participants to share why they felt that the media was important and why it was essential to know what it wrote or debated.

Participant Responses

“Our problems must be reflected in the media as it would reach the policy makers who decide matters relevant to us.” [Jamini]

“Whatever we tell journalists is not reflected in the media correctly.” [Shakuntala]

“The media must reflect our emotions and convey it to the policy makers.” [Kiran]

“If the media projects our realities wrongly or portrays us badly, it affects our lives and our families, adversely.” [Sangita]

“The external world must know about us. Hence we need the media.” [Huligamma]

“The media sees us in a very poor light and publishes our pictures in a sensationalist and sleazy manner. In a Hindi newspaper, sex workers were shown as having been found with many condoms which stigmatized them and their families.” [Anita]

“Our children are bullied and I have been called “Budhvarpet ki Randi” (whore from Budhvarpet). If I am out of work, will the cameraperson and photographer help or support me?” [Shakuntala]

“It also affects the married life of children of sex workers and may affect the marriage opportunities of the children of sex workers who want to get married.” [Maya]

Asma stated that the analysis of what is published in the media needs to include what was being said about communities and how they and their concerns were being represented including gaps in the news that was published / broadcast. She underscored the importance of understanding how sex workers being depicted as having been found with condoms could stigmatize them. Hence the purpose of media analysis according to Asma was to sensitize the media about community issues, engage media people to understand realities of the community.

Experience sharing by participants

““Sex workers at hotspots” was the headline of a Hindi newspaper report. As per NACO guidelines, hotspots are service points for targeted interventions for HIV prevention and treatment. We must narrate our experiences to the media.” [Pushpa]

“We were trying to cover our faces during a raid at Budhvarpet in Maharashtra. But the camerapersons captured visuals of us as they were supposedly invited by the police. However, they did not record footage of sex workers being beaten up by the police.” [Shakuntala]

“The media must portray our problems realistically. But there is misrepresentation owing to a nexus between the media, politicians and police. This must change as the media should depict what we convey in an honest manner. That will benefit us.” [Jamini]

“The media must participate in training and programs with us after which it is likely to portray our realities and challenges correctly.” [Kiran and Pushpa]

Following this Asma shared the details of the study undertaken by her. 452 clips were analyzed for the period July 2015 to February 2016, of which 232 dealt with sex work and trafficking.

Breakdown of story categories:

Raid and rescue - 72,

Rehabilitation - 39,

Trafficking - 75,

Law and policy - 7,

HIV/AIDS - 9

Findings #1

- Lesser number of stories linking sex workers to HIV/AIDS.
- There were a few stories that were opinions and other general ones some of which were negative. For instance, the writer Taslima Nasreen wrote in a column that sex work was equal to sexual slavery and violence against women (VAW). The media viewed sex work from a moralistic angle and often called it immoral.
- Some of the topics which were covered in the news include morality, migration, sex work, trafficking, state and law, legalisation versus decriminalization, rehabilitation, media as vigilante, spokespersons and statistics relating to trafficking.
- The media does not know much about laws and procedures relevant to raids and often publishes whatever the police says or media persons observe. The supposedly friendly or liberal media does not know about the decriminalization of sex workers. It typically writes in favour of the legalization of sex work. A decade ago, the media depicted sex workers as home breakers. Now, it discusses about the rehabilitation of sex workers and sees them as victims who are exploited and faces violence. It has some identified persons and organizations who speak about sex workers regularly on television. The media is interested in statistics and quotes them. However, some of them may be incorrect or incomplete. The media does not understand the difference or the relationship between migration, sex work and trafficking.

Experience sharing by participants

"When 1500 girls migrate for work and 2 are missing, the media sensationalizes the latter." [Puja]

"Often, the media does not represent sex work favourably. If we say the number of targeted interventions registrations have increased, the media interprets it as if the number of sex workers has increased. It also tarnishes our image." [Pushpa]

"There is competition between media persons for news and to sensationalise it." [Raju]

Findings #2

The media not only publishes stories on sex workers from a moralistic viewpoint but also encourages those who write from a moralistic stand. For example,

- The New Delhi edition of Early Morning dated Nov-28 2015 created a 5 column story titled "*Dhanda karne waali mahilaon ke khilaaf karwaaye ki maang*". The accompanying photo shows women in burkha. Importantly, women who are themselves suppressed are demanding this.
- In the Oct-14 2015 Mumbai issue of DNA a long story headlined "Village bans scarves to curb prostitution", appeared. This reiterated the belief that only women in sex work cover their faces.
- The Mumbai edition of DNA dated October 16 2015 carried an interview with a retired Assistant Commissioner of Police who stated that trafficking of girls into sex work would increase as the SC has allowed bar dancers to resume their work with the reopening of dance bars. He also said that would increase problems for the police. This shows how boundaries are blurred when the media takes a moralistic attitude.
- An investigative story in the New Delhi edition of Mail Today on Dec-5 2015 described in detail how the "flesh trade" industry had gone digital with agents sharing pictures of girls on Whatsapp. The article shows that these escort agencies had introduced websites listing their services and contact details.
- "Trading in white" was the headline of a story that highlighted the presence of Eastern European women in sex work. It says now these women have learnt how to earn and spend money, easily.

