

WHY THE SEX WORKERS OF INDIA

MARCHED TO PARLIAMENT

DEMANDING REPEAL

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DEMANDING REPEAL  
OF THE IT(P)A



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### Why the so-called Immoral Traffic (Prevention) Act of India should be repealed?

1. We, sex workers, provide sexual services to our customers. That is why we should be recognized as service sector workers. We demand workers' rights.
2. The principal legal obstacle in the path of our recognition as service sector workers is the Immoral Traffic (Prevention) Act of India. Why?
3. Let us begin by taking a look at the very title of the Act. It is called the 'Immoral Traffic (Prevention) Act' [IT (P) A]. At issue here should be the trafficking of humans, which is the business of buying and selling of human beings. This Act avowedly aspires to prevent 'immoral trafficking'. Does it not suggest by implication then, that some forms of human trafficking are moral? Indeed it does so, when it collapses the terms trafficking and sex work (in its jargon 'prostitution'), in all the sections of the Act. In all sectors of the labour market some human beings are trafficked, but not all and, this is true of the sex sector too. We need comprehensive law(s) for fighting all forms of trafficking of human beings in all sectors of the economy, like, agriculture, transport, mining, manufacturing, cottage industry, domestic services, hotels.... At Kolkata and in some of the districts of West Bengal, we the sex workers are putting up a battle against trafficking of human beings in the sex sector, through our own self-regulatory boards. Trafficked labour in the sex sector is indeed a very small part of the total number of workers trafficked into and from our labour market. The conflation of sex workers and trafficked persons in the IT(P)A is thus untenable.
4. Our IT (P) A was promulgated in pursuance of the Anglo-American legal-sexual culture inspired International Convention for the Prevention of Immoral Traffic (New York, 9 May 1950). The IT (P) A defines any house, room, conveyance or place or any portion of such spaces used for the purposes of sexual exploitation or abuse, for the gain of another person, as a brothel [see: IT (P) A], 2. (a)]. Under patriarchy, in all transactions, men gain at the expense of women. In all patriarchal homes a vast majority of women are routinely sexually exploited or abused by their husbands and other relatives or acquaintances. Hence, according to the aforementioned definition 2. (a) of the IT(P)A, the whole of patriarchal India is one big brothel. However, according to sub-section 6. (1) (b) of the same IT (P)A it is only in these patriarchal homes that we conduct our legally approved, non-criminal, inter-spousal, marital, sexual activities. This makes the sub-sections 2. (a) and 6. (1) (b) mutually inconsistent.
5. In fact the entire Act is guided by this pre-Second-World-War Anglo-American legal-sexual belief, inserted as a cluster of words in 6. (1)(b), that all non-spousal, non-marital interpersonal, sexual activities are crimes. This dogma criminalizes all forms of services provided in the sex sector of our economy, and, also all non-commercial

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

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

**A Fact Sheet on the Efforts of the Durbar Mahila Samanwaya Committee and the National Network of Sex Workers at Sensitizing the people, ministers and, the Parliament of India at Delhi  
March 2006**

1. The 3rd of March 2006. International Sex Workers' Rights Day. A team from the Durbar Mahila Samanwaya Committee, West Bengal, a part of the National Network of Sex Workers (NNSW) of India, organized an 'Art Camp' with the help of its cultural wing 'Kornol Gandhar' and, 15 students and ex-students of the Delhi Art College. On the same day Ms. Renuka Chowdhury, Minister-in-charge of the Department for Women and Child Development, Government of India, met 50 representatives of sex workers' organizations from West Bengal, Andhra Pradesh, Karnataka and Delhi, at the India International Centre, New Delhi. The Minister interacted for over three hours with these male, female and transgender sex workers, who voiced their criticism of the existing IT(P)A and, the IT(P) Amendment Bill 2005. Though sympathetic to the sex workers, the Minister failed to give any assurance that the Bill will not be tabled in the Parliament in its present form. The

Minister also did not indicate that the Bill would be discussed with the health agencies within and outside the government that are conducting intervention programmes in our sex sector, for the prevention of STD and HIV/AIDS.

2. The 4th-6th of March 2006. Two teams of 'Komol Gandhar', joined later on by a team of tribal dancers from West Bengal, performed street theatre, dance drama and distributed leaflets at 14 places in Old and New Delhi, to highlight the plights of our sex workers. Their aim was to sensitize the people of the capital city about the need: to repeal the IT(P)A; to recognize sex work as a kind of work; to enlist sex work in the occupation schedule of the Ministry of Labour of the Government of India; and to recognize the fact that sex workers' self-regulatory boards are the best means of managing the sex sector and, for ensuring proper implementation of social welfare measures for sex workers and their family members.
3. The 7th of March 2006. The representatives of the National Network of Sex Workers were unceremoniously denied an earlier promised audience with the Chief Minister of Delhi, Ms. Sheila Dixit. A workshop on 'Negotiation skills Building through Cross Learning' was conducted at the Bharat Scouts and Guides camp, Nizamuddin, in 8th parallel sessions, for 1200 sex workers from all over the country.
4. The 8th of March 2006. Ms. Sujata Rao, Director NACO and, Ms. Nafisa Ali together with the leaders of the sex workers' organizations from different parts of India, attended the ceremony of hoisting the flag of the NNSW, at the Bharat Scouts and Guides Camp. A rally of about 4000 sex workers from 16 states of the country marched to Jantar Mantar from the Ramliha Ground and, submitted a memorandum of appeal to reject the IT(P)Amendment Bill 2005, at the Prime Ministers' Office. Copies of the appeal were sent to the speakers of Lok Sabha and Rajya Sabha, Ministers of Home, Health & Family Welfare and, Women & Child Welfare Departments of the Government of India and, to Mrs. Sonia Gandhi. Sex workers' collectives shared their experiences, at the Bharat Scouts and Guides camp, about combating violence, their encounter with law, the attempts at implementing STD/HIV intervention programmes and, anti-trafficking programmes. The concluding session was attended by Mr. Denis Braum of the India office of UNAIDS, Dr. Gilada from Mumbai, Mr. Anand Grover of Lawyers' Collective, Delhi, famous Malayalee sex worker author Nalini and, many other friends and well wishers of the sex workers of India.