

**HUSTLING FOR RIGHTS:
THE LEGAL REGULATION
AND
REPRESENTATION
OF THE SEX TRADE
IN SOUTH ASIA**

**August 16th to 18th, 1997
New Delhi**

A REPORT ON THE CFLR SEMINAR

**ORGANIZED AND PREPARED BY
THE CENTRE FOR FEMINIST LEGAL RESEARCH
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Artwork by Varun Narain reproduced from
script cover of "The 'Three Ladies" – a puppet
show.



HUSTLING FOR RIGHTS

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I INTRODUCTION

"Hustling for Rights" was organized with the general intention of exploring the issue of the legal regulation and representation of sex trade primarily in India and in some parts of South Asia. We sought to critically examine some of the different positions that have emerged on the issue of sex trade and the ways in which these positions have informed the law in India and elsewhere. We also sought to address the ways in which the sex trade has been represented on screen and in the media and how these representations reflect the different positions that exist on the issue. We attempted to get representatives from all parts of South Asia. Although two participants from Pakistan confirmed their willingness to take part in the seminar, they were unable to do so at the last minute.

The seminar was designed to address the issue of prostitution in both theoretical and practical terms. We wanted to negotiate new ways to theorize the contradictory nature of the sex trade as well as to through the potential role of law in regulating prostitution and other forms of sex work. In particular, we looked into the ways in which the sex trade has been examined in terms of binaries – that is – consent/coercion, victimization/agency, pleasure/work – and explored some of the new ways in which we could negotiate this issue that moved beyond these binaries.

The seminar also addressed the construction and representation of sex work by engaging with texts and images in popular culture. For example, we looked at how Bombay commercial cinema represented the prostitute and the tawaif; the spaces that the sex worker or performer occupies in mainstream cinema; how these spaces related to the larger narrative; and how female spectators could negotiate these spaces. We also examined other texts and popular magazines and how these forms of expression addressed the issue of prostitution and represented the prostitute.

DAY ONE August 16th, 1997

Morning Session

**II PARTICIPANTS INTRODUCTION AND COUNTRYLOCAL
DESCRIPTIONS:**

The participants consisted of academics, activists and lawyers. A list of participants is attached as **annexure A**. The outline of the seminar is also annexed as **annexure B**. The participants provided a brief overview of the treatment of prostitution in their respective countries or localities.

In *Bangladesh* the position of prostitutes is a bit ambiguous in terms of the law. Prostitution is still regarded as immoral and this position is reflected in the Trafficking Act of 1933, which focuses on women and promiscuity. The law on prostitution applies to women who are over 18 and unable to find another means of income. The legal status of non-coerced prostitution is unclear.

In *Sri Lanka*, prostitution is largely confined to local brothels and streetwalkers in tourist spots. More recently considerable public attention has been given to boy prostitutes and child prostitution.

Meena spoke about her work with women in *Sangli, Maharashtra*, who carry on prostitution mostly voluntarily. In *Calcutta*, Indrani described the intolerable situation of women who were coming into prostitution as a result of economic need or coercion.

The descriptions brought out the complex situation of prostitution in South Asia in general and in India in particular. Unfortunately the experiences of Nepal and Pakistan were not available which was a significant handicap.

III OBJECTIVES OF THE SEMINAR:

After a brief introduction by the participants, Ratna, on behalf of CFLR, set out some of the objectives of the seminar. She stated as follows:

Our intention is to move beyond the polarized positions that characterize so many of the debates on the issue of prostitution. We want to move beyond the current debate in which prostitution has been framed as either an issue of coercion and exploitation or an issue of consent and personal choice. We also want to examine the ways in which this consent/coercion divide is frequently displaced on to the first world/third world dichotomy, that is, as seeing only women in the first world as capable of exercising choice in relation to prostitution, while representing women in the third world as lacking any such choice. Pushing this analysis a bit further, we want to examine how this divide actually reinforces the victim/agent divide - that is - women in prostitution are looked upon as victims in the third world, but having agency in the first world.

The Readings and Issues for Debate

Ratna referred to the readings that had been put together for the seminar. A list of the readings is attached as annexure C. She stated as follows:

The readings attempt to disrupt the dichotomies mentioned above. And they simultaneously raise some new questions and dilemmas for us to address.

Agent/Victim – Culture and Representation

For example, the articles on the Lucknow courtesans or Umrao Jaan demonstrate a form of agency within the Indian cultural context. Umrao Jaan describes a beautiful woman as a passionate verse of a good poet she has just heard. She regards promises to lovers, and entrapment of men as part of the skill of a courtesan. When Rusva states, "you have brought pain to many hearts", Umrao responds, "But that is our profession. That's the way I've earned thousands – and spent thousands too." She is given jewelry and gold, enough to leave this profession. Yet she remains.

How do we respond to this cultural variant of the profession? And in the circumstances of today's fast changing cultural context, does a woman like 'Umrao Jaan' continue to exist? Do we want women like Umrao Jaan to continue to exist or survive?

Rajeswari Sunder Rajan and Veena Oldenburgs work point to the complicated popular representations and the traditional lifestyles of the prostitute or courtesan in India. Veena Oldenburg argues that the "life-style" of the courtesan is resistance to rather than a perpetuation of patriarchal values. Rajeswari complicates the several debates around prostitution, including the binary between the prostitute as victim and the prostitute as imbued with agency. These texts challenge the conclusions of some researchers, that prostitutes in India are purely victims and their work non-consensual.

Yet Rajeswari Sunder Rajan points out that the recognition of prostitute women as subversive agents does not negate the view that they are also invariant victims. She states that we need to examine the limits and possibilities of both locations, as has been done in films such as 'Mandi', as well as the "variations and heterogeneity of sex work", rather than viewing it as, what she describes the "singular phenomenon", prostitution. As she argues, we need to address the contested terrains of agency, sexuality and work that characterize the debates on prostitution.

Work/Forced Labour

A related area for debate is the nature of the work in which prostitutes engage: Is it sexual slavery? productive work? skilled-work? semi-skilled work? Is it paid entertainment? How is it to be valued? Should it be subjected to a realm of labour regulations? Or is it a service that should be as freely available as it is within the normative framework of marriage? Should it be distinguished from this service? How and why?

And what about the arguments around economic exploitation and economic gain? To what extent do women have a choice when it comes to the labour market and economic/employment opportunities? Are there some choices that simply should not be allowed, such as sex work? Are there some things that should be allowed to be sold and is sex one of those things? And how do we distinguish between the exploitative and non-exploitative aspects of the work, without falling into moral considerations? Perhaps the GAATW position, which is included in the readings can provide us with new ways of thinking about this issue?

The Prostitute's Voice

We also want to examine the issue of prostitution through foregrounding the prostitute's voice. To what extent do social reformers, feminists, female audiences, and legislators hear this voice? What legitimacy do we accord to this voice? There are differing views amongst women in prostitution. What is the strategy or strategies that best accommodate these views? As Heather Dell points out, prostitute rights groups in India are calling for decriminalization, fair labour practices and challenging the ideological processes "by which certain characteristics are ascribed to them and are used to justify their oppression". Are we supportive of their demands for a right to work, to keep their earnings and to basic education? If not, why not? If so, what are the problems we need to confront in trying to meet these demands?