Participant Responses

“Jism faroshi ka kala dhanda” is how it is portrayed in Hindi.” [Kiran]

“Flesh trade” sounds like we are cutting and selling our bodies.” [Renuka]

“We lose heart and confidence when we see derogatory news about us.” [Manjula and huligamma]

“The media does not know how tough sex work is.” [Mallavva]

“Media persons hardly know that we need specific skills to do sex work, attract and retain clients.” [Sangita]

“The media is unaware of what all we must do to earn the specific amount that a client pays.” [Mukta]

“White” is a racist usage.” [Tejaswi]

Findings #3

- Media persons have a limited understanding of the laws and policies governing trafficking, sex work, etc. or quote them wrongly. There are 14 articles about the Haryana women’s commission chairperson Suman Dahiya pressurizing government to legalize sex work. In an opinion piece in Aaj Samaan, V P Sharma praises Suman and says it helps better than banning as it happens with issues of alcoholism, banning of pornography, etc. The media is obsessed with the rehabilitation of sex workers and does not consider them as people who can make independent choices.
- Articles were published regarding DCW chairperson Swati Maliwal’s visit to G R road and compared sex work with rape. She said that she found 6 lakh condoms which implied that 6 lakh rapes had occurred. The Navodaya Times of September 3, 2015 quoted her as saying that sex workers are trafficked and must be rehabilitated. She wrote to the Prime Minister that the amount remaining in the Nirbhaya fund must be used for the rehabilitation of sex workers.
- The media does not ask provoking questions. It just links disconnected issues. The media spokespersons are usually the Ministry of Home Affairs (MHA), Shakti Vahini (an NGO that works on anti-trafficking), police and the WCD ministry? When Swati Maliwal, visited G. B. road with media persons, she tweeted about it. But she never spoke with sex workers as they had escaped from the place fearing it was a raid.

- The Delhi edition of The Hindu dated August 31 2015 quoted Swati as saying that sex workers would quit their profession if they found alternatives. It did not state if the newspaper or she asked sex workers for their opinion.
- The Times of India dated July 10 2015 quoted Suman Dahiya as saying “We need to save girls and women from entering sex work”.

Participant Responses

Gurukiran responded stating that the networks tried to have a dialogue with Swati Maliwal but groups who back sex workers’ rights did not support. He spoke of the need to respond to such incidents, quickly.

Findings #4

- An English newspaper headline said that police broke into a dungeon and rescued girls. Analysis shows that media depicts itself as a guardian of society’s morals and takes upon itself to stop these illicit, illegal and immoral activities.
- The media links racism, trafficking, rehabilitation, migration, prostitution (not necessary sex work) without understanding nuances.

Participant Responses

“A client complained to the police and the media wrote falsely about a raid and a lady missing. The media must approach us for our issues and take our quotes and opinions.” [Huligamma]

“An article was written about a minor girl doing sex work. The media must ask us about our truths and take our consent.” [Sangita]

“The media must follow up on stories published.” Tejaswi

“A news story says. “Jharkhand has 10000 sex workers. 60% of them are adivasis. There is no red light area but 14 hot spots exist”. The media should not misrepresent caste or community issues or sensationalize. Instead the media should publish constructive news where we are included.” [Pushpa]

“Why does the media not treat sex workers like other women? It must seek our views, evidence, discuss our rights and apply the same rules to all.” [Meera]

“The media revealed Selin, a sex worker’s identity. Her husband divorced her and she was forced to take her children out of school due to discrimination and moved to Thrissur. Journalists must be responsible and sensitive.” [Chandralekha]

7. Study findings by Community Groups

Following three sessions on highlighting the environment, community groups who had undertaken the research in various states presented their findings. These include UKMO (Karnataka), KNSW (Kerala), Saheli and VAMP (Maharashtra), Srijan Foundation (Jharkhand), WINS (Andhra Pradesh and Telangana).

Presentation #1 **Saheli Sangh, Pune**
Presenters **Shakuntala, Meenakshi, Mahadevi, Tejaswi**

Saheli Sangh conducted two FGD’s including 1 with senior members of the collective since they had been observing changes over the years especially regarding anti-trafficking issues. The group had a discussion with general body members who are brothel based and two brothel keepers.

Summary of major responses from women.

- Most women sex workers get confused between arrest and forced rescue operations. Police harassment, arrest and taking bribe is common due to the clause of prevention of soliciting customers in a public place. If 100 women are arrested for soliciting, only 20-25 will reach the court. The police releases the remaining after taking bribes.
- The police and brothel keepers convince the women taken to court to accept charges. They are told that they will be arrested otherwise but are not informed about what will happen after rehabilitation which typically involves spending minimum three months in a shelter. They also raise concerns about the supposed rehabilitation and the lack of transparency regarding what will follow the apparent rescue.
- 3-4 women stated that while staying at the shelter home, they are forced to give free sex. Brothel keepers are not necessarily bad. Brothels give security to the women and *gharwalis* (brothel madams) care for them. The law should reconsider the definition of a brothel.

- When Saheli Sangh members approached the police for help in protecting and helping 2 minor girls, some of the Sangh's women were arrested on the suspicion of trafficking. The Saheli Sangh team intervened to release them.
- Saheli Sangh trained 50 sex workers as paralegal workers. But they do not get legal aid in property, adoption and other matters as lawyers do not want to take cases relating to sex workers despite guidelines.

Aarthi asked whether there were any cases of women seeking legal assistance for ITPA related cases.

Tejaswi responded that sex workers did not trust lawyers especially in ITPA cases. She further mentioned that there were complaints of police personnel threatening and robbing customers a lot lately. Further there was a large presence of women from Bangladesh in Pune and they were allegations against them of luring and robbing customers. Hence, the police used to arrest them and the local women. The Bangladeshi women were often found to be minors and they were allegedly bought by politicians and they would “fetch more money for them as politicians own some of the brothels.”

Tejaswi and the presenters stated that many sex workers from West Bengal were members of Saheli who had begun confiding more. They stated that ration cards (Public distribution system access) were not being issued to some of them owing to the presence of the Bangladeshi (who speak accented Bengali) women. This was being done to ensure that the Bangladeshi women did not get ration cards. This had further increased challenges for Indian Bengali women.

Saheli conducted three stakeholder interviews. One of stakeholders said that the law punishes women in sex work as they are unacceptable to the public. Two brothel keepers said that all women were not trafficked and knew the reasons for doing sex work. A rationing officer opined that legalizing sex work is unacceptable as it would promote sex work.

