

# VIOLENCE AGAINST PEOPLE IN SEX WORK IN INDIA

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**SUBMISSION TO THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST  
WOMEN - Ms. RASHIDA MANJOO  
COUNTRY VISIT 2013 - INDIA**

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## 1. INTRODUCTION

International and National commitments call on States to exercise “*due diligence in preventing, investigating and punishing acts of violence against women*” and providing women “*access to mechanisms of justice*” and *due redress in accordance with national legislations*.<sup>12</sup>

The Global Commission on HIV and the Law recently stated that *to ensure an effective, sustainable response to HIV that is consistent with human rights obligations, countries must reform their approach towards sex work. Rather than punishing consenting adults involved in sex work, countries must ensure safe working conditions and offer sex workers and their clients access to effective HIV and health services and commodities*<sup>3</sup>.

The Hon'ble Supreme Court of India has upheld the rights of women in sex work observing that Article 21 of the Constitution of India grants them a right to *live with dignity*<sup>4</sup>.

Despite these commitments, people in sex work continue to be stigmatized, discriminated and denied access to their rights. Violence against people in sex work denies them the fundamental right to life and dignity.

This submission address three critical areas of violence faced by sex workers - police violence and harassment of sex workers; conflation of adult consenting sex work with trafficking resulting in abuse, forced rescue, detention and destruction of homes; and violence faced by transgender people and sex workers due to their identity or work.

## 2. POLICE VIOLENCE FACED BY PEOPLE IN SEX WORK

- Sex work has traditionally been seen as a form of violence and exploitation. The sex workers' rights movement has consistently argued that while there is violence *within* the sex industry, the exchange of sexual services for money does not in and of itself constitute violence.

- According to a national survey<sup>5</sup> conducted among sex workers **adult women choose to enter sex work of their own volition for various reasons.** (73% of the women surveyed had entered sex work on their own). Women's experiences point to the conclusion that adult **consensual sex work does not constitute violence per se.**

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<sup>1</sup> Declaration on Elimination of Violence Against Women, 1993, UN General Assembly

<sup>2</sup>The Political Declaration made by States at the UN General Assembly further commit to strengthening '*legal, policy, administrative and other measures for the promotion and protection of women's full enjoyment of human rights*' and the '*elimination of all forms of discrimination including violence against women*'. The Declaration also calls on States to protect the rights of specific vulnerable populations and ensure an environment that strengthens efforts against stigma and discrimination.

<sup>3</sup> Global Commission on HIV and the law, Risks, rights and health, July 2012

<sup>4</sup> Budhadev Karmaskar v State of Bengal, Cr Ap No. 135 of 2012

<sup>5</sup> Sahni, R and V Kalyan Shankar, The First Pan-India Survey of Female Sex workers, University of Pune, April 2011

- Sex workers experience disproportionate levels of violence including police abuse, sexual assault, rape, harassment, extortion, abuse from clients and agents, intimate partners, local residents, and public authorities. Sex workers who have been beaten up have reported being turned away at government health centres.
- Because of the positioning of '**sex work as sexual exploitation and violence**', the everyday violence and exploitation that sex workers face is overlooked, ignored or accepted resulting in discrimination by state and non-state actors. The Pan India sex worker survey finds that 37% women had been physically abused by the police. 51% women surveyed stated that they had faced verbal abuse from law enforcement officers. 22% women stated that they had been forced to pay bribes to the police.
- Violence is an important factor affecting the vulnerability of sex workers to HIV, sexually transmitted infections, abuse and assault by State and non-State actors. Sex workers often find themselves in situations that put them at increased risk of violence. This situation is exacerbated because **sex work is erroneously understood as an illegal activity or is perceived as illicit** by law enforcement, forcing the 'industry' underground.

### 3. CONSEQUENCES

- Discrimination against sex workers permeates the criminal-justice machinery across India resulting in a lack of protection under the law.
- Police routinely abuse sex workers, illegally detain and torture them. Their rights when being arrested are routinely violated in blatant violation of the guidelines on arrest and custody laid down by the National Human Rights Commission. **(Refer Case Studies Annexure 1)**
- When sex workers approach the police if they are beaten or abused by private parties, their right to remedies is routinely denied by the police who refuse to lodge First Information Reports or investigate the acts of violence.
- Systematic violence against and police harassment of women, men and transgender persons in sex work have been documented by human rights organizations in many settings.<sup>6</sup> The risk of human rights violations for sex workers is deepened by criminal prohibitions of sex work or of some key elements thereof. Criminal prohibitions not only facilitate social stigma and marginalisation of sex workers but make it virtually impossible for them to enjoy the protection of the law when they face

<sup>6</sup> See Human Rights Watch, *Epidemic of abuse: Police harassment of HIV/AIDS outreach workers in India*, New York, 2002; Human Rights Watch, *Lessons not learned: Human rights abuses and HIV/AIDS in the Russian Federation*, New York, 2004; Human Rights Watch, *Rhetoric and risk: Human rights abuses impeding Ukraine's fight against HIV/AIDS*, New York, 2006, all available at [www.hrw.org](http://www.hrw.org); and Pivot Legal Society, *Voices of dignity: A call to end the harms caused by Canada's sex trade laws*, Vancouver, Canada, 2004, available at [www.pivotlegal.org](http://www.pivotlegal.org).

violence or abuse. On the contrary, these provisions in the law open the door to harassment and extortion of sex workers by the police.<sup>7</sup>

- According to research conducted by the Commission on AIDS in Asia and the Pacific<sup>8</sup>, a direct link has been found between low levels of condom usage amongst sex workers who are arrested and prosecuted. Criminalizing sex work clearly undermines efforts to prevent new infections, and hinders the provision of treatment and care to those infected. Government and non-government organizations need to act upon the elimination of HIV *in conjunction with* the elimination of violence against sex workers for HIV/AIDS prevention in the region to be effective.

#### 4. RECOMMENDATIONS

1. Take all measures to stop police harassment and violence against sex workers.
2. Ensure that existing civil and administrative offences such as “loitering without purpose”, “public nuisance”, and “public morality” are not used to penalise sex workers and administrative laws such as “move on” powers are not used to harass sex workers.
3. Prohibit the mandatory HIV and STI testing of sex workers following arrest.
4. Maintain confidentiality and respect the privacy of sex workers approaching law enforcement and judiciary for redress in cases of sexual assault, exploitation and violence.
5. Ensure specific skills and sensitivity in dealing with women, persons who identify as women and transgender women in sex work.
6. Standard Operating Procedures with detailed guidelines on investigating violence and sexual assault should be developed through consultation with experts and women’s groups, sex worker community organisations, activists and legal experts working with sex workers. This should include specific guidelines detailing procedures to investigate sexual assault and violence faced by women, persons who identify as women and transgender women in sex work.
7. Sensitivity to violence faced by sex workers should be made an integral part of training for police personnel, public prosecutors and the judiciary in partnership with community organisations of sex workers.
8. Strengthen efforts of community-based organisations and collectives of sex workers to fight trafficking in their communities. Allocate resources to have a formal engagement with the communities of sex workers and the police force at the district and state level. (**Refer Annexure 4, Community strategies to fight trafficking**)

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<sup>7</sup> See *Epidemic of abuse*, *ibid.*, and G Misra, A Mahal and R Shah. “Protecting the rights of sex workers: The Indian experience.” *Health and Human Rights* 2000; 5(1): 88-115.

<sup>8</sup> Redefining AIDS in Asia, Crafting an effective response. Report of the Commission on AIDs in Asia, 2008

## 5. SEX WORK BEING SEEN AS TRAFFICKING RESULTS IN ABUSE AND FORCED RESCUE TO RESCUE / CORRECTIVE HOMES AND DESTRUCTION OF HOMES BY STATE

- According to the Global Commission on HIV and the Law, **some governments deploy anti-trafficking laws so broadly that they conflate voluntary sex work with the exploitative, coerced trafficking of people (primarily women and girls) for the purposes of sex.**<sup>9</sup> Municipalities may interdict sex work under the authority of vaguely worded statutes relating to “public decency”, “morality” and even rape<sup>10</sup>; “nuisance” laws prohibiting loitering and vagrancy; or zoning or health regulations.<sup>11</sup> These statutes give police wide latitude to arrest and detain sex workers. Even if they are detained only briefly, their working lives are vexed by harassment and fear.

- The Special Rapporteur on the Right to Health<sup>12</sup> drew attention to the continued conflation between trafficking and voluntary participation in sex work, which leads to State Responses to trafficking including within its ambit; adult consenting sex workers.

- In India the principal legislation dealing with sex work/prostitution is the Immoral Traffic Prevention Act, (ITPA) the erstwhile Suppression of Immoral Traffic Act, 1956 (SITA)<sup>13</sup>. The origins as well as the title of the legislation itself reflect the stigmatization and the conception of sex work as being synonymous with trafficking. The legislation was enacted in pursuance of the ratification by the Government of India of the International Convention for the Suppression of Traffic in Persons and of the exploitation of the prostitution of others<sup>14</sup>.

- In ITPA, the law with regard to sex work is called prevention of “immoral traffic” further deepening the incorrect association of prostitution with trafficking. In a departure from criminal jurisprudence, indicative of stigmatization of sex workers, the ITPA has paradoxical offences like detaining a person “with or without his consent” in premises where sex work is carried on or taking a person, “with or without his consent” for the purpose of prostitution. (**Refer legal framework**)

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<sup>9</sup>Shah, S., 2011. *Trafficking and the Conflation with Sex Work: Implications for HIV Prevention and Control* Working Paper. The Global Commission on HIV and the Law. 2011 and Burris, Overs and Weait, 2010, *supra*.

<sup>10</sup>For instance, see the submission by Matsinhe and Odete, Mozambique, 2011. Africa Regional Dialogue, Aug 3-4, 2011 for a discussion of the Mozambique law against ‘vices against nature’ used to penalize sex work.

