

# **IN THE NAME OF 'RESCUE'**

***REPORT ON THE ARRESTS OF 75 SEX WORKERS IN DELHI IN JANUARY 2008***

**JOINTLY WRITTEN BY SAHELI & PEOPLES UNION FOR DEMOCRATIC RIGHTS**

**2009**

## **BACKGROUND**

The recent past have seen a number of incidents of arrests and raid and rescue operations of sex workers' in different parts of the country. Attempts at the international level towards tougher implementation of laws against trafficking and also to control the spread of the epidemic of HIV/AIDS resulting in a sharp increase in the funding for the same did contribute in a major way to such actions by the Government of India and its counterparts. Sex workers have been always remained and continue to remain the most vulnerable 'high risk' target of measures in the HIV/AIDS campaign. In the last one year, there were incidents of raid and rescue operations or arrests of sex workers in Pune, Bangalore, Bayna... These incidents also coincided with the proposed amendments to the Immoral Traffic Prevention Act 1986. In this context, we feel it's important to document and analyse the nature of functioning of state and violations of rights of sex workers in India.

For years, raid and rescue operations on sex workers; their homes and workspaces have been marked by a high level of sensationalism and callousness by the state, the media and civil society. In the course of last few years, especially in 2008 many such operations made national news.

- **Pune: 3<sup>rd</sup> January 2008:**

On 5th January 2008 local media in Pune reported the incident at the Faraskhana police station, where the women were brought - a scene of complete chaos as the arrested women raised protests that they had not been given any food or water since the arrests were made. The arrested women were also not given an opportunity to bring our belongings and have just locked our houses. Some NGO members also expressed displeasure at the manner in which the procedure was being carried out, and the treatment meted out to the victims. After the court order [issuing transit warrants], a section of the women created a scene by saying that they did not wish to go to Andhra Pradesh on the grounds that they were staying in Pune for the past 25 years. They claimed that they were in possession of ration cards to prove that they were residents of the city. This incident was just days prior to the operation in Delhi, where the same CID team conducted a similar operation.

- **Delhi: 8 January 2008:**

The newspapers and television channels in Delhi featured 'breaking news' of 150 women from Andhra Pradesh, sex workers all, being 'rescued' from what is popularly known as G.B. Road. The women 'rescued' in the raid lived in Delhi's red light area, which is popularly known as G.B. Road (formerly, Garstin Bastion Road, now officially Swami Shradhdhanand Marg). The tenor of the moment was just as it has been played out countless times before. The courthouse was packed, the reporting at a high pitch, the police victorious, the official's righteous, and the women as always, hiding under handkerchiefs and dupattas, trying to shield themselves from all the attention they were suddenly subject to.

## **INTRODUCTION**

As the reports on the raid and rescue operation in red light area in Delhi were flooding news channels, we began to hear accounts about how the women were treated off-screen, during the 'raid and rescue' operation the night before—being manhandled by the police, held without food and water all night and subject to other human rights abuses. There was also other concerns about where the women were being held, what their legal status was, whether they had access to adequate legal counsel, what support they were/were not receiving, what help they needed, etc.

The Peoples Union for Democratic Rights has been taking up issues of workers, the rural landless, tribals, the displaced and the survivors/victims of communal riots for the past thirty years. As part of the agenda of taking up issues of the marginalized PUDR took up the issue of the violation of the rights of sex workers, one of the most stigmatized communities in society. In Saheli, through years of feminist engagement on the issue of sex work – variably as violence, as coercion, as the right to work, as freedom of choice, as a class/caste based occupation—we have asserted our support for the rights of women in sex work. Saheli have stood for decriminalisation of sex work, even as we remain unequivocal against trafficking or forced labour of any kind, including sex work. Hence, in the light of the events of Jan 2008, we felt the need to investigate the matter—from the perspectives of both, a democratic rights organisation and a feminist collective. The members of PUDR and Saheli attended the court proceedings on 9 January 2008, spoke to the SP Police (CID), Andhra Pradesh, defence lawyers, the local police officials and interacted with the women's families, friends and colleagues while the women were in custody in Delhi, as well as later at the brothel houses on GB Road.