Rakesh intervened stating that listening to the voices of women, it was preferable for sex workers to be arrested since they could pay a fine and apply for bail. A rescued women or minor was sent to a shelter under the pretext of investigation and rescue. According to Rakesh, “In Indian law, if you admit guilt you may be released. Otherwise, you will be questioned, detained, etc.”

Lin asked who demands free sex in shelter homes, to which Tejaswi responded that they could be guards (who should not be men actually), other staff, superintendents or caretakers, cooks, food delivery personnel. According to her, “Politicians who run homes supply these girls and women to workers who help them before and during elections.”

She stated that there was a Pune based NGO running a home for children of sex workers which hid the issue of its guard repeatedly raping a minor who became pregnant. They made her deliver the baby and gave the infant for adoption. No police complaint was lodged. CWC was informed of the matter and was handling the issue and there was possibility of the organization being closed.

Presentation #2 **Uttara Kannada Mahila Okkuta**
Presenters **Manjula, Mukta, Lakshmi, Sharavati**

Manjula stated that Samraksha started working at the Taluka level on HIV issues, initially. In 2008, various CBO's of sex workers started functioning in five districts, namely Raichur, Koppal, Gadag, Haveri and Uttara Karnataka. She stated that while discussing their issues across districts, sex workers realized the need for a state level organization which was then launched as UKMO in 2010. UKMO had 12000 sex workers, did advocacy and HIV prevention/treatment and other programs.

Two FGD's were conducted with UKMO in two places namely, Koppal and Kumta. We wanted to understand anti-trafficking policies and their impact on the lives of sex workers. The FGDs had participants from five districts of Karnataka with 15 years' experience. UKMO interviewed 22 women in sex work who were also UKMO leaders.

Findings

ITPA should prevent human trafficking but only targets sex workers as per ground realities. Respondents say that hidden interest of law is to control sex work and women in sex work as part of patriarchal society and use them for their benefits. [Mukta]

When a joint evaluation team of the State AIDS Control Society (SACS) was meeting with some CBO members, the police arrested the latter. They detained women in sex work for one night, threatened and hit them. Further, the police said that they would visit their CBO office although they were doing HIV prevention work. The ITPA was useful to the judiciary, police and lawyers but against sex workers. [Lakshmi]

Sharavati shared a personal experience and stated that, a beat policeman barged in and demanded 5000 rupees and took 2000 rupees from her. He also threatened the client - a young man who feared that his photo would be published. Sharavati asked the policeman if he was a beat or raid person and said that a policewoman must be present to question or arrest a lady. She informed the policeman she would take up the matter the following day along with the president of the CBO. Sharavati said that she could talk with the policeman confidently as she knew the law and ITPA.

Lakshmi presented that only law enforcers benefit from the ITPA. She gave an instance when the police secretly filmed a couple of women inside and outside a brothel and arrested them. CBO's heard this and when they tried to intervene they found that the media also supported the police who do such acts for career progression. She stated that repeated advocacy has also not helped much. Sometimes there were instances when the police followed and obtained the numbers of women arrested, raped them in a forest and said they must respond and give free sex when called and supply minors. Lakshmi stated that these incidents could drive women to suicide and affect families adversely.

Huligama stated that all the 22 FGD participants reiterated that they wanted the ITPA repealed. "We say "nothing about us without us" and must have all fundamental rights."

Sharavati also agreed that there was a lot of violence against women in sex work. She stated that women's right to livelihood and choice of work was often violated. She narrated another incident to emphasise the stigma the women faced. She stated that a son of sex worker was separated from his mother. His wife pulled the *thali* (a symbol of marriage that some women in India wear) of her mother-in-law and called her a prostitute.

In another incident, before her sister's wedding of a Muslim sex worker, the Jamaat men imposed a sanction and circulated an order that none should marry or visit her house until she begged pardon. Although her sister opposed that, the sex worker who had supported her siblings financially decided as wanted the wedding to happen. Hence, between 11 pm and 1 am one night, she had to hold palm over a lit lamp for every sin she supposedly committed, in the presence of the Jamaat men.

Manjula narrated that when a sex worker was sanctioned a house under a government scheme, the government officer handling the allotment sold it in her presence for 3000 rupees to someone stating that she is a sex worker who earns well.

In the discussion on the housing scheme, Huligamma stated that the incident had taken place in 2016 under the Chaitanya scheme that allots houses to sex workers in Karnataka. She stated that it was difficult for women in sex work to obtain houses under any general category. Gurukiran clarified that an application could be submitted under any category but allotment was tough. Also, sex workers were often granted houses or land in a locality 35 kilometers away from the town or village making it impossible for them to even access facilities.

Huligamma narrated another case of forced rehabilitation case in Raichur district. The Women and Child Department officials were compelling the sex worker CBO to take a loan. When the CBO members went with details of 77 workers, the District Commissioner sanctioned the loan only for young sex workers

chosen by the WCD as only they can repay the loan, which is discriminatory. When Ananthamma, an elderly and retired sex worker who founded a CBO was refused the loan as the government wrongly assumed that she was not earning and cannot repay the loan, she left, disappointed. The sex workers insisted that everyone must receive the loan. She further stated that sex workers CBOs also needed access to Yashaswini scheme which considered a CBO as a cooperative and gave loans at low rates of interest. Sex workers also needed social entitlements like voter identity card and family ration card which they were not getting owing to changed addresses. Importantly, sex workers also need social security.

The team shared that the members conducted a stakeholder mapping in two FGDs with family members and neighbours. They concluded that only the sex workers community stood together. The government considered them as numbers doing HIV programmes. She stated, "Otherwise we are insignificant to the government."