<sup>11</sup>Sukthankar, 2011, *supra*. The author cites the example of Italy, where Domestic Security laws that ‘invest mayors with the judicial power to declare anything that might endanger the security and decorum of the cities an emergency’ have been used to fine sex workers. See also Burris, S., Overs, C. and Weait, M., 2010. *Laws and Practices that Effectively Criminalise People Living with HIV and Vulnerable to HIV*. Paper prepared for First Meeting of Global Commission on HIV and the Law, Oct 6-7 2010, New York, USA. See also submissions by Apisuk, 2011. Asia-Pacific Regional Dialogue, Feb 16-17, 2011; Ferdoko, 2011. EECA Regional Dialogue, May 18-19, 2011; Confidential, 2011. Latin America Regional Dialogue, Jun 26-27, 2011; Maseko, 2011; Sisonke, Botswana, 2011. Africa Regional Dialogue, Aug 3-4, 2011.

<sup>12</sup> Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, April 2010

<sup>13</sup> It is proposed to change the name of the Act to “Immoral Traffic (Prevention) Act...”, Proposed amendment (a) in Act 44 of 1986 –Gazette of India, August 20, 1986, Pt II, S2, Ext, p 9 (No 38).

<sup>14</sup>Laws of South Asia, Rakesh Shukla

## 6. CONSEQUENCES

There have been numerous instances where, despite sex workers residing for many years in a place, possessing requisite legal documents like ration cards, voter I-D and electricity bills; their houses have been razed and they have been thrown out<sup>15</sup> and their rights as citizens of India have been violated.

**(Refer case studies in Annexure 2)**

Magistrates routinely remand sex workers to custody to be taken back to their native villages without giving them access to the due process of the law and an opportunity to be heard.

Violent actions of street clean-up operations, police-led brothel closures or so-called rescue operations are carried out en masse by law enforcers. Police raids conducted under the Immoral Trafficking Prevention Act are an exercise of abuse and violence against consenting sex workers rather than arresting individuals involved in trafficking.

The process of 'rescue' of these sex workers involves beating, dragging by the hair, abuse, looting by the law enforcement personnel conducting the raid. A social welfare measure intended to treat sex workers as victims/survivors, becomes an exercise in uprooting of consenting sex workers, extreme violence and detention. It is rare to find the arrest of traffickers in such raids.

These arrested or detained sex workers; far from being treated as victim and survivors, are treated as criminals and are placed in detention homes; for indefinite periods; to be reformed. It is important to note here that the **agency of consenting women** is completely ignored thus criminalizing people engaged in sex work and driving them underground. The Pan India survey revealed that 73% women interviewed opted to enter sex work on their own and a sizeable number of them (63%) found work through close friends and acquaintances.

## 7. RECOMMENDATIONS

1. Trafficking is a criminal offense and should not be conflated with sex work. Trafficking of Adult Persons and Trafficking of Children should be dealt with under two separate laws to ensure that consenting adults are not infantilised and children are given justice.
2. Repeal laws that prohibit consenting adults to buy or sell sex, as well as laws that otherwise prohibit commercial sex, such as laws against "immoral" earnings, "living off the earnings" of prostitution and brothel-keeping. Complementary legal measures must be taken to ensure safe working conditions for sex workers.
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<sup>15</sup> Baina case study, June 2004, Goa. Annexure 2

4. Shut down all compulsory detention or rehabilitation centres for people involved in sex work or for children who have been sexually exploited. Instead, provide sex workers with evidence - based, voluntary, community empowerment services. Provide sexually exploited children with protection in safe and empowering family settings, selected based on the best interests of the child.
5. Anti-human-trafficking laws must be used to prohibit sexual exploitation and they must not be used against adults involved in consensual sex work.
6. Enforce laws against all forms of child sexual abuse and sexual exploitation, clearly differentiating such crimes from consensual adult sex work.
7. Ensure that existing civil and administrative offences such as "loitering without purpose", "public nuisance" and "public morality" are not used to penalise sex workers.

## **8. TARGETED VIOLENCE - DUE TO IDENTITY (TRANSGENDER) OR WORK**

Across India people repeatedly experience violence and discrimination because of their sexual orientation or gender identity. Even the perception of homosexuality or transgender identity puts people at risk. The violence includes killing, rape, physical attacks and arbitrary detention among others. **(Refer case studies in Annexure 3)**

Sex workers experience disproportionate levels of violence including sexual assault, rape, harassment, extortion, abuse from clients and agents, intimate partners, local residents, and public authorities. Sex workers who have been beaten up have reported being turned away at government health centres.

High levels of stigma prevent people from accessing legal redress.

## LEGAL FRAMEWORK IMPACTING PEOPLE IN SEX WORK IN INDIA

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Calling attention to the immense potential of the legal environment to better the lives of people, the Global Commission on HIV and Law observed that nations have squandered the potential of the legal system. It further observes "... the law (either on the book or on the streets) dehumanises many of those at highest risk for HIV: sex workers, transgender people,... Rather than providing, protecting, the law renders these "key populations" all the more vulnerable to HIV."<sup>16</sup>

In India sex work in private is legal, however numerous activities related to sex work are influenced by laws such as Immoral Traffic Prevention Act, 1965 (ITPA) and public order that are used to harass sex workers.

### **a. *Disturbing Public Order and / or creating Nuisance - India Penal Code***

- Sex workers are charged with creating a 'public nuisance' under Sections 268<sup>17</sup> and 290 Indian Penal Code or obscene conduct under Section 294<sup>18</sup> of the Indian Penal Code.

### **b. *Procuring, importing minors for sex work; Selling, buying or hiring of minors for sex work - Indian Penal Code***

- Sex workers and brothel owners are often charged with procuring of minors<sup>19</sup> or importing minors<sup>20</sup> for sex work under sections of the Indian Penal Code. The Code also punishes the selling, buying or hiring of minors for sex work<sup>21</sup>. These offences are cognizable and non - bailable.

### **c. *State laws relating public order are also used to arrest and detain sex workers.***

- These include Bombay Police Act 1951; Gujarat Prevention of Anti - Social Activities Act, 1985. The Railways Act, 1989 is used to arrest, detain sex workers on railway premises such as trains and rail stations.

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<sup>16</sup> Global Commission on HIV and the Law, July 2012, Page 8

<sup>17</sup> A person is guilty of a public nuisance, who does any act, or is guilty of an illegal omission, which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage. (IPC, 368)

<sup>18</sup> Whoever, to the annoyance of others, (a) does any obscene act in any public place or 9b) sings, recites or utters any obscene songs, ballad or words, in or near any public place, shall be punishable with imprisonment of either description for a terms which may extend to three months, or with fine or with both. (IPC 394)

<sup>19</sup> Section 366A Indian Penal Code

<sup>20</sup> Section 366 B Indian Penal Code

<sup>21</sup> Section 372, 373 Indian Penal Code

**d. Acts of sex workers and people in the sex industry, which are deemed an offence - Immoral Traffic Prevention Act (ITPA)**

**Acts deemed to be an offence**

1. **Soliciting in public** - It is an offence for a sex worker to solicit in public, or near any public place or notified area.<sup>22</sup>  
"Public place" includes places of public religious worship, educational institutions, hostels and hospitals. A "notified area" is a place that has been declared to be 'prostitution-free' by the state government. Women can be imprisoned for up to six months for a first offence and up to one year for second and subsequent offences. Maximum penalties for men are between seven days and three months.
2. **Living off the earnings of prostitution** - It is an offence for any person over the age of eighteen years to knowingly live, wholly or in part, on the earnings of the prostitution of any other person<sup>23</sup>. Adult persons who are economically supported by sex workers including those living with sex workers such as partners, children above 18 years. Police may prosecute aged parents, siblings, the sex worker's partner and children over 18 years who are dependents.
3. **Maintaining a Brothel** - It is an offence to maintain a brothel that has two or more sex workers<sup>24</sup>. (Any premises having more than two women is deemed to be a brothel<sup>25</sup>). One-woman brothels are tolerated by police in specific red-light districts. Sex workers are prohibited from working in areas outside these red-light districts or in premises near places of worship, schools or hospitals.

**Forced "Raids and rescue" and eviction of sex workers**

4. **"Rescue" powers to police** - Magistrates are authorized to empower police officers to search without warrant<sup>26</sup>, remove **any person** found on the premises of a suspected brothel including any person carrying on sex work, regardless of age and consent. The rescue provisions do not differentiate between adults and children<sup>27</sup>
5. **Closure of brothels and eviction** - Magistrates are authorized to close brothels and expel persons from premises where sex work is being carried out, including their residence<sup>28</sup>.

A magistrate can also evict occupiers from any premises if it is established that the premises is located within two hundred meters of a public place and is being used as a brothel or for sex work<sup>29</sup>.

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<sup>22</sup> Section 8, ITPA

<sup>23</sup> Section 4, ITPA

<sup>24</sup> Section 3, ITPA

<sup>25</sup> Section 3, ITPA

<sup>26</sup> Section 13, 15 ITPA

<sup>27</sup> Section 17, ITPA

<sup>28</sup> Section 18, 20, ITPA

## **Forced Rehabilitation and Detention of adult consenting sex workers in Corrective Institutions**

6. **Rehabilitation of rescued sex workers** - The Act provides institutional rehabilitation for 'rescued' sex workers.<sup>30</sup> Rehabilitation involves detention in State homes for a period varying from 10 days to 21 days to 1 year depending on the "rehabilitation" she needs. Adult women in sex work are denied access to legal counsel, family and friends during this period of detention.
7. **Detention in Corrective Institution** - Courts are empowered to "pass, in lieu of a sentence of imprisonment, an order for detention in a corrective institution for such term, not being less than two years and not being more than five years."<sup>31</sup>

*The issue of detention for the purposes of rehabilitation was raised in the Supreme Court in the Karmaskar case (2011), in which the Supreme Court has stated that rehabilitation of sex workers should be voluntary.*<sup>32</sup>

## **Forcible medical examination and disclosure of HIV positive status**

8. Persons removed from brothels can be medically examined<sup>33</sup> for sexually transmitted infections. Often these tests are conducted without consent and in the event that sex workers are found to be positive their status is revealed without their consent in courts.