The 'raid and rescue' operation on GB Road by the CID, Andhra Pradesh and Crime Branch, Delhi, raises a host of questions and repeats many patterns of violations against sex workers seen all over the country. It is ironic that in an operation that purports to 'rescue' sex workers, the dominant narratives are of the inhuman treatment of the women during the operation, verbal abuses of sexual nature, manhandling and violence by male police personnel, and alleged sexual assault before they were handed over to judicial/protective custody! Not to mention that if the 'raid' was actually to prevent trafficking, the police captured 24 women (and not a single man) as 'traffickers' in a business where there is not much doubt that actually a large number of men are involved right from procurement onwards to running brothel houses.

The second area of concern remains the law. First, are the contradictions of the ITPA itself and secondly, the district court failed to give the women a hearing about any aspect of their lives, the alleged trafficking, rescue etc. in addition, it failed to take note of any of the violations against the women, choosing instead to give immunity to police personnel, and simply wash its hands off the case by transferring the case to AP, despite some women having proof of domicile in Delhi for decades! These are indeed worrisome trends.

One of the biggest flaws in the ITPA is Section 17 which permits adult individuals who may be voluntarily residing in a brothel to be forcibly 'rescued' and taken into custody. The Section is clearly in violation of the right to life and liberty guaranteed under Article 21, the right to move freely throughout the territory of India under Article 19(1) (d) and to reside anywhere under Article 19(1)(e) of the Constitution. An individual doing sex-work does not lose these fundamental rights enshrined in the law.

## **THE SEQUENCE OF EVENTS**

According to official records, the 'raid and rescue' operation was carried out in response to First Information Report (FIR) No. 37/07, filed by Kathi Lakshmidēvi on 7 July 2007, Gandlapenta Police Station, Anantapur District accusing 6 persons of trafficking. In response,

a joint operation was launched by the Criminal Investigations Department (CID), Andhra Pradesh and Crime Branch, Delhi on Monday, 7 January 2008 at many different brothel houses of G.B. Road. The raid was conducted from around 7.30 pm till late in the night. The Additional Judicial Magistrate First Class, Kadiri in Andhra Pradesh based on the above FIR recorded that information of "the commission of the offence indulging innocent with in prostitution" had been received and issued search warrants for the arrest of six women as suspects and the rescue of twelve women as victims, all residents of G.B. Road, Delhi.

In all, the police picked up 150 women from these various buildings, and took them to the Daryaganj Police Station, since the closest police station in Kamla Market apparently could not accommodate so many people. In the course of the night, 75 women were let off after questioning, while the other 75 were booked under various sections of the IPC. Those charged were kept in the Daryaganj PS all night and produced at the District Court of Tis Hazari on Tuesday, 8 January 2008 before the Alok Aggarwal, Additional Chief Metropolitan Magistrate (ACMM), Room 42, Tis Hazari Court, Delhi at the end of the day.

24 women were produced as accused and 51 as 'rescued' persons in respect of criminal case No. 37/7 under sections 366A/372/373/344/376(2)(g) IPC and under sections 3, 4, 5 & 6 of ITPA (FIR No. 37/07, 7<sup>th</sup> July 2007, Gandlapenta Police Station, Anantapur District, with 6 accused persons).

Arguments were heard partly on 8 January, 2008. Pending further arguments, the accused were remanded to judicial custody and the 'rescued' women were ordered to be held in protective custody. This order was passed at 5.15 pm. But in a blatant contempt of the Court order, the women were driven around town for a few hours, and then finally taken to Andhra Pradesh (AP) Bhavan on Jaswant Singh Road.

At AP Bhavan where the women were illegally detained for most of the night, the women were questioned, manhandled and harassed by the AP Police. Some women were also allegedly stripped and beaten, physically and verbally abused (kicked with boots) by police personnel, some of whom were under the influence of alcohol. Late into the night, almost twenty four hours after they were first picked up, they were finally given some food to eat. According to accounts we heard at the Court the next day, Ms. B. Sumathi, SP (CID) Andhra Pradesh was present during these events.

Finally, the accused women were lodged at Central Jail, Tihar at 4 am (i.e. 11 hours after they left the court). The 'rescued women' were admitted at Nari Niketan, Nirmal Chhaya complex at 6.30 am (i.e. 13 hours after they left the court).

On Wednesday, 9 January 2008, the women were again produced in court. Although the judge was informed of the actions and violations by the police- that were in blatant contempt of court he did not take any cognizance of the facts. Instead he accepted arguments like 'we had made food arrangements for them at AP Bhavan', and did not heed the complaints of violence and maltreatment by the police, choosing instead to simply issue transit warrants for all 75 women and order them to be presented in the Kadiri Court, Anantapur district, Andhra Pradesh on 12 January 2008. 24 women were charged under the Immoral Trafficking Prevention Act and 51 were deemed to have been 'rescued'.