Presentation #2 Srijan Foundation, Jharkhand
Presenters Pushpa, Jamini

Pushpa: In Jharkhand, we conducted two FGD's, i.e., one each in urban and rural areas with ten participants each. Srijan was launched in 2001 for the empowerment of women children, youth and socio-economically disadvantaged groups to avail their rights. For the last ten years, we are working for the rights and health of sex workers in six districts, namely, Purvi, Hazaribagh, Ranchi, Gumla, Bishnugarh. In Jharkhand there are mainly home and city based sex workers. They are called over the phone by clients whom they service in a lodge or other place. Sex workers have no fixed workplace and keep moving and can be found in groups in the marketplace and elsewhere. Women who come from villages travel to the city 25 kilometres away, work and then return home. As Jharkhand is a rural, forest and hilly area with minimal transport especially in the evening which sex workers' timings are restricted from 11 am - 4 pm.

As people are largely tribal and men are found drunk or migrating for work, women must do agricultural work. As they lack money, women do sex work in exchange for agricultural labour by other men on their lands. The age of sex workers ranges from 19 - 45 years usually but where adivasis are more, girls are open about their sexuality and start sex work at a younger age. Hence abortion rates are high. They use private hospitals largely even though it costs 10000 - 12000 rupee ASHAs in villages take pregnant women girls to Jyoti clinic, collect a cards per patient based on which they get an incentive. As the women usually have sex in forest or hilly areas, they cannot access condoms easily. Also, NGO or community workers do not enter jungles to distribute fearing Maoist attacks.

Jamini: Is the HIV rate high in Jharkhand?

Pushpa: HIV incidence is high in some places where migrating men pass it to family members after returning to or visiting them or sex workers as the men do not necessary use condoms. Among sex workers, it is less due to TI's.

Pushpa: Younger women are entering sex work and becoming a competition to older women.

Puja: There have been conflicts between elderly sex workers in cities and young migrants from small towns and villages who are more attractive.

Pushpa: Migrant rural young women who need money and adivasi girls who are open about their sexuality enter sex work easily. Women in Ranchi and Gumla typically hide their sex worker identity. Around 200 sex workers among 10000 state-wide are open. Women in sex work do not unite easily. All the NGO's working with sex workers only do HIV related interventions.

Women sex workers fear public social functions as their clients may identify them. Women in sex work face violence and cannot oppose it as they are hidden. Police personnel harass, abuse and assault sex workers, demand free sex during raids and trouble their family members even if the latter are not in sex work. They do not let them stand together to solicit and harass clients. If young ladies are standing in a public place, the police will forcibly open their purses, demand identity cards and brand them as sex workers if condoms are found.

Anita: Sex workers said their stories are sensationalized and photos are published. Hence women face stigma and ostracization. They only listen to the police version even if women deny that they are in sex work or are caught in public.

Pushpa A: Media persons must request permission of their interviewees before taking photographs, doing audio or video recording.

Pushpa: Sex workers who stand in public places are stared at or shunted, cannot participate in social occasions, forced to vacate rented houses and teased when seen outside. Their family members are also stigmatized and ostracized. A daughter of a sex worker is branded as a prospective sex worker.

As they lack brothels or homes, sex workers accompany their clients. They often entertain more than the agreed number of clients. Payment is minimal or nil sometimes. In a case, a 25 year old was taken to an

open ground with a room where she was locked inside without clothes water. Over 20 men raped her individually every ten minutes. She escaped after she managed to request a passerby to open the door.

Mariamamma: What would have happened if she approached the police?

Pushpa: The police would have abused and blamed her. The media and public would have branded her as a gang raped woman. Her family would have ostracized her and her life would have almost ended. Hence women do not approach the police.

Sex workers are unaware of the law. When I accompanied them to the police station in a couple of cases, I was labelled as a *dhandha chalaanewaali* madam (a lady who runs prostitution business). I was told that I would have to run around. Sex workers do not know to file an FIR or what follows that. The police also abuses, threatens and harasses sex workers and refuse to file FIR's. Sex workers also fear stigma and ostracization.

Government hospitals demand money to examine or treat sex workers as they are regarded as people earning much from around fifty clients daily. They and their children are stigmatized as the father is unknown.

Sex workers who do not support their families are rejected. Also, they cannot educate children easily especially as single mothers. Further, they cannot get married easily. The daughter of a sex worker who was a college student was stigmatized by her male classmate. When she complained to the principal, she was branded as the daughter of a dirty woman. After she challenged the principal to oust her based on rules, the latter apologized.

Sex workers are denied government benefits, services and social entitlements denial like ration card, hospital services, Indira Awas Yojana (IAY – free housing for the poor), widow pension, Mahataa Gandhi Rural Employment Guarantee Scheme (MNREGS) especially because they are considered wealthy. We know ten such cases.

Among the stakeholders we interviewed, the police and a government lawyer asked us why we back sex workers. As there is no legal sanction and sex workers supposedly impact the society adversely, the women we support cannot handle questions in court. Our limitations prevent us from backing sex workers too much. We have only two cases of rescue as there is no concept of brothel based sex work.

Aarthi: You need not apologize as your situation is different. This is a great effort. But before proceeding let us analyze using your transcription especially about how the state harasses sex workers if awareness of the ITPA is absent.

Beena, Zeenat, Chandralekha, Rajneesh, Guru (KNSW): We launched KNSW in February 2015 to work with sex workers in Kozhikode (8-10), Thrissur (15-20), Kottayam (2) and Mallapuram (1) districts starting with meetings in Thrissur and Kozhikode. While discussing with sex workers about their issues, we realized that there is no advocacy for their rights. We wanted to bring the voices of sex workers from Kerala and also raise them at the national level. We did not know earlier that sex workers in Kerala face so much violence and thank SANGRAM and VAMP for their support.

The challenges we present may seem old for others but they are quite new for us. While listening to others, I felt that the Jharkhand situation matches ours closely. When the study began, we collaborate with two CBO's and conducted two FGD's. Most are home or lodge based sex workers who operate over the phone and social media. Young sex workers are mostly underground. HIV interventions are mainly with sex workers between 30-45 years old who are very poor. The sex workers do not know about the ITPA. Hence they could not be asked more questions. They just know that some laws that criminalize them may exist especially if they do sex work in public places.