See Lalitha & Shalini - Politics of Prostitutes organizing actions.

Heather Dell's research of the groups she has visited reveals that women in prostitution have begun to reinscribe their bodies as "sex educators rather than pervers, business women rather than slaves, safe sex practitioners rather than ignorant purveyors of disease." What are the dilemmas raised in characterizing prostitute women in these ways?

We also need to think about the issues raised in the Shanon Bell and Annie Sprinkle interview. Can or does Annie Sprinkle exist in the context of South Asia? To what extent would cultural relativists challenge her existence here? Is Annie Sprinkle just weird - a woman who has no equivalent in South Asia nor representative of the voice of prostitute women more generally?

And what about the voices of other prostitutes: Those who emphasize that prostitution is a very coercive and exploitative job in India, but the denial of legal rights adds to the difficulty of their situation. Does the statement of the International Prostitutes Rights Collective represent a broader constituency of women in prostitution? Is there scope for its application in South Asia?

Are women in prostitution victims and prostitute rights advocates people who deny their own victimization? Or do we agree with Sprinkle who says that people who say this "might be jealous that we might be having more fun than them. A lot of people don't want other people to have a good time and feel pleasure. In our society, if you suffer you're a saint. If you go to war and get shot, you are a hero. If you are into pleasure, you are a hedonist. It is considered a waste of time having pleasure. We don't respect pleasure. As a society we respect suffering." What are our views on the victimization of prostitute women?

Deviant Women and Institutionalization

Usha Ramanathan's article raises some important issues for us to consider. To what extent do the conditions and treatment of women in prostitution and prostitutes reflect the conditions and treatment of all other so-called 'deviant' women? She argues that the process of institutionalization of deviant women obliterates the differences between women and their specific conditions and is inherently based on assumptions of morality. The institutionalization of these women, in the form of corrective or protective homes, further reinforces their victim status, results in the denial of her rights and most importantly, "exclusion from the outside world". Her autonomy is negated and her life stigmatized as a consequence. What is the role of institutions, if any, in addressing the situation of women in prostitution or women who transgress the norms of "socially acceptable behaviour"? What are the options for women who are rejected by their families for being transgressors? Does the State have an obligation to provide an optional place of respite and support or to incarcerate and rehabilitate such women?

The Role of Law

And finally, what is the role of law? Why is there so much of it? Should it be punitive? Should it delineate those aspects of prostitution that are exploitative such as forced labour, and slavery like practices as identified by the GAATW position? Should the law concern itself with prostitutes, or should it deal with the practices that lead women into occupations that are exploitative such as domestic violence, sexual division of labour, and/or lack of economic opportunity? Should law seek to empower women in prostitution, and women in other exploitative forms of work, through the conferment of legal rights rather than the denial of them because of the nature of the work they do? Should the law treat different forms of prostitution or sex work differently such as the streetwalker, the call girl, the dancer, the courtesan, the escort service provider, the phone sex line worker and the stripper? Should the prostitute be treated in the same way as other disenfranchised sexual minorities who need to be empowered through legislation and affirmative action programmes?

IV OVERVIEW:

Jyoti Sanghera, a representative from the Global Alliance Against the Trafficking in Women, (GAATW) provided an overview of the issue

GAATW was formed in Thailand in 1994 in the context of discussions about prostitution as a human rights concern. There are two approaches to prostitution as a human rights issue. One position regards prostitution as a violation of human rights per se – that is – it forms part of the continuum of violence that includes rape and battery. The second position is that prostitution per se is not the problem, but the violence and abuse women experience in the profession constitute human rights violations.

Jyoti stated that if "sexual exploitation" was too loosely and broadly defined, it would not be possible to effectively address the serious exploitation of these women, which was taking

place. She emphasized the importance of drawing a distinction between trafficking and prostitution.

Jyoti challenged the victim/agent dichotomy that characterizes some of the debates on prostitution. It is important to move beyond seeing women in general, and prostitute women in particular, as exclusively victims and then to think about how to define "choice" and women's agency.

She presented six positions from which to view the "problem" of prostitution.

1. Prostitution as a Moral Problem: This position was the most influential and dominated thinking and legal responses to prostitution.
2. Prostitution as organized crime
3. Trafficking and the sex industry as a global migration problem
4. Prostitution as a public order problem in the context of the concern around HIV and AIDs
5. Prostitution as a labour problem
6. Prostitution as a human rights problem.

Jyoti raised several issues for discussion that included the following:

1. In every institution, including marriage and other professions abuse takes place. However, we never argue for the abolition of these institutions, but rather challenge their coercive and abusive aspects. Why is the abolitionist approach given so much credibility in the context of prostitution?
2. Is prostitution/sex work like any other kind of work?
3. If prostitution is viewed as devalued work or even not as work, is it similar to the domestic work done by women as wives, which is also not viewed as work?
4. The issue of self-representation is critical to address. What form should this take? Who can speak for whom in the debate on prostitution?

In the discussion that followed, more questions were raised. One participant stated that when we raise the question of a prostitute's agency, her victim status is simultaneously raised. Is victim status required for agency? Does the "victim status" enable one to organize against exploitation? Rajeswari Sunder Rajan explained that there was no problem in reconciling the agent/victim dichotomy. In order for a disadvantage group to secure rights, they must necessarily see themselves as victims in their struggle. This was true of those who struggled for gay rights. We need to complicate our understandings of who is a victim and what is choice. Rajeswari also stated it was important for us to address the traditional explanation that prostitution served as a gratification of 'male sexual need' which required establishment of an entire organized system.

She also stated that even though words such as "agency" "abuse", "choice" and "trafficking" were all reductionist terms, they provided a starting point for discussion from the location of women in prostitution.

V THE EXISTING LAW IN INDIA

In the second presentation, Anu Bindra, a lawyer working in the Attorney Generals Office, provided the participants with information on the provisions and application of the Immoral Trafficking Prevention Act, 1956, in India. The Act criminalized the outward manifestations of prostitution, including soliciting. The Act also collapsed the categories of child prostitution and adult prostitution, providing little scope for a difference in treatment of two very different kinds of prostitution. Certain provisions of the Act isolated the sex worker from her family by making it a crime to live off the earnings of a prostitute. There is also a

provision that implicates all women (section 20) by placing the onus on a woman to prove that she is not a prostitute if such a complaint is made against her, otherwise she can be removed from the locality where she resides. The Act ostensibly legalizes prostitution, while simultaneously ensuring that her very existence is illegal, infringing on her rights to privacy, mobility, family life and residence.

In the discussion that followed, there was a general agreement that a new legislation was required which protected the rights of women in prostitution and distinguished between child prostitution and adult prostitution. Provisions elsewhere in the law that discriminated against women on the grounds of their sexual conduct also needed to be repealed. At the same time, it was also important to decentre law from the discussion on prostitution, in order to ensure that the complexity of their situations were brought out and to guard against the homogenizing tendency of law.