On Thursday, 10 January 2008, all 75 women were taken to Hyderabad by train, and from there on to Anantapur.

### **HIGH PROFILE PRESS CONFERENCE IN KADIRI**

In Kadiri, all women were paraded before the press once again by Police. Media covered the information gain in a sensational manner thereby violating the privacy and demands of anonymity in such cases. The United Nations Office on Drugs and Crime (UNODC) in its

project, S - 16, 'Strengthening law enforcement response to human trafficking', has developed a Protocol on Inter State Rescue and Post Rescue Activities relating to Trafficked Persons in collaboration with the Ministry of Women and Child Development (MWCD). The Protocol talks of taking steps to ensure anonymity of the rescued persons. This protocol refers to the need to try and maintain confidentiality of the rescue operations (see Box on the UN Rescue Manual Guidelines). Section 21 of Juvenile Justice Act mandates ensuring anonymity of child victims. Section 228 A of the IPC provides anonymity to all victims of rape. It also clearly says that if the media comes to know of it, do brief the media persons about the need and method of maintaining anonymity (p 8).

### **The arrests drive: From Andhra Pradesh to Delhi via Pune.**

A few days prior to the events in Delhi, we had heard similar reports of a 'raid and rescue' operation in Pune by the CID, Andhra Pradesh apparently also based on a complaint in Anantpur District. According to the *Pune Newsline (Indian Express)* dated 4 Jan 2008, "a major cross-border trafficking racket operated in Pune, with women being trafficked from tribal-dominated districts in Andhra Pradesh. While the exact number of those arrested will be finalized only after further investigation, Andhra Pradesh Superintendent of Police (CID) B. Sumati, told *The Indian Express* that at least 10 traffickers and 40 victims have already been taken into custody... Simultaneous raids were then conducted at various locations in the city's Budhwar Peth area on Thursday afternoon, and at least 100 women were arrested... These arrests are part of a continuous exercise in various cities, involving the transport of minor and major girls across the AP border."...

"The Faraskhana police station, where the women were brought, was a scene of complete chaos as the arrested women raised protests that they had not been given any food or water since the arrests were made. "We were not even given an opportunity to bring our belongings and have just locked our houses," one of them said. Some NGO members also expressed displeasure at the manner in which the procedure was being carried out, and the treatment meted out to the victims. Faraskhana senior police inspector VT Pawar denied this, saying that the arrested had been provided with bananas and 'vada pav.' In fact, these items had been brought in by local NGOs after the women protested."

## **THE WOMEN SPEAK**

### **On the Raid at GB Road**

GB Road is located in a busy wholesale market in Delhi, where densely packed shop fronts, dhabas, chai-kachori vendors are interspersed with narrow staircases that lead to equally densely packed top floors. We visited six brothel houses and spoke to about 15 women individually, and another 25-30 collectively. Some of the women we spoke to had witnessed/experienced the raid, some had been picked up by the police, taken to the police station and then let off, while a few others shared accounts they had heard about the raid from those present, including the men who work for them as cooks, helpers, electricians, dhobis, delivery boys, etc. Together, their accounts present quite a vivid picture of the happenings of the night of Monday, 7 January, and the fallout of such events in the lives of these women.

The first place we visited, **Brothel House-A** (named in the FIR)\* was the one named in the arrest warrant. It is spread over a first and second floor, with a few rooms around a central lobby that could at best, accommodate 25-30 people. The police timed their raid during the rush hour, and according to all accounts, "There was a large police party that suddenly arrived in the area, and blocked all the staircases, thus controlling all entries and exits. As

W1\* of Brothel House-A said, "There were 25 police persons, out of which 5 women came to the building. Sumathi, Superintendent of Police (CID) was leading the contingent." Added W2 also of Room No 42, "There were 3 women who came in burkhas. Assistant Commissioner of Police, Crime Branch, Delhi, had also come and there were 4 buses full of police." Said a cook in same house, "Even as they grabbed and caught the women, and chased out all the clients, many of the men who work here, including me, ran out with them... they were using abusive, sexist language while attacking the women."