In Kozhikode district, three women narrated about the eviction of sex workers from Bangladesh colony a few years ago. Fourteen sex workers were arrested as traffickers of which two absconded. The remaining were freed after spending fourteen days in judicial custody by negotiating support from local Panchayat leaders. Due to arbitrary arrests, women sex workers have migrated. The sex workers revealed that they lack moral, legal and psychological support.

A woman sex worker was arrested from her house when she was with her client, in 2014. The police got two false witnesses and the media to sensationalize the issue. Kerala is a conservative society where everyone reads newspapers through which her family learnt her reality. Her husband divorced her while her two small school going children were stigmatized in school and sent to the CWC. She had to fight for the custody of her children. The police has much power which it misuses to interfere in the personal life of sex workers.

Most soliciting happens in or near bus stands. The police typically targets the same women and fines them under petty offences like loitering, public nuisance, etc. They are forced to pay 100 rupees. We have details of fourteen cases with the corresponding fine payment receipts. Among 21 FGD respondents, 16 have mentioned about extreme and regular violence from the police.

Aarthi: We must know how many such cases occurred over the last year which is useful information. If we are challenged, we must preserve this important evidence.

Guru: This is an important point which CBO working for the community must understand and tell its members. UKMO and VAMP members may know the significance of preserving evidence. If sex workers question police they are harassed more sexually and otherwise. They were made to sweep the police station sometimes.

Mariamamma: On entering the police station, the writer encourages us to talk. When we narrate the person seems to be listening but when we approach the sub-inspector everything is changed.

Guru: The police files false cases are under sections 168 and 118A of the Kerala Police (petty offences) Act against sex workers. The police does this to attain its targets and fame and increases government revenue from sex workers' earnings.

Zeenat: I am a driver who went to Dubai for a job with a court case pending against me. I had to return to Dubai after a short visit home. But when I met with a road accident, the police who reached the spot asked me to board their vehicle and then booked me falsely for causing public nuisance while drunk. I had to forcibly confess to that and pay a fine and lost my job consequently

Aarthi: All organizations can list the various offences under which sex workers were booked, detained or arrested over the last year. Rakesh can also scan other laws where 'prostitutes' word is mentioned.

Guru: Women have disclosed that if they are caught in a case they have found it difficult to get the custody of their children as the police hands over their children to juvenile homes or Nari Niketan. Daughters of sex workers are sent to the Nari Niketan and are retained till they turn eighteen. They are not allowed to meet their mother

Kiran: We must maintain a list with original names of FGD respondents.

Aarthi: The spirit of this study is that we will retain confidentiality of personal information. However, we must be able to produce the evidence to NALSA or court when required. So, the CBO must have relevant details to match and use as necessary. Previously, we used data where people consented to revealing it.

Guru: Women sex workers in Kerala are unaware of social entitlements or cannot avail them as they lack proper documents like address or identity proof. As single women or single mothers, they face other issues. Also, they do not have bank accounts through which benefits are disbursed.

KNSW: The police should follow due process during arrest and separate sex work from trafficking. Clients must not be punished. Courts should listen to sex workers. Media persons must not be present during raids or arrests.

We did mapped stakeholders after the FGDs through a group exercise. Police, women's groups, media, lawyers and judiciary are considered persons who influence public opinion.

A woman police officer interviewed said that we should preserve the culture of Kerala and oppose sex work. A DLSA lawyer opined that if sex workers associated with them, lawyers could be sensitized about their realities. The former mayor of Mallapuram who now works on sex workers' issues emphasized the significance of sex workers. Anil who runs a home for children of sex workers revealed that many of them are forcibly separated from their mothers

Guru: I thank my team who handled the research and coordinated with me remotely.

Rakesh: The SC rejected a PIL that pleaded for separating children of sex workers from their mothers.

VAMP's study: Analysis summary

Aarthi: I thank everyone for participating in the party yesterday and resuming on time. Me and my world did a study on the impact of the Devadasi Prohibition Act on the lives of Devadasis in sex work. We will see if those outcomes can be combined with the study of the impact of anti-trafficking laws. Their presentation will hence be last.

We have been tracking supposedly 'rescued' sex trafficking victims arrested during large raids in various districts across India that were carried out nearly a decade ago. With the support of the group mentioned in brackets, we are documenting the status of the raid survivors in Sangli (VAMP), Pune (Saheli), Bellary (Guru) and Warangal, Krishna, Anantapur districts (WINS).

While documenting the FGD's, names of the participants can be hidden but capturing the details of their location, date, time, number of respondents and the actual response is necessary. Meena will present the analysis of the VAMP study before the Jharkhand group leaves.

Meena: I believe everything the persons participating in the study say as they are all lived experiences. We collect all personal details as we should be able to trace back evidence to those who shared especially if NALSA or the court asks for evidence. However, we always ensure the confidentiality of the speakers. We also record the time, location, audio with transcription and translation, age, number of participants and gender wise breakdown.

Please note the codification of the analysis of responses, actual responses and details of an FGD done in Sangli by VAMP. The legend is: AE - agreement with example, VD - verbal disagreement, A - agreement, D - disagreement, NA - no answer

Pushpa A: Why do we need this type of coding, its count and also analysis?

Meena: We need this analysis as we must state where we must attach each FGD analysis with the report. We should say that there are specific responses. Else we will fall into the trap of anti-traffickers who make statements like “10,000 victims rescued”, etc. Such analysis also adds credibility and multiple types and levels of analysis and helps in comparison with the study conducted in other regions/districts.

Satish: Will we not weaken the study if we have NA, D or VD as we may not capture all responses in a group of eleven due to time constraints?

Meena: We must record the actual responses very diligently irrespective of what they are. It is important to collate the data and then decide if it weakens the study. We cannot begin the study assuming all respondents will agree with each other or give the expected response.

Aarthi: The politics of the response and review of the research methodology can be done later. Transcription must be done immediately. In some places like Sangli, we have the advantage of video recordings. At others, we have only audio, mostly. The skill of researcher who asks questions matters in eliciting response.