Afternoon Session:

Shohini introduced this session. She stated that there had to be a shift in the terms of the debate when moving from a discussion of representation in law to representation in cultural studies. In discussing representation and cultural practice it is important to distinguish between the 'real' and 'representation'. Much of the discussion regarding films and literature become limited because the lines between the real and representation get blurred. For instance, the rape scenes in the film 'Bandit Queen', are often discussed as though we were watching a real woman get raped or the climax in the recent hindi film 'Mrityudand' (Death Sentence), where the female protagonist kills the 'villain', is judged as a 'real' response to a 'real' situation. She stated that films and other cultural expressions should be seen as negotiations of reality that are closer to fantasies. This creates room for us to confront our own unconscious or unarticulated impulses in a way that is difficult to do with 'real' cases or situations.

VI REPRESENTATION OF THE SEX TRADE IN BANGLADESH

Megna Guhathakurta from Bangladesh discussed the various representations of the sex worker by the State, in law and in the debates within the women's movement. She stated that most mainstream feminists regarded prostitution as coercive and rejected terms and positions that implied there was any choice or agency involved in their work. Megna, stated that the representation of the issue of prostitution was primarily from an "intrusive" male perspective and usually depicted as an issue of morality. She argued that the representation of sexuality generally was based on a bourgeois bengali culture. She argued in favour of a reclamation of sexuality by prostitute women. She attempted to locate emancipatory notions of the prostitute (beshya) in literature (for example, Rajlokki in Sarat Chandra Chatterjee's Srikanta) and more recently, in the bold verse of Taslima Nasrin. Meghna's translation of this verse is as follows:

There Goes the Beshya

Look – there goes the beshya,
The body of the beshya looks exactly like that of a human!
Her nose, ears, eyes are human, her hand, the fingers of her hand too.
She walks like a human, her clothes and attires.
She laughs like a human, cries like one, and talks like one
But instead of being called a human she is called beshya.
Beshyas are always women, they are never men.

The reason why women become beshyas, for the same reason
for keeping the same company, men remain men.
Behsya's are never men, they are like humans, and yet not human,

they are women!

There goes a Beshya – they point a finger at women
and humans look and they point at her.

(Taslima Nasrin)

VII REPRESENTATION OF PROSTITUTION IN POPULAR CULTURE: A LOOK INTO THE MALE PSYCHE

In the next presentation, Anuja Agarwal focused on prostitution in a popular Hindu magazine, *Saras Salil* that catered primarily to lower class men. She stated that prostitution was always a theme in these magazines, and the man was invariably represented as the victim seduced by a wily woman, exercising no control over the entire encounter. She spoke about the ideological control exercised by these magazines on the male psyche and the male client.

In the discussion, participants questioned whether the magazine catered exclusively to men and whether the fantasies represented were exclusively male fantasies. Sabeena pointed out that cultural products are used variously and there is nothing to suggest that everybody reads in the same way. In fact, it may actually be misleading to posit a universal reading of texts. She stated that there needed to be a more complex engagement with texts that moved beyond supposed 'intentions' of the author. The reading of the magazine discussed in Anuja's paper could be subverted if read from a feminist perspective.

Shohini stated that over-determined readings usually homogenized the imaginary reader. It also conflated authorial intention with 'reception' by the reader. More often than not, this position led to an inevitable denunciation of popular culture. The idea that the prostitutes in *Saras Salil* were the aggressors while the men were passive victims to be seduced could well be the fantasy of many women.

DAY TWO August 17th, 1997

Morning Session:

VIII "THE THREE LADIES" – A puppet show

On the second day, a puppet show entitled "the Three Ladies" was presented. The puppet show challenged the good woman/bad woman divide as well as prevailing assumptions about female sexuality.

After the presentation, the puppeteers joined in a discussion with the participants. Varun explained how puppets could be used to discuss issues of sexuality in an effective way as people were willing to accept representation of sexuality in this form. Varun stated that puppetry was an empowering mode of communication as it permitted communication about issues that may be difficult to talk about otherwise, such as sex and sexuality.

In suggesting changes to the production presented at the seminar, Meena from Sangli district suggested that the male puppets should be wearing condoms and that the sex scenes could be more innovative i.e. having the woman on top of the client.

A more general discussion of female sexuality and stigma took place. Joyti opened the discussion by stating that stigmatization and sexuality were key issues that we needed to explore. As regards sexuality, she stated that an important question to ask is what is "my relationship to the prostitute"? She referred to the article in the readings on Annie Sprinkle, a

prostitute/porn performer who loves sex. Jyoti stated that, as feminists, we needed to explore the pleasure/desire angle of prostitution.

Meena reinforced some of Jyoti's comments by stating that the celebration of sexuality was rarely discussed when addressing the situation of sex-workers. She stated that women in prostitution loved talking about their bodies. She also added that the Sprinkle article was the reason why she came to the conference. She was intrigued by Sprinkles experiences of twelve hours of sexual pleasure, hour-long orgasms and female ejaculation.

Yasmin stated that 'sexual pleasure' needs to be contextualized. It was a term often used in a heterosexual context. It was important to talk about orgasm for this reason. Another participant, who had participated in Annie Sprinkles workshops, felt that Annie Sprinkle broke down the barriers between gay and straight sexuality. Her feminism included working to show the commonality of experience in sexual pleasure rather than focussing on the politics of sexuality. She broke down the stereotypes of how to have sexual pleasure as a heterosexual or as a homosexual.

Rajeswari expressed concern that the discussions were sliding into the position of accepting Annie Sprinkle's sexuality because she says so. This was problematic because Sprinkle's language of sexuality resonated with male sexuality, and the "tyranny of orgasm". She argued in favour of exploring a more creative discourse around female sexuality.

Yasmin agreed with Rajeswari in finding the spiritual aspects of Sprinkle's work problematic. However, she also stated that in a country like Sri Lanka, there was a very limited space to articulate sexual pleasure, especially for lesbians. Although the tyranny of orgasm in some ways copied male sexuality, Sprinkle was nevertheless important because of the information she provided.

Meena argued in favour of the "tyranny of orgasm" as it gave us new ways in which to think about sexual pleasure generally not just for women in prostitution.

On the other hand, Firdous was of the view that Sprinkle was too much of an advocate for free sex. She also argued that increased marketization of prostitution led to increased levels of violence against women.

The Annie Sprinkle article also raised the issue of stigma. Jyoti stated that stigmatization needed to be discussed as it restricted agency, ability and to some extent overlapped with the stigmatization faced by all women. The issue of stigmatization surrounding sexuality had to be examined as it served as a common link between "other" women and prostitutes. Questions arose as to whether the Sprinkle interview reinforced the stigma of prostitute women as being simply weird?

Usha stated that the law in India actually perpetuated the stigmatization of prostitutes. As she is regarded as a "fallen woman", it is assumed that she is more likely to commit crimes.

We discussed the relevance of Sprinkle to the South Asian context. Rajeswari commented on the emergence of libertarian sexuality from within the women's movement in opposition to the MacKinnon perspective. She asked, "how do we recuperate Sprinkle for feminist politics" in India/South Asia? Sprinkle was located within the North American paradigm of pop-psychotherapy and libertarian sexual politics. Such an approach could be used to challenge bourgeois sexuality, but there were also problematic consequences. Another participant stated that Sprinkle's type of sex work was nothing more than a marketing gimmick.

Yet these positions should not reinforce the position adopted in much of feminist writing which delinks pleasure and desire and portrays prostitutes as never 'enjoying sex'. Secondly, it may be important to recognize how prostitutes are creating sexual freedom among themselves as well.