W3 of Brothel House-A described the scene further. "The women were beaten up and violently dragged away from here. They were also not allowed to pick up anything or wear slippers or take some clothes with them... it was horrible". Six women were taken into custody from Brothel House-A. As W4 added, "All their belongings—money, gold, mobile—which was with them have been taken away by the AP police."

Some of the women in Brothel House felt that the complainant, KV Lakshmi was one of the women in a burkha, pointing women out to the police who would drag them out. They all seemed to know her or at least, know of her, saying she was an old associate who had lived in and left several brothel houses at her own will. They also alleged that she owed money to many women on GB Road, and now that she has returned to Andhra Pradesh, she has filed this case in collusion with anti-trafficking groups. Some women also said they recognised activists of STHREE (Kadiri) and STOP (Delhi) during the operation.

But the police operation was not only restricted to Brothel House-A. As W5 of Brothel House-B said, "There was no complaint against this brothel house, but the police came anyway. There were 10 men and 3 women in burkhas. The Station House Officer of Kamla Market Police Station was also here. Added W6 of the same brothel house, "They separated us according to the region we belonged to and started dragging women from the South down the stairs. They really manhandled us... we begged them to stop, but they wouldn't". 'We will come down ourselves with our dignity in place... don't drag, abuse or beat us' we said... and that's why many women from here did not get injured. The police said that we would be released at the station." But as W7, a senior resident of the same house complained, "They broke the locks of my make-up box, searched cupboards and picked up my mobile phones, generator keys, papers and money. No panchnama was made for them, so I can't even make a formal complaint... how can I hope to get my things back? They don't have the right to do this... because technically, I have not even been arrested and am not part of the case. This is out and out badmashi! (misconduct)".

Brothel House- C is somewhat down the road from Brothel House-A, and it was raided at about 9 pm. As W8 told us, "There are around 20 women in this room. 15-20 policemen accompanied by 4-5 police women from Andhra Pradesh came." W9 of the same house added, "None of us are from Andhra Pradesh, so we refused to go. They (the police) couldn't take anyone from here." But that was no safeguard against atrocities by the police. Said W10, "The police did not ask us anything, not even our names. They just started slapping, beating and manhandling us; 'Bahut maar peet kiya'." The SHO of Kadiri Police Station, Munawwar Husain also the Investigating Officer on the case molested us. He yanked us by our hair and pulled at our breasts. He had come during the last year's raid as well. He pushed many of us on the floor and tried to drag us out."

The scene at Brothel House D was equally violent and abusive. Said W11, "We were all hit and abused by the male police. The female police didn't hit anyone. The police also threatened to rape us." Added others in the crowd, "One woman's hair was pulled so hard that her neck got twisted badly... they just dragged her away." Other voices added, "Our mobiles were taken away"; "My hair was pulled and I was kicked, pushed/thrown on the stairs by a fat, fair policeman wearing spectacles."

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\* identities of brothel houses and women have been coded for the sake of anonymity and safety

As the testimonies of women in all the brothel houses corroborate, the operation was carried out by the Andhra Pradesh Police along with the Crime Branch, Delhi... with the Delhi Police supposedly playing 'mute spectator' to the events, and several police personnel in plainclothes. The general air in Brothel House A was that of shock and surprise: *"We had no idea about the raid despite being in regular contact with the local police."*

The search was supposedly only for women from Andhra Pradesh, and the raid and rescue team demanded to know if any of the women had been trafficked. Ironically, this did not spare most women in the brothel houses from violence and mistreatment by the police itself. In Brothel House D, W12 told us, *"Even after telling the police that we are living here out of our own will, we were picked up..."* In Brothel House E, W13 said, *"Both the men and women police beat us. One woman from us who belongs to Karnataka threatened to kill herself if they took her away,"* while W14 in Room 55 said, *"I was taken to the Kamla Market Police Station and made to speak in Kannada to prove that I'm not from Andhra Pradesh."*

However, some of the non-Andhra women from Brothel House F and G were slightly luckier, *"We were asked which region we belonged to. They didn't pick up any of us or our possessions... We were just asked if we have been forced to stay here."*, *"The police asked us which region we were from (most women are from Nepal in this brothel house)... and then left."* And Brothel House E we were told, *"We were asked to stand in a line and give our names and regions. None of the women here is from Andhra Pradesh. We're from Karnataka, Chennai, Maharashtra and Nepal. Yet two from among us - one each from Bengal and Bangalore - have been taken to Andhra Pradesh."* An official of the Department of Social Welfare, Delhi government told one of the team members that no one is arrested without first verifying the domicile state. Yet Saroj (50 years), who was a sweeper and cleaner of the rooms, was taken away. Shanti (50 years), who got breakfast and tea for the women, was also taken away as was Neelu from Maharashtra (45 years).