Guru: I am seeing an analysis of qualitative data for the first time. Usually in an FGD, the emphasis is on the response than individuals. The approach could be different whether the group is familiar or not.

Asma: When do you codify the response analysis? When conduct FGD's, I do not transcribe but there is a challenge as transcriber is not present at the location.

Meena: After we do the FGD, with notes and recording, we transcribe and then analyze the responses.

Pushpa: In an FGD, what do we record if many group members simply agree with one response?

Aarhi: Record the response as Agree for all but please ensure that is a response to the main question or the participants agree with a comment by one of the discussants.

Puja: What if there are nine different answers?

Meena: While recording responses, ensure that they are responses to the original questions and not reactions to one or more FGD responses.

Tejaswi: We need training on research methodology.

Aarhi: We agree and will raise funds for a day long training on research methodology.

Satish: What if a question or scenario is applicable only to a specific location within a state?

Meena: That happens. So it is crucial to capture the content and all details associated with a response.

Satish gave a non-verbal agreement then said “I agree”.

Aarhi showed codified analysis of responses and their corresponding statistics (totals of each category).

Meera: If the same FGD participants respond differently or with multiple responses to the same question, what do we do?

Meena: We also capture the significant quotes used and significant points raised by each participant in the FGD. Next, we record as many consensual points reached by the group on each question as possible. Then we extract the significant discussion points and summarize what the group agrees on.

Examples of significant discussion points are below which were noted with the actual responses against the question and also analyzed and categorized.

“Consenting sex work is not a crime but common understanding is that no individual can enter sex work voluntarily.”

“There is no attempt to differentiate between sex work and trafficking.”

“Why cannot we question the police? When we need police personnel, they are never there”.

“The police always dwells in the past”.

“We work in fear of law enforcement”.

There were quotes about condoms also.

We must record all these as they are the voices of the women and their analysis.

Aarhi: The significant response categories were police, rights, laws/policy and media. We did two brothel based and two street based FGD's in Miraj and Sangli (Sangli district) and Karad (Satara district). Satara wants to do one more FGD. This is because we have access to sex workers and they are under two categories of work. Rigorous analysis of the data showed that there was an impact of large raids that occurred up to ten years ago. We will study raids in detail, separately and track their survivors and outcomes. For instance, in 2005, 60 people were raided in Sangli of whom 30 were detained. We documented what happened before, during and after the raid.

Kiran, Sangita et al have done the entire data collection and analysis in Marathi. They followed up with the women by phone or even visited their villages, if required. Shantilal and I did only English translations. Hence you all can do this. While documenting the responses, we found the case of a lady who when arrested and released could not find a supportive home environment although she lived with her aunt for a brief period. Also, as her identity of a sex worker was disclosed, she continued but with great risk. She started a brothel later.

Me and my world study: Devadasis in sex work

Shanti, Meera: The FGD's had 9 participants in Mutakal, Mehboobnagar district, Telengana, 22 in Guntakal, Anantapur and 12 in Nagalapuram, Chittoor district (AP). We documented perceptions of girls, women, stakeholders, and the community.

Young girls, want to dance during the local Jathras (festivals), especially after their dedication. The police threatens them primarily because of the Devadasi Prohibition Act. NGO's inform the police and also pressure the community as it insults their caste by dancing publicly and also doing sex work. Pubescent girls are dedicated to a female or male deity owing to a family member's illness or the absence of a male heir.

Jamini: Guntakal has Yellammas, Huligammas, Sunkulammas and Basvinis. When men cannot support their wives or families, they dedicate them who usually beg to earn. At night, they are usually at temples where they have sex with men often for money though they claim to be doing religious rituals which does not fetch them much. However, during the FGD they revealed this indirectly.

Many Devadasis are Dalits or Valmikis. They are dedicated at Munirabad on the Karnataka Maharashtra border. They take bangles and saris for the ritual and other women also contribute. The dedicated women do not braid their hair or use make-up as they must seem different from other women.

For any community or village function, people of all castes invite and honour Huligammas publicly with money and gifts. However, these amounts are small and they need other livelihood. Also, if some children of these women object to their mothers being in their practice and for others it is a dilemma.

Huligamma: In Hospet taluk, Huligammas who are Dalits are not honoured publicly except by people of their sub-caste. When an adult son objected to his mother begging, the Panchayat tried convincing him about it being a tradition. He took his mother to another place where she discontinued the practice.

Meera: Sometimes, women named Mathamma, Renuka, Yellamma, etc. are stigmatized even if they are not Devadasis. Hence, women are encouraged to change their names and receive monetary benefit.

Shanti: Men of the same caste from across the state handle the rehabilitation attempts. As a goodwill gesture, the DC organized weddings of seventy Devadasis jointly, around seven years ago in Chittoor district. However, the husbands sometimes harass them to earn especially because they brought no money. They are sometimes abandoned or thrown out if they cannot earn. So they live in temples and they and their children, if any, live in penury with minimal or no education.

Lin: A woman is supposedly respected but is also exploited or stigmatized.

Rakesh: In Nepal, pre-pubescent girls are dedicated as living goddesses or Kumaris. But what happens when they attain puberty? Also, marrying a Kumari is considered ominous.

Meera: Abolitionists (NGO's and police) object to the girls dancing publicly and call them whores humiliating their caste. They do not let them fulfill their desires, address the extreme violence in their lives or propose rehabilitation alternatives. Even the supposed rehabilitation does not reach them due to bureaucracy and corruption.

Shanti, Ramu, Meera: In Makthal, Mehboobnagar, Devadasis and Mathangis/Mathammas cannot refuse clients as they will kill the Devadasis. However, the clients are violent otherwise too. The Devadasis did not mention that they are doing sex work but we inferred that. Also, Devadasis are openly demanding rehabilitation while entertaining clients secretly. Further, fathers of children of Devadasis do not accept them openly.