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<sup>29</sup> Section 18(1), ITPA

<sup>30</sup> Section 19, 21, 23, ITPA and ITPA State Rules

<sup>31</sup> Section 10A, IPTA

<sup>32</sup> Budhadev Karmaskar Vs. State of West Bengal (2011) 11 SCC 538

<sup>33</sup> Section 15 (5A)

## ANNEXURE 1.

## POLICE VIOLENCE - VERBAL, PHYSICAL ABUSE, REFUSAL TO FILE FIRST INFORMATION REPORTS, ABUSE IN CUSTODY, ARBITRARY DETENTION

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### 2.1. Anu Mokal Veshya Anyay Mukti Parishad (VAMP), 2 April 2012 Satara, Maharashtra

On 2.4.2012 at about 6.45 p.m., Anu Mokal a sex worker along with her friend, Anjana Ghadge were on their way to the City Civil Hospital, Satara taking dinner to their hospitalized friend, Jaya Kale. When they were trying to catch an auto-rickshaw from around the area of the S.T. Bus Stand, Satara, one Constable Mr. Bhonsale asked Anjana Ghadge to come and meet the Senior Police Inspector Dayanand Dhome of Satara Police Station who was present somewhere near the bus stand. Anu Mokal accompanied her. As soon as Anu and Anjana Ghadge came before the Police Inspector, he started to verbally abuse Anjana Ghadge and accused her of soliciting. Anjana Ghadge told him that she was there to deliver dinner to her friend admitted in the Civil Hospital, Satara, but the police officer accused her of using the dinner as a cover-up and further that she was soliciting customers there. Anjana Ghadge denied this but the Police Officer, started abusing and beating her with his baton. Anu Mokal intervened and requested the Police Officer not to beat Anjana Ghadge, as she was of his mother's age but he became more furious and replied that women like her could never be anyone's mother. He turned towards Anu Mokal and started abusing her and beating her with his baton. Thereafter she and Anjana Ghadge were picked up, shoved into the Police van and taken into custody. The 60 year old lady Anjana Ghadge and a 30 year old pregnant lady were arrested at or about 21:00 hrs in a Cognizable but Bailable and Petty Offence.

At about 9.30.p.m. on the same day, i.e. 2.4.2012, Anu Mokal along with Anjana Ghadge were taken to the Civil Hospital, Satara by the Police Constables of the Police Station this was due to their complaints of severe physical pain.

On 03.04.2012, at about 3.p.m., they were produced before the Chief Judicial Magistrate in Satara. Anu Mokal and Anjana Ghadge were both charged under Section 110 & 117 of the Bombay Police Act and were fined Rs 1200/- each. Both denied having committed any of the offences as charged, however having no other option they agreed to pay the fine, paid the fine imposed and were released. On being released they immediately went to the Civil Hospital, Satara for treatment and were treated for severe injuries.

On 3<sup>rd</sup> April 2012 a press conference was held by the community based organisation, Veshya AIDS Muquabla Parishad (VAMP) and a written complaint dated 3<sup>rd</sup> April 2012 was given to the Superintendent of Police, Satara.

On 4<sup>th</sup> April 2012, Anu Mokal approached the doctor with severe stomach pain. At about 2.00 a.m. on 6<sup>th</sup> April 2012, the pain intensified and she started bleeding heavily. This resulted in abortion and she lost her child at about 6.00 a.m., on 6.4.2012.

So far no action has been initiated on the complaint dated 3<sup>rd</sup> April 2012 by Anu Mokal. The CBO has written to the Superintendent of Police, seeking an official inquiry into the incident, and asking that police violence against sex workers be stopped. They also wrote to Shri. R.R. Patil, Home Minister, and Shri. Tukaram Chavan, IG of the region. Anu Mokal has also written separately to the Superintendent of Police, seeking action into the incident.

Feeling Satara was no longer a safe place for her and her children, Anu Mokal moved out of Satara. Anti social elements in Satara put up huge posters in the three main chowks in Satara asking if the Sex Workers are making historical and 'susanskrut' satara into a "veshya adda!" and decrying the 'untrue allegations' against the police. These posters were signed off as the "Save the ST Stand and Market yard samithi."

**2.2. Uma, Leela, Jareena, Lakshmi**  
**Sadhana AIDS Tadegattuva Mahila Sangha**  
**2012, Shimoga, Karnataka**

Four sex workers (Uma, Jareena, Leela and Lakshmi) were standing near Nehru Road, one of the busiest public place in Shimoga, Karnataka on 5<sup>th</sup> September 2012 at 5.p.m. it is one of the public spot where sex workers stand silently. Because of police problem the sex workers do not get clients at all and they find it difficult to get even single client a day. It was evening and all were standing in the corner. Suddenly the women Sub-Inspector along with 4 other women constables attacked on them and caught them to the police station. The Inspector along with constables showed their brutality and beaten them inhumanly, seized all their mobiles and kept in the police station without giving one drop of water. The peer educator informed the incident to CBO staff. The CBO representatives along with staff rushed to police station. The Inspector behaved very badly with the CBO staff. Finally the CBO staff released them. The CBO staff helped sex workers to submit their complaints to Superintendent of police. The team went to police station along with lawyer. After hearing from sex workers SP assured sex workers that such incidents will not be repeat and the directed the Inspector to handover the mobiles. The Inspector visited CBO and apologised.

**2.3. Rathna**  
**Vimochana AIDS Tadegattuva Mahila Sangha**  
**2012, Mysore, Karnataka**

"Rathna is a sex work from Mysore city. She earns Rs.300 to 400 per day for her livelihood by doing sex work. She stays with her partner. Her partner used to harass her for money and demands minimum Rs. 300 per day for his needs. Although she used to adjust the money but sometimes it becomes difficult to adjust because she doesn't have that money. Unable to bear his violent behaviour she asked CBOs support to resolve the problem. The CBO president along with other community member tried to convince her partner but in vain.

The violence beat her to the extent that she nearly died. The CBO then decided to file a complaint on him at the police station. The police refused to file a case; instead they asked, "why you want to file a case? You are sex worker and spoil the society and today you are here, tomorrow you may go to other city, how can we contact you. You do not have any documents like ration card, voter ID so that we can send notice to your home address. But in your case how can we contact?" The police asked her to bring her husband to file a case. How can they to bring her husband when the complaint has to be registered against him?"

The CBO is facilitating the sex workers to avail social entitlements in the district and also appealed State legal services authority to help in accessing social and legal entitlements. The police refused to file FIR as the victim doesn't hold any proper documents.

**2.4. Neelambari**  
**2010, Dommera Community Vangapahad Village, Warangal**

I belong to the Dommera community. Our community members have been in traditional sex work for a long time. We never had any problem with the police. The police also know that the community is into traditional sex work. In March 2011, due to a misunderstanding between us and the nearby village, the police came into the picture. The police came to our village at 7 PM, dragged all of us into a jeep and took us to the police station. No lady constable was present. They booked us under a brothel case. They did not see us with any client since we were

all standing near our houses at that time. Under fear of police brutality some community members were forced to say that they would leave sex work. The police told one of the community members to collect the ration cards of the 15 women who had said that they will quit sex work so that they are rehabilitated. After the police left we took back our ration cards. We are in sex work and cannot start a business. Who will come and buy from us if we open a shop?

Soon after this police raided Siddhpuram and arrested 5 sex workers from the village. One woman was not well and fell down when police was dragging them. They took her to the hospital and arrested the rest. We managed to get bail for them. Since then a police camp has been set up in the village. They check every new entrant to the village. We have lost our livelihood. Many of the sex workers have fled the place and migrated. We are concerned about their health. The police check post still remains outside our village. It has affected our daily livelihood.

**2.5. Sony, Transgender, 25,  
December 2011  
Ongole, Prakasam, Andhra Pradesh**

On 24 Dec 2011, I was in my room with my clients. During the evening at 6.00pm, Circle Inspector along with 8 women constables came and pushed open my doors and beaten us severely without telling any reason. They searched my belongings in the room and found condoms and money. The CI pointed out that 'You are doing sex work'. 'They took my money and took me to the police station and beat me. They used my money and had dinner but they did not give me any food during the night. They booked a case against me under sections 377 and 3 & 4 of ITPA Act. On the next day 25 Dec 2011, they took me to the hospital and asked me to sign on a blank paper. When I asked why, they threatened me and told me to remain quiet and do as they say. Later they took me to the Judge. They informed me not to tell the Judge that they had beaten me. When the Judge asked, I said what the police told me to say under their threat. I was taken and kept in Jail. It has been 2 years, but my case has not been settled and I am still attending court for settling my case.

**2.6. Ms. Subhashini (Name Changed)  
Mana Mahila Sangham, WOMEN'S INITIATIVES,  
2013, Tirupati, Andhra Pradesh**

Police action has suddenly increased in the last fifteen days and women reported this during the meeting and WINS met gave a representation to the District Superintendent of Police, he, in turn, directed Sub-Divisional Police to visit and meet the women victims of violence.

Ms. Subahshini is 40 years old, street based sex worker. On the 27th March 2013 at 11.15pm she along with her two friends, were at the bus stand, near Ganggama temple, Tirupati, Andhra Pradesh. They were chased by a police constable and the two, of the women fled. As Ms. Subhasini could not run, she was caught by the police constable and he beat her severely.

She suffered 7 deep bruises, both her knees upper and lower arm, bottom and back. She developed chest pain and fell. She visited the Drop in centre for female sex workers on 28th March 2013 and reported the violence and abuse during an advocacy meeting with the police.