### **That night at the Police Station**

After being dragged out of the brothel houses by the police, the women were stuffed ruthlessly into the 4-5 buses waiting on the street below, and taken, first to Kamla Nagar PS and then on to Daryaganj PS for questioning. W14 from Brothel House A told us what has been confirmed by many of the women, *"We were taken in a bus to the Kamla Market Police Station, kept suffocating in the buses for a long time and then on to the Daryaganj PS, where they kept us without any food or water. Lots of women were crying."* Added W15 of Brothel House E: *"We were questioned by the Andhra Police. The policemen asked us to speak in Telegu or Urdu... One arrested woman was beaten very badly. At the Daryaganj Police Station, we were not even given any water."* And that, as we know, remained the situation of the women for more than 24 hours when they were remanded into judicial/protective custody.

Of the 150 women picked up from several brothel houses on GB Road that night, 75 women were released, in ones and twos all the way until 3 am in the morning. But no police vehicle dropped them back - they were expected to find their own way back, despite the fact that no transport is available at that hour.

The constitution in its Article 22(1) provides the right to a person arrested to consult and be defended by a legal practitioner of his choice. The women arrested in the case were denied the right to consult a lawyer. None of the women arrested were allowed to even speak to anyone for this possibility. Men and women who went to the Police Station in support of the women were forcibly kept out. As W 16 from Brothel House B said, *"All the gates were closed... and no one was let in at all."* Article 39A of the Constitution directs the State to provide free legal aid and promote justice on a basis of equal opportunity. And according to this, the arrested women should have been provided free legal aid.

The raid and rescue operation which began at around 8:30 pm, was carried on till around 11:00pm. For rescue operations after sunset, The Protocol asks for moving the rescued persons to Government or NGO run home. It further adds '**At any cost the rescued persons should not be kept in the PS over night' (p 14)**. Leave alone the night of operation the rescued women were not taken to Government run or NGO run even when the court had ordered it the next day. In clear violation of the Protocol laid down, the "rescued" persons in an operation carried out at night were kept at the Kamla Market and Daryaganj police stations.

## **AT THE COURTS, ISSUES IN CUSTODY**

The scenario at the District Court on 9th January was dramatically different from that of the first day of hearing. The judge had banned all press presence in the courtroom, so only the prosecutors, lawyers, accused, police officials and a few activists were present. While the hearings were going on inside, the arrested women were brought to the outside corridor for verification, surrounded by many, many police men and women. None of them were allowed to talk to friends, relatives or colleagues from GB Road, nor any of the activists. Since many of them had been dragged in a semi-clad state to the police station, shawls, sweaters, chappals and water had been brought for them, but they were prevented by the police from taking them. Significantly, not a single woman was called into the court, presented or allowed to say a word for themselves during the entire proceedings.

After the judgement decreeing that they all be taken to AP with immediate effect, confusion reigned in the court premises. On one hand, there were consultations with lawyers and on the other were concerns about clothes, medications, belongings, savings and other essentials of the women. We spoke to SP Sumathi (CID, AP) who assured us that while the women being held in Tihar Jail could be met and given their belongings during visitor's hour, she would make arrangements for the same to be done for the women in Nirmal Chaya as well.

But on 10 January when we went to Nirmal Chaya to try and speak to the women we found many of their friends, relatives and colleagues standing outside the gate with packets of clothes, blankets, slippers, fruits and other eatables for the women inside the shelter. Earlier in the day, they had managed to meet the 24 women in Tihar Jail and had handed over some of their belongings to them. But for some reason, the administration was being absolutely rigid about not letting anyone meet the so-called 'rescued women' at Nirmal Chaya. After four to five hours of being there, countless phone calls to officials and attempts at negotiation, a couple of women were finally taken to the office of the superintendent who refused to let them meet the women. This is what the women told us when they came out: W17 from Brothel House A said, "*We wanted to hand over just the women's clothes etc., but were not allowed. We had to leave them with the warden. None of us are being allowed to meet the women.*" Added W18 from the same Room, "*We could only give clothes to those in jail and not to the ones held in Nirmal Chaya. Some women are unwell and one has tuberculosis.*"