Paula stated that we needed to distinguish between sexual libertarians like Paglia, and Rophie (who represented a feminist backlash agenda), and Sprinkle, who was primarily a performer that we deployed within our context.

Siriporn stated that the Sprinkle kind of literature made her uncomfortable. She felt that if women started to argue from a position of enjoying sex, it could reinforce the stereotypes about the type of women who are prostitutes. The politics of sexual libertarian arguments rests on accepting promiscuity. She felt that ethical values did have a role to play in the issue of sex work (and she distinguished ethical values from moral values). She stated that community sanction had a role to play in the area of prostitution. She said that she found herself constantly caught between the positions of religious conservatives and the pro-sex contingent. She argued that these positions continuously clash. For example, in one municipality in Holland there was a struggle between prostitutes and the residents of a community where a zone for prostitution was proposed to be set up. The community was against the setting up of such a zone on the grounds that it would bring large numbers of people into the area and increase the noise in the locality. The community had a right to peaceful residence. This was not a moral consideration, but one that had to be considered. These were ethical concerns, which should inform feminists' strategies around prostitution.

On the issue of cultural difference, Meena recounted her experiences in Thailand, and how different the context was for sex workers. In other words, the Sprinkle piece was not limited to cultural differences between the "first world" and "third world" prostitutes. There was also difference between prostitutes within Asia. Meena was "shocked" at the extent of exposure of the female body, and how sex work in Thailand functioned in a more commodified way. She stated that her reaction to prostitution in Thailand was similar to when she first started working with prostitution in India. While Meena was shocked at the situation of sex workers in Thailand, Siriporn was also "shocked" by the condition of sex workers in India.

On the question of culture Kanchana pointed out how it was not homogenous even within the country. She pointed out that a traditional devadasi would feel "shocked" if she went to the red light district in Bombay. Culture became a relative context and not apparently a grounds for negating or dismissing an experience.

Kanchana also spoke about how Sprinkle, who was so radical in terms of her sexuality, seemed to adhere to some stereotyped altruistic values, such as selflessness. In contrast, in some of the so-called traditional Indian texts, there was evidence of non-stereotyped values, including a negation of many values that are normally associated with being a good woman. As an example of the variation found within these traditional texts, Kanchana referred to the Yoni Tantra. It lists the nine kinds of women on whom one can perform a Yoni puja. These include unmarried non-virgin women, and the prostitute is specifically mentioned in this text.

A question arose as to how stigma was used as a means of control over women who were prostitutes and how this was different when it came to lesbians. In the first situation, the woman was sexually accessible to all men, where as in the latter case, the woman was sexually accessible to almost no man. Gay men are considered "whores" more often than women. Why was this the case? Is it because they are more sexually active or because they are so active with men? Can women ever be seen as promiscuous because they don't have sex (in theory) with men? What is the basis of the stigmatization of women if it is not as whores? Is it their "perversion"? Are all those who deviate from marriage just all grouped together and stigmatized as sexual perverts?

In summarizing the discussion Jyoti pointed out how Meena was shocked in Thailand, Siriporn was shocked in India and Joyti was shocked at both. Is Sprinkle shocking because of difference. Or is it the degradation of women that is shocking?

Secondly, she pointed out that the question of feminist ethics was important. Yet we are in some ways uncomfortable with the term and its connotation of morality.

Some other questions provoked by the discussion included: How is promiscuity linked to power? How is it different for women and men? What are the notions of freedom and human rights in regards to this area? Was morality distinct from ethics? Was the issue of sexual freedom a moral issue? Do ethics have a role in this discussion? Are there some common minimum ethics that feminists should adhere to in the discussion and strategizing on prostitution? Does Annie Sprinkle reduce the abusive aspects of this work? Is she just an entertainer? Is there a "tyranny" of orgasm in Annie Sprinkles work? Paula also inquired whether in this conference we were using measures for sexual liberation, or suppression, that have a universal, cross-cultural resonance, or were we saying that these concepts were by their very nature, culturally bound?

IX CONTEMPORARY DILEMMAS CONFRONTING SEX WORKERS IN THE CONTEXT OF SOUTH ASIA/SOUTHEAST ASIA

In a second presentation by GAATW, Siriporn discussed how she had shifted from an abolitionist to a decriminalization position. She discussed how the abolitionist position was frequently framed within a dichotomous framework that is, as rich and poor, east and west etc. Abolishing of sex work would not stop it and in fact, would only further alienate women who were in sex work. She also stated that a distinction had to be made between adult sex workers and children in prostitution, and the criminal law should be used in the context of the latter and not the former.

There was a great deal of division on the issue of prostitution between prostitutes and feminists in Thailand and the Philippines. She stated that prostitutes were not a homogenous category and there could not be one homogenous strategy to address their issues and concerns.

There are various sites of struggle for prostitute women such as law, society, the perpetuation of rescue schemes and the problem of stigmatization. She endorsed an ethical principal rather than a moral one. Ethical values were universal, for example, opposing child prostitution. She argued that ethical values should form the principle of feminist politics in the area of prostitution. She spoke about the introduction of a standard labour law and sex law that would address ethical issues.

On the issue of trafficking, she stated that some groups felt GAATW should not distinguish between forced and voluntary prostitution because one was always forced by circumstance. However, she clarified that GAATW used the term force in a classical sense, that is, physical force.

Siriporn said that the organization was against the enactment of special laws for registration of prostitutes and brothels. They supported a position that sought to use existing labour laws and entertainment laws to control the degree of exploitation of women. Zoning provisions were problematic from both the perspective of the prostitute as well as the community. These provisions ghettoized the prostitute and also intensified societal prejudice against prostitution. The community had a right to oppose their area being converted into a red light area.

In Thailand, prior to 1960, prostitution was legal. Pursuant to the 1949 Convention, rehabilitation centres for prostitutes were introduced in Thailand. Women's groups tried but failed, to get rid of all laws relating to prostitution as they only led to the harassment of the prostitute woman. Siriporn also drew attention to some of the limitations in subjecting women to labour laws. She was concerned with how such a regime would address self-employed women in prostitution or part-time workers?

Siriporn argued in favour of changing the laws and decriminalizing prostitution. Secondly, she argued for strategies to eliminate the stigma surrounding prostitution. (see *moving the whore stigma : Report on the Asia and Pacific Regional Consultation*, GAATW International, Thailand, 1997) She felt there was some consensus that the law needed to be changed in our countries. It was important to talk about the changes required, as well as how it could enable a woman to reveal her status as a sex worker while retaining her right to privacy at the same time.

There was some discussion on the distinction between decriminalization and legalization. Decriminalization and legalization both involve taking the issue of prostitution out of the framework of criminal law. Thereafter, women could be subjected to the existing regime of labour laws, or affirmative action measures taken to redress the historical disadvantage and stigma they experienced because of the nature of their work. Or, if prostitution were legalized, it would involve introducing zoning and licensing provisions that could in turn be used to exploit or harass the women workers.

In the discussion, Murli, a lawyer, argued that the emphasis of strategies should be on the economic betterment of women. Yet this position assumed that all prostitutes entered prostitution because of economic need. On the application of labour laws, Usha stated that these laws would not necessarily help women.. The labour laws in India applied mainly to the organized sector and excluded any one who could not be identified as employed by that sector. Shomona also endorsed this view, stating that the existing labour laws did not necessarily help workers in general, but were used mainly to maintain industrial peace. These laws would not necessarily be empowering for the women.