## ANNEXURE 2.

## FORCED RESCUE AND DETENTION OF PEOPLE IN SEX WORK, DENIED ACCESS TO PROPERTY BY FAMILY, DESTRUCTION OF HOMES BY STATE

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### 3.1. Janvi, Saheli HIV/AIDS Karyakarta Sangh

2012, Pune, Maharashtra

Janavi who is not a minor was forcefully rescued and kept in a shelter of a NGO. She was not at all willing to go with police and NGO workers. After 3 months she was handed over to her relatives but she came back to Pune's red light area as she never got acceptance from her family and secondly she has always taken a stand that -(her verbatim) "when at a tender age I was forced to be a sex worker where were these NGOs and Police to rescue and protect me? And now when I have accepted sex work as my source of living why they want to forcefully rescue me?"

### 3.2. Simplex Building Raid and forced detention

October 2012, Mumbai, Maharashtra

#### i. Report of fact finding team on police raid

October 2012, Simplex Building, Mumbai, Maharashtra

Fact Finding Team - Bisakha Dutta and Manjima Bhattacharya

What happened that night, from the perspective of these women (Asha Darpan, NGO working with sex workers in the area) at Simplex building, a long multi storeyed building with chawl-like rooms accommodation on top, with small shops on the ground floor along the façade of the building.

"On Thursday night around 8.30pm suddenly many police vans turned up in our lane. They blocked the two gates and whoever was inside was trapped inside. There must have been hundreds of policemen, at least 10 to 12 vans. From these big vans the door opened and ladies (police) burst out of them in hordes and went into the building. Both the gates were then locked and no one could go in or come out. Whoever was inside was stuck inside – whether it was the vyaparis or the guys who ironed clothes or sold fruits or sold little knick knacks like make up or clips or ear rings and bangles. They were all taken by the police.

Along with the police vans there were also media vans – those with the upside down umbrellas that came. (Chhatri wale van, media wale). They came with the police. The whole lane was filled with these police and media. There must have been 800 or 1200 people. No space to move around. 'Itni public hogayi thi.' We saw it on all the TV channels later – TB9, Star news, 24. Police had also come from outside – we heard later from the TV, police baharja that (PAC) There were (10-12) sahebs also. (Senior police officers.)

Through Friday and Saturday, till Sunday there were 10 plus vans that remained here. The girls were led out and taken by the police in batches over the 3 days. So many squeezed into each van some even sitting on the floor. The building is still shut. There is police at the gate and nobody can go in or come out.

In fact some girls were taken in a van, and then brought back. They must not have found place to keep the girls so they were brought back here until space in some centre found for them. Six o clock the centre closed but we live nearby so we saw what was going on. 12.30 am they took the girls and 2.30am they brought them back. They were kept here till then. The babus (customers) were also taken. 160 men according to the media. Even those who sell earrings, ,makeup, fruit, the small vendors. Everyone who was still inside was taken – whether

vyapari or customer. Many were stripped to their undies and made to sit like that on the steps. Some of those trapped inside hid themselves without food inside somewhere to escape the police. Some paid 2500 rupees to get free. Like this it went on till Saturday night. Then on Sunday the vans left. Inside the building there are only some old sex workers who are remaining. After 30 years of living in Mumbai and living in this area, and doing dhanda here, we are seeing this type of raid. Never before has the building been emptied like this.

We don't know where the girls are now. There is no contact with them. We tried calling them a few times (we have a list of the girls because they used to come to this clinic) but their phones are all switched off – must have been confiscated by the police when they were taken. They must first have gone to DN Nagar police station and then to one of the homes in Bycullam Saat Rasta, Kasturba Government Hospital maybe. Maybe Thana jail. That is also big. They took them all – *apna wali umar wali ladkiyan*, (women of my age) even those who were sick – *unka TB ka dawa chalu tha yahan* (they were on TB treatment here). Raids happen here sometimes, but never like this. The police keep asking us trying to get information: some ask, so are there any children now in your building? There are four more buildings like this here. Next it can be us.”

Following this we went with two representatives (Gulabi from Karnataka, who works at Asha Darpan and was a sex worker in the area for many years, now lives in Andheri, has 3 kids including a son who works in BMC, she fell off a train and fractured her hand a few days after the raids; and another man whose card I have who does some admin work at AshaDarpan and also runs a web business on the side) to the DN Nagar Police Station. This was after we went with the group to the entrance of the building and met the group of policemen on duty to prevent entry in the building. They said they did not know anything, and that they had been brought from outside the area only for bandobast and suggested we speak to Senior, ‘Surve sir’ at the DN Nagar police station.

At the DN Nagar police station, we waited from 3pm to 4pm for Senior Inspector Surve, who had just stepped out. As we were about to leave, we saw a van draw up and about 12-15 women getting out of the van escorted by 6-8 police women. Many of the women were dressed in nighties with scarves covering their faces. Gulabi confirmed that they were some of the Simplex building girls. They were coming back after medical testing at Nair hospital (for age confirmation). They all looked like adult women. They were escorted to the back of the police station where there was a large hall, in which they were going to have snacks etc. go to the bathroom before being taken back to whichever centre they had been brought from. About 12 police men and women were guarding the hall and asked us to speak to the Branch Officer.

By this time, Surve had returned so we waited again to speak to him. He gave us details of the raid, making distinction between the accused and the victim (the women, ‘veshyas’). Taken into custody after the raid, where he himself had been present, had been: 290 veshya, 57 lady accused, male accused including managers. Total of 477. *‘Itna hamne manage kiya’*, (we managed this much) he says with some pride.

They are now making enquiries. Male accused are in Arthur Road jail, female accused are in another jail... veshyas (“prostitutes”) are in police custody/ remand, and will be produced at the Special Court 54 in Mazgaon which deals with only ‘PITA-guna’. Victims will be 21 days in remand (count from Saturday after the raid date) during which enquiry will be finished, and then they will be produced before judge who will decide where they will go.

The entire machinery of the station, as well as from outside have been put to work round the clock for the raid which seems on the whole taking up much time and resources of all involved. Surve says, ‘I didn’t sleep for three days. My whole team did not sleep. Only on Sunday in the morning I could sleep a little bit.’

**ii. Narrative of Forced Detention at State Shelter**

On Saturday, around 60 women housed in the Navjeevan Mahila Vastigruh in Mankhurd, a state run shelter for women rescued under the Prevention of Immoral Trafficking Act, tried to escape after a fight with the caretakers. Of the 36 who scaled the compound wall, 13 were caught while 23 are still at large.

One of them is a 24-year-old from Kolkata (who is not being named to protect her identity) who came to Mumbai four years ago to earn a living. She has a six-year old son who stays with her parents back home. She was working as a waitress at a city orchestra bar when the police nabbed her in a raid in May this year after which she was sent to the protective home.

Mumbai Mirror traced her through a friend who gave her shelter immediately after her escape. In this meeting at a restaurant in a central suburb on Saturday, she spoke about the horrors she lived through at the home.

"I used to work as a waitress in a bar. In May, the police raided the place and nabbed three of us. They took us to the Navjeevan Mahila Vastigruh from the police station. On the very first day we realised that the place was hell on earth. Living conditions were pathetic, food was never enough, and the place was overcrowded.

But all that seemed trivial in front of what we witnessed next. Late one night, a group of six to seven drunken men armed with knives and choppers barged into the home. They randomly picked up a few girls who were sleeping and started kicking them. They then raped the girls. We were all too scared to intervene. When the girls who were raped told the caretakers the next day, they just shrugged it off like nothing had happened. In the past four months, I have personally witnessed at least half-a-dozen such incidents. Those who are picked have to suffer while the rest just huddle up in one corner and dare not create a fuss.

The boundary wall of the home is porous and men walk inside as they please. The woman constables and a lone male guard posted at the home sit near the main gate. Even if the girls who get picked up in the night cry for help nobody comes to their rescue.

Most nights, we would stay awake through the night fearing that men would walk in and pick us. Not long ago one such group assaulted two girls. When the girls protested they were brutally beaten and then raped. One of the girls was so disturbed after the incident that she started wandering around the house naked. A couple of weeks later, the authorities called her parents and let her go as she had become a liability.

There are over 350 girls in the home at any given time. Recently a large group of girls rescued from a brothel in Grant Road (Simplex) were brought there. The place was swarming with women. Of the two toilets in the home, only one is open. The other has been locked ever since a girl committed suicide in it a couple of months ago. Just one toilet for more than 350 women.

The food was equally pathetic. They gave us small portions of dried and stale vegetables for breakfast. Lunch was unheard of. For dinner we got watery dal and rice. If we asked for chapattis we were abused. The 'kitchen mummy' would often force us to work for hours without a break. Those who refused to work were beaten with pans. After a few weeks of torture I realised that there was no point complaining. I just continued to suffer.

In the meanwhile, two of my friends who were rescued with me developed severe medical complications — one of them was bedridden and could barely swallow any food or water. Despite repeated pleas for medical help, the authorities never called a doctor or shifted my friends to a hospital.

On Friday night, another group of men armed with knives barged in as usual. They picked up four women and raped them. On Saturday morning, some of the girls decided enough was enough and demanded that the

authorities increase security at the home. We told the chief caretaker about the incident. Instead of giving us a patient hearing she said there was little she could do. One thing led to another and in no time we started complaining about food and living conditions. After a while the argument got out of hand.

Just then we realised that the women constables and the lone male guard had come over to the caretaker's office to check on the commotion. We spotted an opening in the fencing above the compound wall and made a run for it. I just ran out on to the main road and got into an auto-rickshaw. Only when I was far away did I ask the auto driver for a phone to call a friend for help. I will never ever go back to that place. I would rather die than go back there."