Finally, friends, relatives and colleagues rushed from Nirmal Chaya to the railway station in order to meet the women as they were being taken away to Kadiri, but there too they were not allowed to talk to them. Recounted W14 from Brothel House A: "*In the train to Andhra Pradesh, the women who tried to open their windows to talk to us were beaten.*"

## **THE POLICE SPEAK**

When the investigating team tries to speak to the local police on issues relating to the raid and rescue operation, the alleged maltreatment of those picked up, questioned and arrested, we were told that all the personnel who had been on duty that night had all been transferred and in any case, this was an operation of the Criminal Investigations Department (CID), Andhra Pradesh and Crime Branch, Delhi and that the Delhi Police was just lending 'logistical support', so had nothing to say on the matter.

When we spoke briefly to SP S. Sumati (CID, AP) she vehemently denied any maltreatment of the women during the operation, stressing instead that this was important work in which organisations like ours, especially women's groups, should help the police rescue women who had been trafficked. She asserted that several women among those arrested had already come to her crying and thanking her for rescuing them from the hell hole they lived in... and that it was her job to continue to save such women. She absolutely denied that women did and could get into sex work of their own volition, repeatedly arguing instead that it is dirty work none of us would want for ourselves – so why do we support it for others? SP Sumathi also alleged that some of the women arrested 'looked like minors' though she could not confirm the fact (and it has in fact, been proven otherwise now). She refused to address issues like why the arrested women were taken to AP Bhavan instead of the custody of Central Jail, Tihar and Nirmal Chaya.

We also questioned SP S. Sumati on why the police/State tried to provide succour to rescued women by being violent on them, depriving them of all their belongings/savings, separating them forcibly from their children and families, etc. Her response to these issues was that while she was personally keen to help them at all these levels—including help them go back to the brothel houses to gather what little they owned—the laws of the land prevented her to do so. But this statement contravenes the guidelines laid down for such R&R operations. (See box on Guidelines & Violations)

## **THE COURT PROCEEDINGS: A CRITIQUE**

Arguments were heard 8 January 2008 at Tis Hazari in the court of Additional Chief Metropolitan Magistrate (ACMM), Delhi, Alok Aggarwal on the transit remand application and transit bail application of the accused persons and also the application for producing the rescued women before the magistrate. Pending further arguments, the accused persons were remanded to judicial custody and the rescued women were ordered to be sent to the protective custody of Nirmal Chaya. On 9 January 2008, fresh joint application for bail of the accused persons and the release of the rescued women was filed.

### **No questioning of police claims**

The Order fails to see through the obvious lie that has been recorded in even the *Panchnama* that all 150 women held were picked up from Brothel House A at G.B Road as per the search warrant issued by the Magistrate at Kadiri, Andhra Pradesh. Given the size and scale of the brothels at G.B road that is a self evident misrepresentation of the facts. All accounts by witnesses and women detained and released from the police station bring out the utter falsity of the prosecution story.

The Order also rejects defence counsels challenge of why 24 women were arrested when in the FIR at Andhra Pradesh, the complainant has named only six women against whom search warrant were issued by saying that '*once the FIR is registered and the matter is investigated by a competent officer, there is no bar to his apprehending other petitions against whom similar offences are alleged during the pendency of investigation. The accused have been apprehended on the basis of identification by the complainant who accompanied the raiding party*' (pp5-6 Cr. No.37/07). It doesn't require a great deal of reasoning to see that this is a completely arbitrary assumption. Why would all the accused be living together in one brothel house and, why has the complainant not named them in the FIR but suddenly at the time of the raid she accuses not 1, 2 or 3 more people but 18 more as traffickers! It's interesting to see in this context that of the six persons named as accused in the FIR, only the names of two women match with the 24 arrested. Similarly, of the 12 women named as 'victims' in the search warrant, only the name of one women match with the 51 rescued. The arbitrariness in naming certain women as 'accused' and others as 'rescued' is more than evident, but the

judge was perhaps more inclined to transfer the case to Andhra Pradesh rather than probe these questions.

### **Trafficked when Minor?**

In a similar vein, the ACMM, Delhi accepts the plea of the prosecution, which is not backed by any material to indicate that fifty of the fifty one "rescued" women were trafficked. Only one of the women rescued is named as "victim" in the search warrant issued by the Additional Magistrate First Class at Kadiri. The ACMM, Delhi observes with respect to all the "rescued" women that "As per the FIR and the Panchanamma, the English translated copies of which have been provided by the IO, the rescued women belong to Andhra Pradesh and have been procured from there when they were minor".