Rajeswari also stated that no single set of labour laws could address all the multiple needs of sex-workers. She also stated that empowering women through law was distinct from "legalization of prostitution" which was concerned with making prostitution safe for clients. She added that laws were important and that having law on ones side was empowering. Usha stated it was important to recognize that the initiative to reform the law was coming from the government and that it was important to seize this opportunity.

Nitya added that it was important to acknowledge the exploitation experienced by these women, while at the same time recognizing their agency. The enabling laws should recognize this dual location of women in sex work.. She also stated that we needed to adopt a human rights approach to this issue.

Usha stated that in focusing on the rights of women in prostitution, we should not at the same time overlook the interests of those forced into prostitution. The point of entry was the problem area according to Usha. She also reiterated the point that the existing law simply intensified the stigma against the prostitute. It was a moralizing tool that could not empower women.

Although she appreciated Usha's concern, Siriporn stressed the need for a uniform code of conduct for sex workers regardless of how they entered the work. She emphasized the need to secure the recognition of sex work as work in official discourse.

Afternoon Session:

X INSTITUTIONALIZATION OF WOMEN AND LAW IN INDIA

Usha Ramanathan, in her presentation argued that the law viewed prostitutes as a nuisance and a law and order problem. The law is more concerned with who they are rather than what they do. She stated that prostitution as a profession created a stigma that separated these women from the general society.

The main focus of her presentation was on institutionalization as a form of rehabilitating women in prostitution. Her presentation focused on the assumptions upon which the policy of institutionalization was based. The State regarded institutions as a way of intervening to protect, correct, help or reform those who deviated from societal norms. The law provided that prostitute women be kept in protective or corrective homes indefinitely. For this reason, many prostitutes preferred conviction rather than rehabilitation. However, pleading guilty to an offence carried its own consequences. In particular, it created a record of criminal conduct by the woman and thus reinforced the public perception of the prostitute as a criminal and prostitution as a criminal activity.

She stressed how the policy of rehabilitation denied women any autonomy. The policy was infused with protectionism hence treating women as victims, incapable of looking after themselves or decision making. This approach characterizes a great deal of legislation that is enacted ostensibly for women's benefit.

Furthermore, these homes provided few alternatives for women. They were taught to sew and cook and learn other tedious domestic chores. Such options were merely intended to transform the prostitute woman into a domesticated good woman, who selflessly engaged in the most tedious chores and activities for the benefit of others, not necessarily herself.

She spoke about some of the practices in institutions, which including mandatory testing, lack of privacy and segregation of people with HIV from other "inmates". The worst fact was the lack of existence of any State mechanism to which women could take recourse for leaving the institution. The institutions only aggravated the stigma against these women as persons who should be kept isolated from society in the 'public interest'.

At the same time, Usha stated that these institutions could not simply be done away with. They needed to be altered to make them more accessible and transparent in their functioning. She was initially of the view that such places ought to be dismantled, but subsequently realized that these were the only institutions available to women.

In discussion, it was pointed out how prostitute women preferred to go to jail for a week or so to avail of the services provided there, such as medical facilities, rather than opt for one of these institutions. Murli also pointed out that the rehabilitation policy was based on the flawed assumption that if women had an alternative, they would not go back to prostitution. However, in prostitution, women have a community, they have certain facilities such as television and they earn a livelihood. In the institutions, they become lonely, isolated and bored.

Rajeswari pointed out how the solution to a problem depended on the way in which the problem is described. The liberal position would be that institutions are badly run and therefore the remedy would be to improve the institutions, that is the problem and the solution lie in institutional reform. This position was argued in the Agra Protective Homes case. The radical feminist position would be to examine why prostitutes wanted to 'escape' into institutions? It is important to look into the bigger picture when trying to understand and alter

the solution to a problem, in this case the provision of rehabilitation homes for women who are rescued from prostitution.

Day Three August 18, 1997.

Morning Session:

XI SOME ASPECTS OF THE LEGAL REGULATION OF SEXUALITY IN SRI LANKA

Yasmin from Sri Lanka, spoke about some aspects of the legal regulation of sexuality in Sri Lanka. Her presentation focussed on the 1995 debates regarding the revisions to the Sri Lanka Penal Code. She discussed four areas: rape, abortion, homosexuality and prostitution. The Penal Code was enacted by the British in 1883 and had not been substantially altered for over 112 years. The major revisions to the code came into effect in 1995. Increasing concern over male child prostitution, sexual violence against women, and sexual abuse of girl children in part, prompted the revisions.

During the debates the issue of marital rape was a highly contentious one. Marital rape was not criminalized under the old British law. Some people wanted a rape clause that criminalized rape of a woman by her husband under any circumstances. Yet the ultimate provision was curtailed and only recognized rape in the context of a woman who was judicially separated from her husband. The opposition to an unqualified provision on marital rape came from members of parliament who claimed that under Islam, the primary objective of marriage was procreation. Hence marital rape in the interests of procreation seemed to be justifiable. A further concern was that a marital rape provision would not accommodate the fact that a large number of men had died as a result of ethnic violence in Sri Lanka. She stated that this argument justified forced impregnation of women because of the consequences of the war in Sri Lanka.

There was also a great deal of debate on the subject of abortion. The law permitted abortion only where the mother's life was endangered. The efforts to make abortion legal in the interests of the woman's safety, as well as to provide an avenue for victims of child abuse and incest, was defeated. The arguments justifying the existing law included the need to safeguard the life of the fetus and secondly the fear that greater access to safe abortions would result in "increased sexual license on the part of women".

The political context, that is state sensitivity to the "values of different ethnic groups in Sri Lanka, was used to justify the existing laws on abortion and only a slight amendment to the marital rape provisions. Ethnic concerns were prioritized over women's sexual autonomy.

The opposition to the proposed amendments also demonstrated an anxiety over the consequences of granting women sexual autonomy. The implicit concerns were that such empowerment would compromise ethnic concerns and be attained "at the expense of male control and male sexual need."

As regards homosexuality, Yasmin stated that male homosexuality was criminalized under the existing provisions of the penal code. (clause 365) During the amendment process, lesbianism also came to be criminalized. This was in part a consequence of the concern around pedophilia that was collapsed into a concern that male homosexuals are responsible for this practice. This concern became articulated as an opposition to homosexuality more generally as having a corrupting influence on society.

The issue of prostitution was addressed in the context of child prostitution, pornography and sexual exploitation. Under the existing law, prostitutes, customers and brothel owners can be

prosecuted. Prostitutes are also liable to prosecution under the vagrancy laws. Under the Prevention of Terrorism Act, the police are empowered to pick up any one they regard as a threat to national security. Streetwalkers are frequently at risk under these laws and hence have become reluctant to practice their trade.

She pointed out how prostitution in Sri Lanka was concentrated in tourist areas. They are not generally a part of a large trafficking network, but frequently move in and out of prostitution, often using it as a means to supplement their incomes from other jobs.