*(Source: #India #Mumbai- Armed men would come, pick women and rape them #VAW; Starved, herded and assaulted at State-run 'shelter'*

*'Armed men would come, pick women and rape them...'* **BY- Yogesh Sadhwani @timesgroup.com, MM, Oct 29,2012.** <http://kractivist.wordpress.com/2012/10/29/india-mumbai-armed-men-would-come-pick-women-and-rape-them-vaw/>

### **3.3. Demolition of homes of Sex workers**

Baina, Goa, 2004

At 7 am on 14 June 2004, as the monsoon unleashed its full force on the state of Goa, residents of Baina woke to the sound of bulldozers tearing through their neighbourhood, brutally and ruthlessly razing their homes. In a matter of hours, hundreds of homes were bulldozed and thousands of people, including a community of sex workers, lost their homes and livelihood. In a gross violation of human rights, they were intimidated, abused, beaten and arrested by the police.

Women and children were forcibly evicted and their homes demolished before their eyes. Frightened, confused, without food or shelter, in the middle of heavy rains, they had nowhere to go. The undisputed basic human right to shelter has been willfully violated by the government of Goa.

The demolition was done by the Goa government using massive police force. As compensation, the people were asked to accept train or bus tickets and return to their native places, although some of them had been living in Goa for more than 40 years! At least two generations of them have lived in Baina. They have children who were born in Goa and are adults now. They possess birth certificates issued by the Vasco municipal council.

*Most of the evictees possess valid ration cards, house tax bills, electricity bills and voter identity cards. They had voted in the Assembly and Parliamentary elections in Goa. They have been dutifully paying their taxes.*

The local authorities claim that residents of the area primarily comprise immigrants, mostly from Karnataka, Andhra Pradesh, Uttar Pradesh, Maharashtra and Tamil Nadu and since they are non-Goans, they should leave Goa and return to their respective states.

The Goa government has carried on this inhuman operation in willful circumvention of due process of law (such as serving adequate notices to the would-be evictees, rehabilitation in alternative venues, etc) and the spirit of the High Court judgement. While the matter was pending in the Goa Bench of the Bombay High Court, a plea from the National Commission of Women to stall the evictions was also consciously ignored. The Goa government has sought to justify its act by arguing that the demolitions were done to abolish sex work from Goa.

In fact, the real reason for the demolitions of the houses, not just of sex-workers, but also of others living in the area, was purely and simply an attempt to grab prime commercial land.

A team of representatives of the National Network of Sex Workers, India from Kerala, Karnataka, Andhra Pradesh and Maharashtra was in Goa, met the evicted sex workers and others affected. The team visited Vasco, Baina and Panaji between June 27-29 to assess the situation. Shabana Kazi, general secretary, VAMP (Veshya Anyay Mukti Parishad) – the sex workers collective from Nippani, Karnataka, lived on the streets with the displaced people in Baina for a week.

The stories that she heard and witnessed during her visit are those of violence and violations, cruelty and discrimination unleashed by the state. This report is based on the voices and stories that are not heard in the mainstream media and the appeals that the Goa government refuses to hear.

The Goa government evicted the people during the monsoon, which is in itself an inhuman act. The homeless people-- including children, new-born babies and pregnant mothers-- are now braving the rains without a roof over their heads. Shabana while investigating the issue met with some of the women in a hall provided by the municipality. The police were intimidating the 'outsiders' on a daily basis in order to compel them to leave Goa. The same treatment is meted to the other women who have not been accommodated in the hall and are living on the streets.

The Goa Government has willfully ignored the fact that sex workers are equal citizens of the Indian Union and have human rights as any other citizen. It is unfortunate that a segment of the displaced population comprises sex workers and the government refuses to provide them with any rehabilitation scheme or compensation because they are in the sex trade. They have been asked to return to their home towns as they are 'outsiders' and thus have no business to remain in Goa. The police authorities as well as the Goa State Women's Commission have mentioned that "Baina kind of activity will not be allowed to take place in Goa" and any body trying to do so will be booked under (The) Immoral Traffic (Prevention) Act' 1956.

The women are living under constant fear of losing the only makeshift shelter they have at the moment. They have also reported the intimidation and humiliation they are subjected to everyday as 'outsiders', as sex workers, as Kannadigas, Telugus and others.

Brutal police violence has been used during the entire process of this systematic eviction. Any resistance and protest put up by the people have been countered by violent police attacks. The Kannadiga Association tried to take a protest rally demanding rehabilitation and compensation for the evicted people. However, the rally was stopped before it could start and people were arrested randomly. A woman reported that the police broke her son's fingers while beating him in the police station. Another woman reported that the police broke her arm when she tried to save her house from the bulldozers during the eviction. Threatening and beating up of people by the police continues till date.

#### A brief backgrounder

In 2003, the Goa Bench of the Bombay High Court passed an order to demolish 250 cubicles in the Baina area, near central Goa's Mormugao taluka. According to reports from social workers in the area, the High Court, in its order on the Baina beach red-light area, also directed the authorities to ameliorate the lives of these people. The socio-economic survey which was the conditioned precedent as per the directions of the High Court was not completed before the demolition. This is a clear violation of the High Court judgment.

In its order, the High Court has also directed that the recommendations of the Kamat Committee, set up by the High Court and headed by Justice Kamat (Retd)., should be implemented. In its report, the committee clearly

calls for consulting the women regarding their future and then providing for their rehabilitation, with their consent, in Goa, Andhra Pradesh or Karnataka.

The Goa government, however, interpreted the High Court order to suit its own predetermined position and went ahead with the eviction. The process of eviction has been a planned one and the state systematically used mechanisms like police intimidation, harassment, raids and propaganda to create division within the people by projecting the victims as sex workers and “outsiders” from Karnataka and Andhra Pradesh.

Most of these women had left their homes years ago and came to Goa. Economic hardship or natural calamities had brought them to the so-called “fun state” of India. They do not have any other place to go back to. Goa is their home. According to newspaper reports, initially, the government encouraged them as a ‘necessity’. Newspaper reports stated that former municipality chairman and industrialist, Y.D.Chaugule, maintained that “a port needed such a place”.

Now, it is clear that the Goa government is intent on ‘cleaning up’ the place to utilize the prime land for commercial purposes. It is also intent on projecting Goa as a tourist destination and ‘undesirable’ residents must be removed.

### **Who are outsiders ?**

An important aspect of the Baina demolitions that has not been adequately projected is the ‘outsider’ status that has been imposed on the evictees, thus justifying all violations against them. The government-- through the police and the officials dealing with the issue-- has made it clear to the evicted people that they have to leave Goa because they are from ‘outside’.

This is also the primary reason why the government is refusing to rehabilitate the evicted people within the state of Goa. The fact is that Baina is a settlement of migrant people. Many of them migrated years ago to Goa. The Indian constitution allows its citizens the right to live and move anywhere within the country. The use and promotion of this kind of xenophobic sentiment is unconstitutional.

Attempted interventions by this team were resisted as outside interference and it was made clear that such initiatives were undesirable. The women we contacted were voicing their fear of associating or of being seen with the team as this could result in additional persecution.

Our investigations have revealed:

A gross violation of Human Rights : The Baina eviction is not a stray incident. It is a clear reflection that government can abuse its power against its people in a lawless manner. This act of gross violation of human rights of people at the hands of the state is undemocratic and unconstitutional. The displaced people need immediate rehabilitation and compensation. The nation and the international community should condemn this dictatorial and undemocratic act of the Goa government.

Discriminatory against sex workers and a denial of their status as human beings : We from Rainbow Planet protest against the cruel and inhuman and illegal ways in which sex workers along with other people were rendered homeless by the government of Goa. The Goa government, ignoring all human rights standards has gone ahead with its eviction plans making hundreds of people homeless. Hundreds of evicted women, men and children are now braving the rains without a roof over their heads.

Brutal police violence : We are shocked by the brutal police violence that has been used during the eviction to crush any kinds of resistance and protests by the people. The violence continues till date and people are living under constant threat and fear. Many people reported serious injuries and physical damage done to them by the police.

Anti-constitutional act of the Goa Government : Many of these people have been living in Goa for over 40 years. They have ration cards issued by the Goa government to their names. They vote in the state of Goa. They are citizens of the Indian Union. They have the right to protest against injustice done to them. The Goa government is duty bound to protect its residents and not illegally evict them using state violence.

Government's real intentions of grabbing land: We also condemn the way in which the government has used moralistic arguments against sex workers justifying the eviction of sex workers. The entire slum colony was evicted, not just the brothels, by the government, only to get hold of the prime property for the construction of Marmugoa port.

**3.5. Girija**  
**Soukya Belaku Samudaya Sanghatane**  
**Chikmangalore, Karnataka**

We are 4 daughters. My father was working in cotton factory in Davangere. I studied till 9<sup>th</sup> standard and then got married and went to Chikmangalore. I have faced domestic violence from my husband and my in-laws. When I started resisting they threw my husband and me out of the house and we went to my father's place. My husband drank heavily and used to beat me. My father asked us to leave and live separately. Again we went back to my in laws house for some time. My husband and mother in law continued the torture. I left them and came to DC Nagar. Now my 2 sisters have divided my father's property and they have refused to give me a share. They know that I am HIV positive and because of my HIV status they say "Why do you want property, today or tomorrow you will be dying, what will you do with the property? Am I not entitled to access my father's property? Does my HIV status an exception to get the property?"

**4.1. Murder of Sweet Maria/Anil Sadanandan, Kerala, 2012**

Anil Sadanandan (who also went by Mariya) was a trans activist living and working in Kerala, India. S/he was a vocal, queer activist who was open about her identity both in the media and at events like Kerala Queer Pride. On 9th May 2012, in Kollam (Kerala) Mariya (Anil Sadanandan) was brutally murdered. Her throat was slit and she was stabbed in her stomach. Chilli powder was put on the body so that the police dogs would not sniff. The door was locked from outside when next day her co-workers came to see her.

Mariya a gender and sexuality rights activist was a person who had come out about her being transgender in Kerala and also had divorced her wife. She was colourful, vibrant, humorous, friendly, accepting and caring. Some months ago when there was a crisis in LesBiT, where we had not informed anyone and were trying to handle it on our own, she surprised us by calling to find out about the details and offering support. Usually within the sexual and gender minority community it is rare that male born trans activists offering help or even dignifiedly recognising female born sexual and gender minorities.