The women in G.B. Road in their accounts clearly state that the women detained are adults and have been staying of their own will and have not been trafficked. The Magistrate chooses not to even to enquire from the "rescued" women whether they were "procured" or "trafficked" as minors and proceeds to disrupt their entire life in Delhi where they have been staying for a number of years, and directs their being taken to Andhra to be produced before the Magistrate at Kadiri.

### **No production before Court**

The Constitution of India as well as the Criminal Procedure Code mandate that a person detained, whether as accused or as a "rescued victim" has to be physically produced before the court. This a salutary provision to ensure opportunity is given to the individual detained to be heard before any order is remanded to judicial or police custody or sent to a home in case of "rescued" persons. It is also meant to offer an opportunity to complain to the magistrate in case of abuse, beatings or other brutalities by the police. In fact, the magistrate is under a legal duty to enquire from the persons arrested with regard to use of third-degree methods by the police.

In the present case the women were herded and kept in the corridor outside the court room. In clear violation of the constitutional mandate the arrested persons were not physically produced before the magistrate. The women were totally deprived of their right to be heard and/or complain with respect to manhandling and abuse by the police.

### **No contempt of court?**

At the outset, defence counsels alleged that the accused and the victims were detained for a considerable time at Andhra Bhavan, Delhi before being sent to Jail and Nirmal Chaya respectively. What is worth noting, is that the Judge accepted the fraudulent arguments made by the APP in response to this. The APP explained that since the order on 8.01.2008 was passed at 5:15 pm, there was no jail van available to take the accused and the rescued persons. All the women were therefore taken to Andhra Bhavan, for medical examination and dinner. Finally, the accused were lodged at the Tihar jail only at about 4.00 am and the rescued women admitted at Nirmal Chaya at only about 6.30 am the next morning. Though the Judge himself acknowledges in the judgment that the period of 11 hours after passing of the order and the lodging of the accused in jail is a bit long but adds that *'in view of the circumstances, I do not think that it amounts to violation of the court order. It is not in dispute that the accused persons have been produced today from Central Jail and the victims from Nirmal Chaya'*. (Pp 2, Cr. No.37/07)

### **Disregard for custodial sexual violence**

The defence counsel had also alleged that the women were manhandled and abused at Andhra Bhavan but no notice was taken of it, and the Court didn't make any attempt to verify

the charge—which of course, could have been easily done by asking any of the accused or the rescued women who were present just outside the courtroom. In fact there is no mention of this charge in the Order pronounced. This not only shows the negligent attitude of the police and courts towards following the norms for/of police/judicial custody, but also the callousness towards acts of custodial sexual violence, more so when the persons in question are sex workers.

### **On the Right to Consent**

The Order disregards the contention made by defence counsels that the so-called victims have been forcibly removed from their workplaces/homes and as adults cannot be forced to go to Andhra Pradesh against their will. In doing so, the order denies the women any agency as adults and relies entirely upon Section 17 of the Immoral Traffic (Prevention) Act or ITPA, that deals with paradoxical offences like detaining a person '*with or without consent*' in premises where sex work is carried on or taking a person '*with or without consent*' for the purpose of Prostitution. It is imperative that we question how a law dealing with adults in the country can ignore consent of an adult. But then, these are among the many issues of concern that warrant a revisit of the ITPA itself, from a democratic and human right's perspective.

### **REVISITING THE ITPA: PARADOXES WITHIN THE LAW**

The law pertaining to prostitution/sex work enacted in 1956 was ironically called the Suppression of Immoral Traffic Act (SITA). The SITA was in force for three decades till in 1986 when its name was changed to Immoral Traffic (Prevention) Act, the ITPA. The origins as well as the title of the legislation itself reflect 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' (Statement of Object and Reasons – Gazette of India, 1954). Trafficking would be generally understood to mean transporting a person by the use of threats, force, coercion, abduction, fraud or deception. But the ITPA does not even have a definition of trafficking; leave aside provisions to check it. It only deals with acts like keeping a brothel, soliciting in a public place, living off the earnings of prostitution... yet so deep is the association of prostitution with trafficking, that the law with regard to sex work is called prevention of 'immoral traffic'.