During the discussion, Yasmin was asked what the response of the women's movement was when all of these reforms were taking place in 1995? She stated that on the issue of homosexuality, there was little response. Homosexuality was collapsed with the issue of child prostitution during the discussions. Siriporn pointed out that the increase in pedophilia laws led to a witch-hunt against sexual minorities.

Siriporn stated that the issue of exploitation should determine whether certain prostitution/labour practices were acceptable. But Ratna also stated that we had to start out by saying that it was okay to be a sex worker, a homosexual etc. If we slipped immediately into arguments about coercive and exploitative practices, we would lose rather than gain ground.

The increasing criminalization of sexual conduct needed to be taken on board by feminists who were lobbying for legal reforms in the area of rape, sexual harassment and child sexual abuse, in many countries in the Asia-Pacific region. The conservative impulse that informed many of the new laws criminalizing sexual conduct of the types referred to by Yasmin, could have serious implications on laws that feminists were lobbying for as they were also concerned with sexual activity. We need to address the extent to which criminalizing sexual behaviour actual harms or helps women? And whose agendas are simultaneously strengthened by these reforms?

XII DEMANDS OF SEX WORKERS IN MAHARASHTRA

Meena spoke about the position of prostitutes in Sangli district where she works. She presented the demands of the sex workers in Sangli which are annexed as D. She spoke of how her initial attitude towards her work with prostitutes was to "save" them. She operated on the assumption that prostitutes were exploited, oppressed and immoral. Gradually, she began to understand the relationship of these women with men, children and the broader political and social structure. Her views altered radically.

Meena spoke about the difference in the relationship between men and women in mainstream society and men and women in prostitution, where one particular man did not possess the women. They were in control of the transactions that took place with customers. They trivialized the phallus and male sexual control through jokes and stories that constituted part of a popular whore culture. She argued that women in prostitution bonded together because of their marginalized status in society.

Prostitution posed a challenge to the mainstream family structure and marriage. Many sex workers enjoyed a parallel life of homosexual love. It was separate from "danda", which was the word used to describe sex with a man to earn money. Although many women were married, many also lived with a woman. There was no stigma attached to homosexuality within the prostitute's paradigm.

Women also demonstrated control in reproduction, where the man was considered to be irrelevant apart from impregnation. She stated that women outside of prostitution had less control over their lives as compared with women in prostitution. Within the prostitutes' community, men were seen as a means to an end.

She also spoke about the denial of basic rights to prostitute women. They were not on voting lists, were not given ration cards, and had no legal identity.

Meena was challenged for contrasting a decontextualized category of "mainstream women" with the highly contextualized and heterogeneous category of the Sangli prostitute. Usha stated that the Meena seemed to be presenting prostitution as an alternative for women. She felt Meena's arguments were reductionist and also glorified the status of the prostitute. She asked Meena what happened to these women after they reached the age of thirty?

Rajeswari also stated that the Sangli women might challenge the "mainstream women", yet did they actually want their daughters to become prostitutes or did they want to provide their daughters with an education? She referred to Veena Oldenburg's article, where the daughters of prostitutes wanted to remain outside of prostitution. She stated that it was important to hear more about the material circumstances of these women. Once again, if they were in control of their transactions as stated by Meena, then why did they not charge more for their services?

Rajeswari stated that she would object to her husband or son going to a prostitute, not for moral or health reasons, but as a feminist. She wanted to understand what kind of man would go to a prostitute, emphasizing that this was not a rhetorical question, but one to which she was genuinely seeking an answer. In speaking about feminist values, she asked: "will prostitution prevail or are we fighting for a situation where this kind of social arrangement will not be necessary?"

Paula questioned the distinction being made between a "moral position" and "feminist values" and asked if both were not normative considerations for how women should operate? Rajeswari stated that there was a difference between feminist values and religious based morality. She stated that as feminists we are opposed to prostitution not because of conservative morality, but because it is negative for women.

There was some concern over why Rajeswari did not want the situation of prostitution to prevail. She stated that there was a distinction between a committed relationship and a one-time encounter. Trinity argued that going to a prostitute was like having a casual affair, and asked how, as feminists, we felt about casual sex? In fact, she stated that sometimes prostitution was a more honest relationship because both parties knew what they were doing and what they were getting. She was also concerned that Rajeswari's arguments could also be applied to homosexuals. Anuja disagreed and stated that prostitution and homosexuality were very different issues and that they were not being lumped together.

Rajeswari was asked to elaborate on her position as regards the future of prostitution? She stated that we needed to think about it systematically and contextually. It could not be posed as a utopian alternative to marriage. Patriarchy could not be reduced to men – it is a system. We cannot reduce solutions to prostitution only to improving their lives. The social function of prostitution had many other implications that were not confined to the client, the pimp and the prostitute. It also had economic implications, which went beyond being just a source of income for women. For example, the global circulation of capital and militarism were all linked to prostitution. These links needed to be examined and a position taken on them.

Paula asked what the precepts to feminist morality/values were? She asked if as feminists we were opposed to the non-committed, momentary relationships? Are we opposed to transactions of sex for money? Or are we opposed to the exploitative practices that are associated with prostitution? In raising the issue of global capital, and the broader socio-economic issues, we are moving to a different level of abstraction, away from what we mean, in this instance, by "feminist values", where they stem from, and what they constitute.

The discussion challenged participants to think about the difference between morality and feminist values; the role of prostitution, if any, in a feminist vision of the world; as well as to think about the systemic institutionalization of prostitution which was a manifestation of gender inequality. If the unequal power relationship that created this kind of service were to be altered, would prostitution continue to exist? And if our concern is with getting rid of unequal power relationships, do we also envisage a society in which the institution of marriage will not prevail (as it currently does)?

Afternoon Session:

XIII THE DISCREET CHARM OF BADNESS: TAWAIFS AND PROSTITUTES IN HINDI CINEMA

Shohini's presentation dealt with the "fallen women of a fallen genre of films": the tawaif and prostitute woman of Hindustani commercial cinema produced in Bombay. The presentation sought to question why women, as viewers/spectators, had been attracted to the tawaif/prostitute films when the greater film narrative was ostensibly about her misery, stigma and tragedy. Hindi films had presented an entire range of tawaif and prostitute women, through the courtesan, common prostitute, vamp, masquerades and dancing women. The apparition of the prostitute had animated the roles of many female protagonists even when they were not explicitly depicted as prostitutes. One such important figure was Rosie in the film "Guide".

The presentation explored the possibilities of the space occupied by the tawaif as against that of the heroine. The tawaif space, it would seem, allowed women protagonists to occupy the diegetic space of the hero, experiment with her sexuality, explore relationships outside the normative hindi cinema family set-up and non-monogamous, non-marital situations; indulge in 'forbidden loves'; create alternative family set-ups; be disobedient and finally immerse herself in pleasure. Shohini stated that this pleasure was never represented as explicitly sexual, but one negotiated through the sensuality of music and dance. To this end, hindi films represented the ghungroo (dance anklets) as a metaphor for both pleasure and prostitution. She said that hindi films ambivalent use of this metaphor provided a way to explore the contradictory and complex space of the tawaif/prostitute and similarly, the female spectator's engagement with the text.

During the presentation, Shohini showed the participants film clips from a montage of Helen as a vamp, and excerpts from Guide, Mausam, Pakeezah, and both versions of the song 'choli ke peechey kya hai (what's behind the blouse?)' from the film Khalnayak.