In the recent years in Kerala state many trans people have migrated to other cities for they have felt very difficult to survive in Kerala. Some have expressed that if they wanted to live the life of their choice and desire they cannot live in Kerala. At the same time, there are many trans and sexual minority people who have faced the conservative Kerala state and stood firmly in the state. One such person was Mariya. While some of the states in India like Karnataka, Tamil Nadu, Maharashtra, Delhi and West Bengal organised pride marches, Kerala started its pride march for sexual and gender minorities only in the last two years. Mariya was exuberant not just in participating but also in organising the prides. (Extracted from article, Sumathy Murthy, 'I am Coming Out'- What awaits me? Life or Death, <http://socialism.in/index.php/i-am-coming-out-what-awaits-me-life-or-death/>)

A representation was also given by human rights organisations to the Home Minister, Government of Kerala

**Statement Expressing Concern over the Brutal Murder of Gender/Sexuality Activist**

We, the following human rights organizations and concerned individuals, express our shock and deep concern over the brutal murder of gender and sexuality rights activist Anil Sadanandan/Maria. S/he was seen as a warm and friendly activist with full of energy by everyone.

Maria/Anil was murdered at night on May 9, 2012 at their place of residence in Thankassery in Kollam district. The 39 year old activist was deeply connected with the human rights issues of the sexuality minority issues in Kerala. While working at the Harbour Engineering Department of the Kerala State Government, s/he was involved with the preparatory work of Queer Pride 2012, Kerala.

Sexuality and gender minorities as a community have faced various kinds of physical attacks for years from those who are not tolerant of diversities of gender expression or sexuality. This time, it has been brutal, and Maria/Anil was found with cuts on the neck and stab wounds on the stomach. We would like to bring to your attention on the growing tendency in Kerala to use brutal physical violence to deal with differences.

We are also concerned over the growing nature of 'blaming the victim' rhetoric when such a ghastly event takes place. We express our shock over the attempts of the police to question and search the houses of gender/ sexuality activists instead of searching for the real culprits. Already, the gender/ sexuality minorities are facing

attacks from the civil society and police in India. Such move by the police will only make this community more insecure. We also condemn all physical attacks on activists in Kerala and call upon social organizations, activists and people's movements to come out in a united manner against the politics of physical violence on activists in general.

We therefore demand that:

1. The brutal murder of Anil is promptly and accurately investigated, and the culprits punished.
2. All attacks on the gender/ sexuality minority community are stopped and prevented immediately.
3. Kerala State Government takes active involvement to provide safety and protection to the gender and sexuality minorities.

#### **4.2. Murder of Basavaraj, Represented by Karnataka Sexual Minority Forum (KSMF) 1<sup>st</sup> June 2012, Raichur, Karnataka**

"Gundappa and Basavaraj are sexual minorities (Kothis), living in Hunkunti village, and Lingasugur taluk of Raichur district. Their families have accepted their sexual identities. Gundappa's father-in-law had given him 2 acres of cultivated land to earn a livelihood. On June, 1, 2012 Gundappa was working in his land along with Basavaraj.

Basappa, a villager along with four others came and warned Gundappa had a fight with him over the land. Basappa and his friends hit him in the back severely. Gundappa informed the local Apatha Mithra Rural Development Society, an NGO; the Karnataka Sexual Minorities Forum (KSMF) and Raichur district officials.

Members of Apatha Mithra Rural Development Society and KSMF went to the police station on 2<sup>nd</sup> June, 2012, and requested the police to file a complaint against Basappa and 4 others, but the Sub Inspector was reluctant. The leaders informed the police of their intention to complain to the Circle Inspector and seek the support of the legal services authorities. After a long fight, the Sub Inspector filed an FIR and handed over the copy of the FIR to Gundappa. The 5 accused were arrested and then released on bail.

On 14<sup>th</sup> September 2012, Basavaraj was murdered. The villagers got the information that Basavaraj was dead in the field. The Apatha Mithra CBO members (10 members) along with local villagers visited the spot. Until then police did not even bother to visit the place. Then Apatha Mithra called the police to the spot. After screening the dead body, the police took the body to the Lingsagar Taluk government hospital for post-mortem. KSMF (Karnataka Sexual Minorities Forum) members reached the mortuary and found wounds on left eye, neck, chest and other parts of the body. However, the government doctor certified that Basavaraj has consumed poison and committed suicide. The KSMF leaders argued with the doctor and police that his eye was damaged, hand was twisted and broken, and there are visible hit marks on his body but the doctor refused their version and gave post mortem report that he has committed suicide.

We met the Superintendent of Police of Raichur district and briefed him. He directed us to meet the Dy SP of Lingasugur taluk in this regard. We also met Justice Mulimani, Registrar, Legal Services and explained the present status of the case. Then he assured us that he will inform the Taluk level legal officials. The next morning, we met Surya Vamsi, Dy.SP, Lingasugur Taluk and briefed about the incident.

He said that after the doctor has given a certificate "we cannot do anything and if you have any strong proof we can help you give justice". These incidents are common in sexual minority community life. The transgender are

open and there is some identify and recognition in the society but other types likes kothis, Double Deckers, Gays are struggling to access their right to live and dignity.”

#### **4.3. Swathi (Transgender); Samara, Bangalore, Karnataka - 2011**

The helpline of Samara, a CBO of Sexual Minorities, received a call on Saturday night through a field worker, who informed about a TG who was in bad shape and needed urgent treatment for acute diaerrhea. Immediately two of the field staff took her to Victoria Government General Hospital but the duty doctor allegedly refused to admit her suspecting she was HIV positive. The doctor reportedly insisted that it was no more a government hospital and asked them to go to Madras Hospital as she was a Tamil speaking person.

Then the staff mobilised about 10 people and protested in front of the Superintendent Office and she was admitted as inpatient at about 6 pm on 23th April 2011. But she was not provided any treatment till next day morning and officially the hospital medical staff recorded her admission as 24th only after her HIV result came as negative. Even on 25th a group of Samara members had to meet the Superintendent to persuade them to start proper treatment. Even in the ward, the patient suffered a lot of stigma as the Nurses and Ayahs refused to touch the patient or his bed. The next bed patient who is about 35 years refused to reveal his name but said that the staff demanded Rs.100 to even give a bedsheet and to clean his bed pan each time.

Today morning the patient died at about 5 am and there was a huge protest by the community. The patient died of acute Septicemia Victoria police station inspector called them and warned them not to do a protest but to file a complaint. Samara secretary Soumya filed a complaint against the hospital to the SP and at the hospital police station. A complaint was also given to the Superintendent of the hospital.

In the meeting Deepu, community mobiliser of Samara, explained about how the victim suffered in the hospital and detailed how the ill-treatment by hospital staff. Soumya said, it is not the first time, none of the four Sexual minorities who entered Victoria hospital came back alive because of the denial of the treatment due to stigma.

#### **4.4. Beebeejan, 21, Thenali, Guntur, Andhra Pradesh - 2012**

Beebeejan from Tenali in Guntur is the second wife and has two children. Her husband is in the clothes business. He never took responsibility for the family and never gave money to meet family needs. He was always drunk and beat me regularly. I brought my problem to the notice of our village elders but they did not pay attention. The problem became unbearable and I decided to give him a ‘Talak’. I discussed the issue with our religious leaders who discussed this with my husband and gave him some time. I went to my parents’ house in Guntur and have been staying with my mother.

Because I had asked him for a ‘Talak’, he became angry. In January this year, during day time he came to our house. Seeing that I was alone, he came back after half an hour with a knife. He tried to stab my son with knife and when I tried to save him, he stabbed me on my back many times. I was bleeding and became unconscious.

When I fell, my husband sat on me and had cut both my hands with knife while my children were watching. Later, he took both my hands and roamed on the streets for two hours and finally surrendered in a police station.

When he surrendered in the police station, the police came to the place where the incident happened. My five-year-old son told everything to the police. After two hours of the incident happened, my brother came and took me to government hospital and the police also came there by that time. The police asked the doctors to start treatment immediately.

The representatives of the Community based organisation Siri Mahila Sadhikaratha Welfare Society came to know about my condition and rushed to District Collector. The District Collector spoke with all concerned doctors to provide me the best treatment. Because of the doctors, I have been re-born. All the CBO members have given me a lot of psychological support. With the help of the CBO, the District Collector pooled some donation for me. My husband is threatening that once he is released from prison he will kill me and my son.

**4.5. Huvakka (On behalf of 12 other sex workers); Shakthi AIDS Tadehattuva Mahila Sangha Ganapathi Galli, Belgaum District, Karnataka - 1 July 2012**

In one of the Belgaum's busiest road, around 13 female sex workers were beaten up by the local groups - Karnataka Rakshana Vedike group. They were beaten inhumanely with bamboo sticks. The group of around 20-25 men suddenly attacked on sex workers and beat them like animals. One of the sex workers was beaten badly and she was critically injured and hospitalised. The Community Based Organization helped sex workers to file a case against the offenders. The CBO took them to the hospital and got the doctor certificate and went to police station. The police Inspector refused to file FIR. The CBO leader argued with the police and explained violent act by the group and demanded the police to lodge a FIR. The Inspector refused to lodge FIR instead abused them and stated that public has took right action on you all. The CBO then contacted the women Commission and explained and the chairperson of the commission insisted the inspector to file FIR.

**Steps Taken**

The CBO member took sex workers to the hospital and got the doctor certificate and helped them to file a complaint. The Police Sub Inspector refused to lodge FIR instead he started abusing sex workers and stating that the public took action against you which is why we support the public. The CBO member contacted women's commission and the chair insisted Inspector to file FIR and then he filed FIR.