Guru: I suggest you ask the women if they need support to handle violence. In Bellary, a few years ago I met some Devadasi women who are sex workers for livelihood, sometimes in secrecy. They prefer their daughters not doing sex work but also want the liberty to choose.

Huligamma: There are many Devadasis are in sex work who do not want to dedicate their daughter but want to continue in sex work. When a rehabilitated Devadasi who is in sex work wanted to claim benefits, a bank officer asked why she is availing sex worker schemes. He thereby disclosed her sex worker identity and should not have questioned her choice of work.

Raju: We must create an environment to address the issues of Devadasis in sex work.

Meena: Devadasi system of dedicating children is unacceptable and they must have freedom to decide their life. The law does not understand the Devadasi system and by banning it Devadasis have been criminalized which they want relief from. Devadasis are not open about doing sex work as they will not get rehabilitated. Also, young Dalit men have been told that they should not let their mothers etc. to be Devadasis. But Devadasis feel they have lost their God and also the economic gains from the Devadasi system as the government benefits are meagre. Meera's findings do not surprise me. We must do a proper analysis and decide how to proceed.

Aarhi: We will discuss this issue in Kolhapur soon and invite a few leaders of the Devadasi sex worker community who are interested to join.

Shanti: When clients misbehave with sex workers, nobody helps. The police abuses, harasses and beats them. Three policemen and three men kidnapped a pregnant woman and kept her secretly. Six months later, an unidentified body was found. When a community leader went to see it, she was forced to sign as a witness and the parents of the murdered woman filed a murder case against her which she is fighting. Also, the kidnapped woman was found.

Changes proposed - gender and sexuality expression and discussion must be encouraged especially when women are in sex work. Police sensitization workshops helped in them trying to address the issues of vaw in sex work slightly.

Aarathi: We deeply appreciate what you did and understand how tough it is and the complexities involved. Let us discuss and decide how to proceed.

8. Change Matrix - Concluding Session

Marjan: Over the last two days and today I heard your reports and recommendations. I want to bring everything together and see what we can do with that. For that we will do a small exercise led by Lin. There are many similarities found at all places. Please think together about what must be changed and what is needed for that and formulate an action plan. That can be done after finishing the report.

Lin: We prefer to change what we do not like. Let us create a framework for that considering what must change and prioritize that. Change must happen at the Individual, Systemic, Formal and Informal levels. These are called the four dimensions of the change matrix which has four quadrants, namely A, B, C and D as shown. We want to influence change in some people. The individual and informal dimensions include changes in beliefs, opinions, values and awareness shown in quadrant A. List whose thinking you want to change - ourselves, police, judges, media persons, politicians, lawyers, government officials, doctors. Discuss how to do that later. Think of the specific names and number of police personnel, media persons, doctors et al you want to change in the next few years. In quadrant B, decide what access to and control over resources you need and if you cannot get them what must change to access them.

Mukta: Resources could be money, skills, documentation, information, knowledge, training, individual capacity building.

Lin: While planning you must identify what capacity building is necessary.

Mukta: If we want police to change, we need capacity building for that.

Lin: Please identify the capacities that must be built.

Sangita: We need more skills, capacity building, voices, funds and alliances with women's groups.

Lin: Quadrant D lists cultural norms which comprise exclusionary or inclusionary practices. The police and judiciary have their norms. List the invisible and visible trends of awareness, thinking, behaviour in different parts of society towards sex work and sex workers.

Sangita: The attitudes of caste, religious and labour rights groups towards sex workers, gender and sexuality must change.

Huligamma: Change the mindsets of neighbours and society towards sex work and sex workers

KNSW: Morality, stigma, discrimination, violence and religious myths against sex work must go.

Lin: It is toughest to change the institutions of law, judiciary and police shown in quadrant C. You can change individuals in these institutions. Of course, we must change everything. Apart from the ITPA, what else must change for you?

Satish: In quadrant D, we can identify what to change. But, in the others, it is not very clear. This is perhaps because the ITPA is the biggest problem.

Lin: I understand that changing law is crucial but tough, we must understand it is significant to change attitudes of police et al and build alliances. We must keep monitoring if we are progressing on all fronts.

Marjan: We discussed that the ITPA and the IPC section 370A must be amended in favour of the community. Please discuss what other policies and laws must change.

Saheli: Sex work and trafficking must be separated under quadrant D. Also, section 377 of the IPC that criminalizes homosexuality and labour laws must also be amended.

Sangita and Raju: Policies that ban the Devadasi system or other bans on sex work must be introduced without consulting the community. Also, no rehabilitation must be planned or executed without asking the community.

Zeenat: Recognize sex work as work.

Lakshmi: We must question the police who file false and petty offences against us.

Marjan: How will you do the above?

As the UKMO group did not have an immediate answer, Pushpa A suggested that it can be done through capacity building and acquiring knowledge of laws.

Mariamamma: We need an exclusive law to govern sex work as men will not change their attitudes.

Lin: I am not starting a discussion about this now although it is a crucial idea.

Marjan: To change anything, you must think and plan a lot. For instance, to change politicians, you need to have supportive ones. So please think about interconnected issues.

Vote of Thanks

We are approaching the end of this workshop and enjoyed the 3 days and are impressed with your courage, commitment, thinking and the findings. We thank Aarthi especially for organizing everything. Aarthi acknowledged the contribution of the VAMP team in arranging the logistics too.

Aarthi: Undertaking this study has not been easy. It is not a project but about people's lives. Presenting the final report would be a big challenge. We may face backlash. I request the research co-ordinators to communicate by when the transcribed data and draft reports will be sent after incorporating the feedback discussed. Please finish everything by 15th March and we are trying to finalize the report by the end of March 2016. Otherwise, we may miss the UPR deadline. Also, the WCD is amending the ITPA which is a big threat. This is a request on behalf of the community. We will handle the study on Devadasis in sex work separately.