In the discussion that followed Rajeswari stated that they had done a workshop on the song 'choli ke peechey' where they had discussed why the song was so successful. She felt that the song had become popular because of the colour, choreography, camera work etc. She also stated that while songs acquired an autonomy outside of the film narrative as a result of television and countdown shows, we could not afford to forget the context in which they are used. While discussing pleasure, it was important to move beyond pleasure and do more of a textural analysis.

Shohini stated that there was need to keep in mind we are talking of spaces partly because the larger narrative is invariably conservative. The discussion of spaces emerged because the larger narratives were sexist and/or discriminatory towards women. While critique of the larger narratives had been done from the 1970's onward, the notion of resistance through spaces was rarely discussed. The discussion of spaces arose precisely because the larger narratives were problematic for feminists. The discussion of 'spaces' for instance became redundant for a film like Mrityudand, which was animated by a feminist consciousness.

Concurrently, a foregrounding of pleasurable spaces without the attendant 'guilt' trip of enjoying a problematic text, and thereby being a bad feminist, could lead us to understand why popular cinema attracted women even though it has rarely been 'feminist' or 'woman centered'.

Anuja felt that while she agreed songs like 'choli' allowed women pleasure and enjoyment, it also created a 'new vocabulary' for men who then used the song to tease women in the streets. She also pointed out that boys in college hostels often invited women to sing and dance for them.

Sabeena stated that sexual harassment happened regardless of songs and that there was no correlation between the song and the actual harassment. Anuja stated that it gave harassers a new vocabulary. Ratna pointed out that it also gave a new vocabulary to pleasure for women. Shohini also added that 'choli' was not new vocabulary and in fact, the words had been taken from a traditional rajasthani folk song.

Anuja argued in favour of a balanced approach. However, Ratna pointed out that we were in an unequal position to begin with so the balance was already skewed. There is already a dominant conservative morality in existence that seeks to constantly curtail or restrict the sexual speech and sexual conduct of women. It is within this framework that the search for spaces of pleasure becomes very significant and empowering for women.

XIV CFLR MEMORANDUM

Shohini's presentation was followed by a discussion of the CFLR draft proposal on reforming the law governing prostitution in India.

Ratna gave a brief summary of the contents of the proposal. The objective of the proposal was to give visibility to the rights aspect of prostitution and not to come out with a neatly packaged law.

The Centre was unclear whether a declaration of the rights of women in prostitution was sufficient or whether something more was required. For example, should we endorse some kind of labour regulation for women in prostitution? The memorandum also critiqued the existing law, which was convolutedly drafted and aggravated the situation of women in prostitution more than it alleviated it.

The intention of the Centre was to submit the proposal to the National Commission on Human Rights, the Law Commission and the National Commission on Women for consideration. The Centre was particularly keen for the Human Rights commission to address the proposal as it would then be regarded as a political issue rather than as a social problem if left to the National Commission on Women to handle. It will also be circulated to different ngo's and educational institutions to serve as an educative tool on the issue of prostitution/sex work.

Several comments and critiques emerged from the discussion on the memorandum. There was a concern that subjecting women to the labour laws would not necessarily improve their position as a regime of labour inspectors would replace a regime of police. Women would remain under moral scrutiny and this would do nothing to eradicate the stigma. Nitya was critical of more bureaucracy being introduced into the lives of a vulnerable section of society. She also recommended that the National Commission of Human Rights set up a sub-committee which would consist of human rights experts and sex workers to provide support for women in the industry. They would take up violations of human rights of women in prostitution, rather than be a regulatory or monitoring body. The body could also survey protective homes and make them more accountable and transparent in their operations.

Rajeswari added that if greater legitimacy were given through self-representation – where expertise and specialization were required – then more middle class women would legitimate prostitution/sex work, opt for it, and break down the construction of the prostitute woman as the 'other'.

Usha Ramanathan also suggested that the existing institutional regime concerned with rehabilitation, be replaced with a facilitative structure. She added that general poverty coupled with State corruption was the biggest violation taking place in connection with women in prostitution. She stated that legal aid and legal counseling were not always provided to these women, although legal representation was provided under the provisions of the 1995 Act. Another issue that needed to be addressed was stigma. Did the law have any role to play in trying to remove this stigma.

Meena stated that prostitution had to be decriminalized. However, legal reform could take a long time. There was a suggestion to begin introducing a rights approach to prostitution by challenging certain provisions of ITPA as violating women's fundamental rights. This strategy could be adopted at the state level, and petitions filed in several high courts in the country. Although there was a likelihood of losing the case, the idea would be to create public awareness around the issue and have it presented as a rights issue and not a moral one.

The recommendations that emerged have been elaborated upon in the CFLR memorandum. The content page of the memorandum is annexed as **annexure E**.

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OUTLINE

(this schedule was varied during the course of the actual seminar)

DAY ONE : August 16, 1997

9:30 – 10:30

- ⇒ Introduction by participants
- ⇒ Each country to present a brief general overview of sex trade in terms of both law and representation
- ⇒ Summing up and setting out of the issues by CFLR – Ratna Kapur

10:30-10:45

tea/coffee break

10:45-11:15

Chair - Usha Ramanathan

- ⇒ Presentation by Jyoti Sanghera from the Global Alliance Against the Trafficking in Women - position of GAATW as distinct from others in the Asia- Pacific region (Bangkok, Thailand)

(Reading: Item 10 in the CFLR resource materials)

11:15-12:00

- ⇒ Response/summary of issues by chair; clarifications from participants
- ⇒ General discussion

12:00-12:30

- ⇒ Anu Bindra, Lawyer, presenting on the existing law in India and evaluation/critique of law reform proposals (New Delhi)

(Readings: Item Nos. 2, and 3 in CFLR resource materials)

12:30-1:00

- ⇒ Response/summary of issues by chair; clarifications from participants
- ⇒ General discussion

1:00-2:00

Lunch

2:00-2:45

Chair – Shohini Ghosh

- ⇒ Megna Guhathakurta, presenting on the representation of the sex trade in Bangladesh (Dhaka, Bangladesh)
- ⇒ Response/summary of issues by chair/clarification and questions by participants

2:40-3:30

- ⇒ Anuja Agarwal, representation of the sex trade in popular culture in India (New Delhi)
- ⇒ Response/summary of issues by chair and questions clarifications by participants

(Readings for Megna and Anuja's sessions: Item Nos. 1 and 8 of CFLR resource materials)

3:30-3:45

tea/coffee break

ANNEXURE B

3:45-5:00 General discussion on the issues raised during the presentations

Evening - Free

DAY TWO- August 17, 1997

Chair – Jyoti Sanghera

10:30-11:15 “Three Ladies”, puppet performance by Varun

⇒ Summary of issues by chair
⇒ General Discussion

11:15-11:30 tea/coffee break

11:30-12:00

⇒ Presentation by Siriporn on the contemporary dilemmas that confront
prostitutes/sex workers in the context of South Asia/South East Asia
⇒ Summary of issues by the chair

12:00-1:00

⇒ General Discussion

1:00-2:00

Lunch

2:00-2:45

Chair - Firdous Nazmi

⇒ Shohini Ghosh, representation of the sex trade in India

⇒ Response/summary of issues by the chair and questions/clarifications
from the participants