Huvakka on behalf of other 12 sex workers appealed the State legal services authority to appoint an advocate to fight for their case. She has given the written complaint to State legal services authority on 13<sup>th</sup> March 2013.

**4.6. Lalitha, Soukya Belaku Samudaya Sanghatane, Bellary, Karnataka - 2013**

Lalitha is working as a outreach worker in DC nagar in Bellary for the last 10 years. The sex workers who live in DC nagar face lot of violence by the rowdy group. Here there are 2 to 3 groups and they collect their share every day and if sex workers refuse to give share they will abuse them physically and verbally also. The sex workers have to entertain them for free and sometimes they bring their friends for sex work and the sex workers have to accept whatever they do. Last month one gang came in a bike and one sex worker was sitting outside but the gang suddenly attached on her with sharp and wood. They beat her with wood and she was hospitalised for more than a month. The police refuse to take cognisance of the violence and in fact blame the sex workers. The local CBO had met the goondas and tried to convince them but the violence is not stopped and sex workers have to give money and free sex.

**4.7. Hanumamma , Shakthi AIDS Tadehattuva Mahila Sangha, Belgaum, Karnataka - 2012**

"My name is Hanumamma and I am doing part time sex work. As a livelihood option I started a small cloth business in my village. One of the clients started blackmailing me by sharing my mobile number with other clients and threatened me by demanding money and forcing me to have sex with him.

I got scared and shifted to other place for a rental. But the harassment from the client continued. Now I am scared that my house owner might come to know about my past and thrown me out. Most of the time the society

feels the sex workers should be rehabilitated and alternative livelihoods. Even if we get some alternative livelihood option, we are not allowed to do so." The CBO tried to contact the client and attempt to convince him. Hanumamma asked CBO help to take to the client. CBO representatives spoke to that client and warned him. Hanumamma is now doing cloth business in the same village

#### **4.8. Vimala, Swathi Mahila Sangha, Bangalore , Karnataka - 2012**

"I am a sex worker living with HIV for the last 2 years. I live with my husband and we decided to have children. We were counselling by the counsellor and the doctor in Vani Vilas Hospital in Bangalore. The doctor suggested some of the safety measures along with the importance of institutional delivery. The staff of the hospital knew us as we went for our monthly check ups there. When I was experiencing labour pain, we went to hospital and got admitted. The nurses started discriminating her. They told me that it's a false pain and not the labour pain. I begged the doctor to conduct a delivery. But no one came to see me. After one day the doctor said that I had to be operated doctor or the nurses did not even attend to me. After a day they said that they have to conduct caesarean and asked me to be on empty stomach. But after 2 hours they refused by saying that they don't have equipments. We called the representatives of Karnataka HIV Positive Network (KNP+). They argued with the doctor after which he agreed to conduct the delivery. But they demanded Rs.500 for giving the child after the delivery.

#### **4.9 Reshma, Transgender 25, Warangal, Andhra Pradesh**

I am Reshma from Warangal. Most community members used to beg as they don't receive any support from the family, government. There are no job opportunities because of the extreme stigma and discrimination. They beg at railway stations and in the trains. Wherever the railway police see us, they arrest us, take us to the police station without any reason and beat us mercilessly. May times even when we stand in the railway station, they used to arrest us and beat us. They abuse us very badly in front of all passengers and travelers. They treat us like animals. The most painful thing is that the police used to forcibly remove our clothes, make us naked and call other staff in the police station to see us. They say 'you have not have seen how the TGs are'. The doctors do physical examination in- front of everyone in the hospitals and use a lot of abusive words. We were totally helpless and suffered with lot of trauma due to this abuse. Our request to the policy makers is create an enabling environment to lead our lives normally. Provide us opportunities to live like others. Treat us like human beings and allow us to access legal rights equally.

#### **4.10 State Violence Against Sex Workers, VAMP, SANGRAM Nippani, Maharashtra - 2002**

ON 18 FEBRUARY 2002, an armed mob of ruffians hounded 30-odd women in prostitution out of their homes in Nippani, a small town in Karnataka. The prostitutes' collective, VAMP, to which the women belonged, had acquired a piece of land in Nippani for its regular HIV/AIDS prevention meetings. After the second meeting, local corporators tried to stop these meetings. The women refused. They were then threatened and subjected to violence. One of the women, Shabana Kazi, complained to the police and asked for protection. A delegation of SANGRAM staff and members from the collective met with Circle Police Inspector (CPI) SS Khot who refused to file her complaint, verbally abused her, stated that he will tear her vagina apart and threatened to rape her in public. CPI Khot was not concerned that Shabana was accompanied by a delegation that included a reporter from Times of India, Mumbai. Fearing for their lives, the women fled to neighbouring villages.

The Nippani incident catalyzed many groups working with women in prostitution to act and protest against all forms of violence against sex workers. In response to these protests, the Chief Minister of Karnataka and the National Human Rights Commission called for action against CPI Khot, while the National Commission for

Women (NCW) launched an inquiry into the matter. In March, the Superintendent of Police, Belgaum district wrote to the NCW saying that a preliminary internal investigation had showed the need to initiate disciplinary action against CPI Khot. The letter also mentioned that women in prostitution would be given police protection to conduct HIV/AIDS programmes at Nippani. Despite these assurances, no action was initiated. On 9 April, 1000 women in prostitution marched on the streets of Sangli to demand justice for themselves. The rally was followed by a protest march to the Inspector General's office at Belgaum the next day. More than 200 activists from women's organizations in Karnataka and Maharashtra demanded that the police authorities act immediately on the Belgaum SP's findings.

In Karnataka, a support group was instituted. Members of this group started meeting regularly and a programme to stop violence was undertaken. To keep up the pressure on the State, a delegation from this support group met the Chief Minister of Karnataka SM Krishna on 3 August in Bangalore. The CM assured the delegation that he would personally see that the concerned authorities put a stop to this violence.

On 12 August, Congress leader and Member of Parliament (MP) Virkumar Patil met activists from VAMP and SANGRAM. He apologized on behalf of the State and informed the women that they could go back to their homes. He also instructed CPI Khot to apologize to the activists and to be present on 15 August - the date on which the women were to be moved back to their homes.

CPI Khot, who wore the mask of concern in front of the MP decided to teach the women a lesson. On 15 August, when the women tried to go back to their houses, they found the entire street up in arms. They were helpless. On appealing to the police station, they found that Khot was on leave and unavailable. On their return to the street, they were surrounded by ruffians, who in the presence of constables, tried to isolate and beat up the women. Reshma, a woman in prostitution, was viciously beaten up - but when the activists intervened to save Reshma, the police continued to turn a blind eye.

A First Incident Report (FIR) was filed in Nippani, but the culprits were not arrested. The activists contacted MP Virkumar Patil who organized yet another meeting on 24 August, and invited Member of Legislative Assembly (MLA) Kaka Patil, Police Inspector Kudachi, and local government officials. After heated negotiations, Kaka Patil - who is a representative of the Nippani Municipal Corporation - decided to reserve a separate piece of land for the women and promised to do so by the end of September. The talks ended peacefully with CPI Khot, who apologized yet again for his behaviour.

To date ten years later, the women are still struggling to make a living, some of them who ran away from Nippani never to return and many of them have not been able to go back to their houses. Even the satisfaction of some form of justice - in the form of suspension of CPI Khot - has been denied to the women who put up such a heroic fight for their dignity.

## ANNEXURE 4. SEX WORKERS BUILD EFFECTIVE RESPONSES TO FIGHT THE VIOLENCE OF TRAFFICKING - RIGHTS BASED APPROACHES TO PREVENT TRAFFICKING

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### 5.1. VAMP Mohalla Committees, Sangli Maharashtra

A key feature of the rights-based approach is that it **distinguishes between consenting sex work and trafficking. It defines “women” as being persons above 18 years of age and recognises the agency of consenting adults in sex work. Minors in sex work are viewed as victims of child sexual abuse. Trafficking in the context of adults and children should be clearly separated into two different laws.**

Until 2000, there were several under-age sex workers in the communities VAMP works with. Today there is a comprehensive system, monitored by the sex workers themselves, to ensure that no trafficked women or underage girls are working within the community. Every Mohalla (site) in which VAMP works, has a committee, which acts as a dispute redress mechanism amongst sex workers. The VAMP mohalla committee monitors trafficking and works closely with the police.

When a new entrant wants to work in the VAMP areas, she must provide a birth certificate or other proof of age. Alternatively, she is encouraged to visit the local government hospital where she receives a certificate of age following a physical examination. The onus is on each *gharwali* (brothel owner) to ensure that the women working in her house are over 18 and copies of the birth certificates are maintained by VAMP.<sup>34</sup>

Minor girls who come to the communities to work are brought before the VAMP committee. The committee members explain why she should not enter sex work and give her information about her rights as a child. It is hoped that by offering these young girls information and counselling it would make them reconsider entering the trade. Counselling is a critical part of this process since some traffickers may exploit her vulnerability. It is not enough to just turn them away.

The committee then tries to establish who has sent the girl to the community. If they suspect that the girl has been trafficked the issue is referred to the police, who acknowledge that women from the VAMP collective inform them whenever young girls are trafficked into the area.<sup>35</sup>

Thus it is evident that standards and norms of behaviour can be effectively enforced by a community following an approach centred on empowerment and the actualisation of rights. Though SANGRAM does not work in the big cities, such as Mumbai or Pune, it bears mention that this rights-based approach would be viable in those settings as well. The work of Durbar in Kolkata, another rights-based organisation working with sex workers, which intervenes in suspected cases of trafficking proves that the effectiveness of this model is not limited to a rural or semi-rural locale.<sup>36</sup>

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<sup>34</sup> Interview with sex worker from VAMP, Sangli, India. 5 August 2008.

<sup>35</sup> M. Gupte et. al., “In the Name of Rescue: A Report of the Fact-Finding Committee *Investigation into the Alleged Molestation/Rape of a Minor Girl by a Decoy Customer in Uttam Nagar, Miraj, Maharashtra*”. May 2007, 3.