There were a couple of requests for training on human rights, special procedures and UN conventions. Please inform the NGO's you know as it could benefit them. But we want to conduct training only for sex worker groups or organizations that support and work with sex workers.

We specifically thank the community that keeps us grounded and going. Your courage is inspiring. This study has taught us much. Working with you all has helped us who work at high levels to understand your realities.

Meera: I thank SANGRAM and VAMP whom I have known and worked with for many years and all the supporting organizations. This study will be path breaking as we usually react to laws and policies.

Aarthi: We thank Asma for understanding the challenges of the community and sharing her insights about the media.

Asma: I thank all present and appreciate the humility of everyone to share knowledge and assist me as I am still learning about sex workers.

Lin: I wish to conclude the workshop by lighting oil lamps for unity, enlightenment, strength, courage, success and hope. I request everyone present to light a lamp each and share your wish for the community, aloud.

The wishes expressed included the following:

Sex work must be recognized as work.

The ITPA should be amended to favour sex workers.

Sex work must be decriminalized.

We should keep meeting, sharing, learning and collaborating for our growth.

Our fight will continue until sex workers get recognition as workers with rights and dignity.

The state (police, judiciary, legislators, policy makers, government officers, bureaucrats, etc.) and lawyers must understand the realities of sex workers and respect us.

Media persons must portray the lives and challenges of sex workers in an honest, responsible and dignified manner.

List of Participants

Sr No.	Name	Gender	Organisation
1	Aarthi Pai	Female	SANGRAM
2	Lin	Female	Right 4 Change
3	Marjan	Female	Right 4 Change
4	Rajendra Naik	Male	VAMP-MITRA
5	Shantilal Kale	Male	SANGRAM
6	Asma Naseer	Female	Media Analyst
7	Pushpa Achanta	Female	Documentation
8	Meera Raghavendra	Female	Me and my World
9	Pooja Rajiv	Female	Srijan Foundation, Ranchi
10	Pushpa Sharma	Female	Srijan Foundation, Ranchi
11	Anita Sanga	Female	Srijan Foundation, Ranchi
12	Satish Joshi	Male	NNSW
13	Gurukiran Kamath	Male	Kerala Sex Worker's Union
14	Rajinesh(Translator)	Male	Kerala Sex Worker's Union
15	Sangita Manoji	Female	Veshya Anyay Mukti Parishad
16	Kiran Deshmukh	Female	Veshya Anyay Mukti Parishad
17	Renuka Kale	Female	Veshya Anyay Mukti Parishad
18	Sujata Jadhav	Female	Veshya Anyay Mukti Parishad
19	Malavva Nadvinkeri	Female	Veshya Anyay Mukti Parishad
20	Maya Gurav	Female	Veshya Anyay Mukti Parishad
21	Tejaswi Sevekari	Female	Saheli – Pune
22	Shakuntala Pawar	Female	Saheli – Pune
23	Mina Koli	Female	Saheli – Pune
24	Mahadevi Madar	Female	Saheli – Pune
25	Mukta Pujar	Female	UKMO
26	Huligemma	Female	UKMO
27	Sulekha	Female	UKMO
28	Lakshmi	Female	UKMO
29	Sharawati Lakkannavar	Female	UKMO
30	Manjula S B	Female	UKMO
31	Mahesh Bhandari	Male	UKMO / Samraksha
32	Lekha C V	Female	Kerala Sex worker's Union
33	Beena	Female	Kerala Sex worker's Union
34	Seenath	Female	Kerala Sex worker's Union
35	M Jamini	Female	Pragathi Mythri Mahila Sangam (PMMS)
36	K. Mariamma	Female	Krishna Vennela Mahila Society, VIJAYAWADA,AP (KVMS)

37	P.Venkatamma	Female	Me & My World Network, WINS, Tirupati, AP
38	Rakesh Shukla	Male	Delhi Supreme Court
39	Ramu	Male	WINS
40	Seema Nayar	Female	FGHR

ⁱ Laws relating to prevention of immoral traffic in India, Kataria and Saeed, 2007, Orient Publishing Company.

ⁱⁱ Section 18. Closure of Brothel and eviction of offenders from the premises. (1) A Magistrate may, on receipt of information from the police or otherwise, that any house, room, place or any portion thereof within a distance of 200 metres of any public place referred in sub –section (1) of section 7, is being run or used as a brothel by any person, or is being used by prostitutes for carrying on their trade, issue notice on the owner, lessor, or landlord of such house, room, place or portion of the agent of the owner, lessor or landlord or on the tenant, lessee, occupier of, or any other person in charge of such house, room, place or portion, to show cause within seven days of the receipt of the notice why the same should not be attached for improper use thereof; and if after hearing the person concerned, the Magistrate is satisfied that the house, room, place or portion is being used as a brothel or for carrying on prostitution then the Magistrate may pass orders –

- (a) Directing eviction of the occupier within seven days of the passing of the order from the house, room, place or portion
- (b) Directing that before letting it out during the period of one year or in case where a child or minor has been found in such house, room place or portion during a search under section 15, during the period of three years, immediately after the passing of the order, the owner, lessor or landlord or the agent of the owner, lessor, or landlord shall obtain the previous approval of the Magistrate.

Provided that if the Magistrate finds that the owner, lessor or landlord as well as the agent of the owner, lessor or landlord, was innocent of the improper user of the house, room, place or portion, he may cause the same to be restored to the owner, lessor or landlord, or the agent of the owner, lessor or landlord with a direction that the house, room, place or portion shall not be leased out or otherwise given possession of, to or for the benefit of the person who was allowing the improper use therein.

ⁱⁱⁱ Under the IPC section 370A, any person who engages with a trafficked minor for sexual exploitation is punishable for 5-7 years and anyone who engages with a trafficked person for sexual exploitation punishable 3-7 years. Recruits, harbours, gives or receives payment to achieve consent commits trafficking under section 5A of the ITPA.