(Readings: Item Nos. 4,5 and 6 of CFLR resource materials)

2:45-3:00

Tea/coffee break

3:00-3:45

Chair – Rajeswari Sunder Rajan

⇒ Usha Ramanathan, lawyer/legal researcher, presenting on the
institutionalization of women and law in India (New Delhi)
⇒ Response/summary of issues by the chair and clarifications and
questions by the participants

(Readings: Item No. 7 of the CFLR resource materials)

3:45-5:00

⇒ General discussion

Evening

7:30

Cocktails at B-12 Maharani Bagh for friends and participants

DAY THREE-

August 18, 1997

9:30-10:15

Chair – Megna Guhathakurta

ANNEXURE B

	⇒	Presentation by Meena Saraswati Seshu on the demands of sex workers/prostitutes in Maharashtra
	⇒	Response/summary of issues by chair and questions/clarifications by participants
		(Reading: Item No. 9)
10:15-11:15		Broader discussion on Issues raised
11:15-11:30		tea/coffee break
11:30-12:15	⇒	Yasmin Tambiah, International Centre for Ethnic Studies, presenting on the legal regulation of sexuality in Sri Lanka (Colombo)
	⇒	Responses/summary of issues by chair and questions/clarifications by participants
		(Readings: Item No. 4 and U.N. Special Rapporteur's report on Trafficking: to be provided at the beginning of the seminar)
12:15-1:00		General discussion on the issues raised by both speakers
1:00-2:00		Lunch
2:00-3:15		Chair : Nitya Ramakrishnan
	⇒	Shomona Khanna, presenting CFLR law reform proposal (copy of proposal will be supplied at the beginning of the seminar)
	⇒	Response/summary of issues by chair and clarifications/questions by participants
		(Readings: Item Nos. 10 of the CFLR resource materials)
	⇒	General Discussion
3:15-3:30		tea/coffee break
3:30-4:30		The remainder of the session will consist of discussions on various issues raised by the speakers through the course of the seminar as well as the readings. Participants will be called upon to spontaneously prepare a topic for discussion and to guide the discussion
Evening		8:00 CFLR dinner for participants at IIC, private dinning room

CONTENTS

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A STATEMENT FROM WOMEN IN PROSTITUTION

From : Veshya AIDS Muquabla Parishad [VAMP] and SANGRAM Sangli.

Prostitution is a way of life like any other. It is a survival strategy that is parallel to any other occupation. It is not created for the benefit of men as is the common perception, rather it is primarily for the women who live off it. Women in prostitution make money out of sex and we are the breadwinners of our families.

We disagree with the statement that prostitution is a profession. We make a distinction between profession (vyavasay) and occupation/business (dhandha). For instance, if we are presently occupied by making money out of sex, then that is our occupation for a short span of time. The nature of the business itself is time-bound. Therefore, by using the term profession, we are necessarily being pushed into a category for a lifetime. We are women who are practicing this time-bound business of prostitution for a short and specific period in our lives. Please remember that when we are not making money out of sex, we are engaged in other income-generating activities.

We believe that all occupations stereotypical to women adhere to so-called 'feminine values'. They capitalise upon qualities like tolerance, sympathy, tenderness, endurance, understanding, patience, forbearance and much more, be they housewives, typists, nurses, teachers, office assistants, receptionists, women in prostitution etc. We believe that the socialisation of the girl-child to accept such occupations as the only alternative is also a major reason for the perpetuation of sexual discrimination in the female work-force. We believe that women in prostitution are no different.

We believe that we are more empowered than most women within male-dominated patriarchal structures. For instance, within the family structure (which we know is the most oppressive), we are the breadwinners and the heads of our households. The relationships we share with the men from our families are more honest and equal because the purdah of double standards is not necessary.

Economic independence from men is a reality that we enjoy with pride and dignity. Brothel-owners, goons, the police and the self-appointed crusaders of morality in society harass us, try to curb our independence and are forever trying to douse our spirit. Control structures have a vested interest in criminalising prostitution. What we demand is the de-criminalisation of prostitution such that we can live safely and continue to choose to make money from sex without stigmatisation. We demand the eradication of all laws concerning prostitution which are oppressive and help in further criminalising the trade.

We believe that making money from sex is but selling a part of our body which is in no way different from selling our brains or physical labour. We protest against a society that deems our work contribution as less prestigious than other traditional forms of work. We believe that we have the potential to challenge and undermine structures of power by using a part of our womanhood - our sexuality as a source of our power and income.

We also protest against all laws and value systems that treat soliciting for sex as indecent while sanctioning other forms of sexual contracts from advertisements to exchanging gifts by marriage partners to dowry.

As people who experience violence as a part of our daily life, we are being more and more penalised by increasing violence in a society that is trying to order and control our lifestyles. As women in prostitution, we protest against a society that forces on us the violence of a judgemental attitude.

We believe that a woman's sexuality is an integral part of her as a woman, as varied as her mothering, domestic and such other skills. We do not believe that sex has a sacred space and women who have sex for reasons other than its reproductive importance are violating this space. Or if they chose to make money from the transaction they are immoral or debauched.

We believe that child prostitution is akin to child sexual abuse, molestation and rape and that it exists in a society that is fraught with crimes of abduction, kidnap, assault and violence against women. We believe that as comparable to poor, weak and marginalised communities, we are unable to have a reasonable control of our lives and destinies. We share the same experiences of women who live in the Third World.

We believe that there is a distinction between trafficking, which is a criminal issue, and adult prostitution. While we agree that 'choice' is a cruel mirage for all women, we feel the need to acknowledge that adult prostitution as an option, exists. We also believe that women who are in prostitution, choose to continue to remain in business for many reasons.

We believe that when involuntary initiation into prostitution occurs, a process of socialisation within the institution of prostitution exists whereby the involuntary nature of the business changes increasingly to one of active acceptance, not necessarily with resignation. This is not a coercive process. We believe that, despite living within a capitalist patriarchal society and having experienced the freedom of living outside the patriarchal system, it is almost impossible for us to contemplate entering such a system with its inherent double standard, lopsided value system and inequalities.

We protest against a society that deems us immoral and illegal mainly because we do not accept its mores, rules and governance. We protest against the various forces of mainstream society that deny us the right to liberty, security, fair administration of justice, respect for our lives, discrimination, freedom of expression and association.

We also protest against a society that aggressively promotes objectification and commercialisation of women and their sexuality. We protest against the sale of our sexuality in the international market by unscrupulous individuals and governments who reap huge profits off our bodies. We are in a business wherein the control has shifted from traditional members of our community to criminal syndicates. In today's world, unfortunately we are sacrificed and commodified by vested interests, sometimes from within our own communities.

Globalisation and economic liberalisation is further breaking up our communities and forcing us to accept the sale of our very young in the urban industrial centres. Movement in search of work is not new for us, the problem however is the criminalisation of the trade which is forcing us to accept debt bondage, forced labour and slavery-like practices. Consequently, we find ourselves in the trap of criminal syndicates in our search for work.

We believe that it is imperative that we must unite with each other to erase the stigmatisation of women in prostitution and restore our dignity as workers and citizens of civil society. We must build alliances with other segments of society and together, we must struggle against the forces who have a vested interest in eroding the rights of all women..

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