<sup>36</sup> N. Gooptu & N. Bandyopadhyay. “*Rights to Stop the Wrong: Cultural Change and Collective Mobilization – the Case of Kolkata Sex Workers*”, Oxford Development Studies, 2007 Vol. 35, No. 3. 265.

b. Ms. Mita Mondal, Durbar Mahila Samanwaya Committee, Sonagachi, Kolkata - 2007

Ms. Mita Mandol, 22, was rescued by Durbar when she was 16. Unlike many other rescued girls, Mita was not a victim of trafficking. However, when she was found in the Sonagachi red-light area, she was an underage girl and she had no place to stay. Therefore, Durbar took care of her.

Mita's mother had passed away when Mita was very young. When her father re-married, his new wife moved in with her two sons. Mita was not liked by her stepmother, and started to experience problems at home. She also faced domestic violence. Mita left her home in Basherbad when she was only eight years old. For the next four years, she stayed with her aunt in a nearby village of Gobordanga.

At 12 years age, Mita decided to leave for Kolkata and pursue her dream of becoming a singer. On her way to Kolkata, she got lost and started crying. She was helped by a couple who invited her to live with them in Subhasgram. Mita agreed, and she ended up staying with them for over a year. One time when she was very sad, the couple took her back to her home in Basherbad. Her father did not accept her coming back because she had already left home once. He did not either like the fact that Mita dreamt of becoming a singer.

Mita had to go and live with relatives again. This time she stayed at her aunt's place in Birati. When she turned 15, her older sister (who was already married and had a place of her own in Basherbad), said that Mita had to come back home to get married. For some reason, the marriage did not take place but Mita stayed at her sister's house for one year. Then she decided to go to Kolkata on her own. By that time, she was 16 years old.

When Mita arrived in Kolkata, she planned to go to Maniktala area because she knew some people from there. However, she got lost in the city, and ended up in Sonagachi. She was alone and scared. In the red-light area she met a madam who wanted to employ Mita as a domestic worker in her home. Later, the madam would have probably asked Mita to do sex work as well. Before any of this took place, Mita was rescued by Durbar.

Mita is very grateful for Durbar for helping her to fulfill her dreams. Durbar has provided her a resource person who has helped her to improve her singing skills. She is now on her way of becoming a professional singer. She has completed her first year diploma in classical singing and is now taking her second year's exams. As a part of Durbar's DIC program, Mita also gives singing classes to the children of domestic workers in the Dum Dum area. Additionally, she works as a receptionist at Durbar. Although Durbar has encouraged Mita to focus on her singing career, she wants to do both jobs.

Mita is happy with her current life situation. She wants to continue as a singer in the Durbar band, and she hopes that one day their music will be published by a record company. Mita does not want to get married because after her marriage, her husband might forbid her from singing which is very usual in middle-class Hindu families. Since Mita does not ever want to give up singing, she has decided to remain unmarried, that is, to live her life independently.

**5.2.** Ms. Rakhi Das, Durbar Mahila Samanwaya Committee Bowbazar, Kolkata, 2012

Ms. Rakhi Das, 17, was rescued by the Durbar Mahila Samanwaya Committee (DMSC) in the Bowbazar red-light area in Kolkata in January 2012. Before she was being trafficked to this sex work site, Rakhi had been staying in a government home. Growing up without parents, she had been living in five different government homes in West Bengal. Rakhi does not know her parents, not even their names, or whether she has any sisters or brothers. She does not have information on when her mother had left her in a government home, and under what

circumstances this had taken place. All she can remember is that her mother had visited her once when she was six or seven years old.

In the last government home where Rakhi was staying, she became friends with one of the staff members. This boy, who was almost like a brother to her, betrayed her by taking her to the red-light district in Kolkata. Rakhi does not remember the exact time when they arrived at the sex work site. At first, she did not understand where she was, and what she was expected to do there. The madam, to whom the boy turned her over to, demanded that Rakhi would engage in sex work. She refused. The boy tried to convince her to change her mind by emphasizing that he is not responsible for her. He said that because Rakhi does not have parents and nobody is going to help her, she has no choice but to engage in sex work. Then the boy threatened to leave Rakhi alone if she did not obey him. Still, she refused. Rakhi was kept alone in an empty room, and she was very scared. In early January 2012, Rakhi was rescued by Durbar. In the interview, she told that she is extremely happy that Durbar has helped her.

Rakhi finds it very important that Durbar continues its excellent work in anti-trafficking. She acknowledges that some people work in sex trade willingly but stresses that Durbar should help all those girls who are forced to do sex work unwillingly. Rakhi said that at first she had not realized that all of Durbar's anti-trafficking work is actually done by sex workers. Since she has been rescued by them, Rakhi holds no negative views of sex workers but instead, she is very grateful for them.

### **5.3. Durbar Mahila Samanwaya Committee, Santipur, Nadia, West Bengal - 2011**

Durbar always fights against the injustice meted out to sex workers through various interventions and actions including legal intervention. Generally sex workers are criminalized by the enactment of the country which violets their basic human right. Very recently it was observed that a sex worker of a red light district in Shantipur, Nadia, West Bengal was murdered. Investigating on that the Officer-in-Charge (OC) arrested the owner of the house under IPC Section 302. Honorable Additional Chief Judicial Magistrate, Ranaghat, Nadia lodged a case (151/2011) under ITPA section 20 and ordered to vacate the brothel immediately. As a direct result of these order more than 600 sex workers including and their family members became homeless within a day. The school going children of the sex workers of that area became drop outs and their mothers became jobless. Immediate actions were taken from Durbar after knowing the situation of the incident. A group of advocacy team including a professional advocate from the Central Office of Durbar reached immediately on the spot and after investigating the matter, they made the general sex workers understand about the legal issues.

In terms of section 20 of the ITPA, 1956 a Magistrate may take appropriate action aid down therein for removal of prostitute from any place including step for vacating any premises occupied by any tenant, occupier or licensee etc. But schedule to the Act has authorized the District Magistrate, Sub divisional Magistrate or any Executive Magistrate specially empowered to exercise such power. Bela Bibi, a general sex worker then filed a petition to quash the lodged case and the order passed by the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia. DMSC put all its support behind BelaBibi and became a party to the case and provided our lawyers. The Honorable Judicial of Kolkata High Court Quashed the order of Additional Chief Judicial Magistrate, Ranaghat, Nadia as the sufferings of children of sex workers was an important issue what cannot be accepted in the eyes of law. Individual sex workers and sex workers collective has rarely won legal battle in the court as the law regulating sex work i.e., (ITPA) often used against the sex workers what absolves rights and dignity of sex workers and their children.

**5.4. Ms. Monira Akhtar, Durbar Mahila Samanwaya Committee, Sonagachi, Kolkata - 2011**

Monira Akhtar was reading in class IX. It was a day to collect scholarship money. So she with her friend Pratima went to the school to collect that money. But unfortunately they have not got their money that day. So they decided to visit Monira's aunt's place which is near to her school and stayed the night there. The next day Monira and her friend were supposed to board a bus towards her home. Monira called up her boyfriend Ripon to the place. But suddenly Pratima felt a pain in her stomach. So they went to a doctor. After that they got up in the bus where she felt sleepy after having some water from Ripon. She felt unconscious. When she arose she found herself in Kolkata. She was sold to a brothel in Chetla but the peer educators of Durbar had already spotted her on the day one and rescued her. She was brought to the short stay home of Durbar. Durbar was successful in influencing Foreigners' & NRI's Department, Government of West Bengal and BSF office. This process hardly produces favorable result and often number of bottlenecks prevents trafficked women to see new light in life.

Durbar's experience in repatriating Bangladeshi is not so encouraging. As laws and procedure is so cumbersome that hardly rescued girl can go back to their home country and often spend years (even her whole life) in remand home preceded by police and judicial custody. Often country of origin does not recognize them as their citizen and the receiving country do not allow her to leave outside custody or in remand Home. Though DMSC has raised this complex issue to influence policy maker in both the countries nothing has changed as they are least bothered about a "trafficked women". This was probably a unique case where after 7 months, DMSC succeeded to hand over the girl to her father through the High Commission of Bangladesh and the I. B. department of India.

**5.5. Ms. Anjali Sona, Durbar Mahila Samanwaya Committee, Bowbazar, Kolkata - 2011**

Anjali Sona had been trafficked by her sister's husband (not own sister) to Delhi when she was only 13 years old. She is a tribal girl belonging to the Dhekiajuli tea garden of Tezpur district of Assam. Her *jijaji* had taken her to an office in Rajouri garden, Shivaji Inn Club (Delhi) where she was to work as a domestic worker. Initially she was working as a domestic maid itself but later on things took a different turn. She had never dreamt of what things lay before her. To her horror her office manager had sold her to some red light area where she fell into the trap of the sex profession. She also became pregnant after two years but her child was snatched away by the brothel owners. Many girls like her are forced to sex profession in the name of domestic work, she lamented. After three years in 2011 she has managed to escape the vicious clutches of the brothel mistress and come to Kolkata. She had travelled to Delhi station with another of her mate named Jyoti who also escaped from the ruthless torturers. Anjali boarded a train to Kolkata. There she landed to the Haora station. The train to Guwahati was scheduled for the next day. So she asked a boy at the station to help her. Thinking about his good luck the boy brought Jyoti to the Bowbazar redlight area to spend a night with her and also to sell her to the *malkin*.

Here the *malkin* was well aware of the problems of keeping a minor in her house so she handed her over to the peer educators of DMSC who brought the girl to the short stay home of the office. After interrogation and counseling it was found out that she longed back to go to her home. According to her, she has four elder sisters and one younger sister. She studied at the *Khonjuri Sikshalskool* till Class 2. Her father had died long back. Her mother and the sisters used to work in the plantations. The police station at Dekiajuli was intimated about this information and from there her sister and sister's husband were informed.