As mentioned before, the ITPA also makes a significant departure from the way 'consent' is understood in criminal jurisprudence through 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. This is a clear indication of how the stigmatisation of sex work and workers influences the framing of the law itself. Ordinarily, consent or lack of consent of an adult is the crucial factor in offences like abduction or illegal confinement which determines whether an act is to be dubbed criminal or not. Further, the provisions dealing with raid and rescue make no distinction between 'adults' and 'minors'.

Not surprisingly therefore, the ITPA has been used to arrest and harass women sex workers in the country for decades. While it may be that because more women are involved in sex work and thus harassment of male sex workers is comparatively low; but it is evident that on the matter of trafficking, there is not much doubt that a large number of men are involved right from procurement onwards to running brothel houses.

The case in question high-profile raid and rescue operation on G.B. Road with media in attendance and a Special Team is supposedly about trafficking of minors from Andhra Pradesh. It is curious that even in this case there is not a single man arrested for any of the alleged offences from procuring, buying, selling minors to rape, running a brothel, living off the earnings of prostitution and illegal confinement. The accused have been variously charged under Section 3 of the ITPA (Keeping or running a brothel), Section 4 (Living on the earnings

of prostitution), Section 5 (Procuring, inducing or taking person for prostitution) and Section 6 (Detaining a person in premises where prostitution is carried on).

## **THE ITPA AND THE CURRENT CASE**

**Rescued 'Victims':** One of the biggest flaws in the ITPA is Section 17 which permits adult individuals who may be voluntarily residing in a brothel to be forcibly 'rescued' and taken into custody. The Section is clearly in violation of the right to life and liberty guaranteed under Article 21, the right to move freely throughout the territory of India under Article 19(1) (d) and to reside anywhere under Article 19(1) (e) of the Constitution. An individual doing sex-work does not lose these fundamental rights enshrined in the law.

In the case under question, this provision has been used by the A.P. Police to take 51 adult women into custody. From the accounts of eye-witnesses as well as some of the women who had been detained and released later, the 'victims' rescued were adults taken against their will from G.B. Road and not minors who had been trafficked.

In fact, the procedure for picking up women presumed to be from Andhra Pradesh is also suspect. According to numerous accounts, the process of identifying women from Andhra Pradesh was to ask them to speak in Telugu, provoke them with insulting comments in Telugu by the policemen, or simply pick out women who wore a nose ring on their right nostril as opposed to women from other regions who typically wear it on the left. Such specious and arbitrary methods cannot form the basis of the working of a law.

### **Accused or victims?**

Of the seventy five women arrested, twenty-four have been charged with trafficking under the ITPA and the following offences under the IPC: Section 366-A (Procurement of minor girl), Section 372 (Selling minor for purposes of prostitution), Section 373 (Buying minor for purposes of prostitution), Section 376 (2) (g) (Gang Rape) and Section 344 (Wrongful confinement for ten or more days).

Given the testimonies of the women we met, and the arguments presented by the prosecution in Court, it is not at all clear, on what basis the police determined which of the women were 'victims' and which of them were 'traffickers'. The appropriate course of action as per the law would have been for the police to investigate and on the basis of evidence and materials reach a conclusion on the matter.

Every person has right to life and liberty, right to move around freely and the right to reside in a place of their choice. A person can be arrested restricting these rights only on the basis of some material indicating the involvement in the commission of an offence. In the present case, the Additional Judicial Magistrate First Class, Kadiri found material evidence to issue warrants for arrest of six persons suspected of being involved in offences and for the "rescue" of twelve "victims" suspected to have been trafficked to G.B. Road in Delhi.

In a similar vein, the police in their investigation can arrest persons on the basis of some material indicating their involvement in the commission of an offence. Again, the police can rescue persons on the basis of some material showing that the concerned individuals have been victims of trafficking. In the present case it is clear that there was material only with regard to six persons alleged to have been involved in trafficking and twelve individuals suspected to have been victims of trafficking.

The procedure followed by the police of whole-sale rounding up and detaining of women from G.B. Road and then arresting those from Andhra Pradesh and releasing the others is in clear

violation of the Criminal Procedure Code and the rule of law. There was no material to indicate the involvement of any of the women, except those named in the search warrant, in the commission of any offence or of being a victim of trafficking. As a result of the lack of material evidence for arrest, the police have arbitrarily proceeded to make twenty-four of the women detained as accused and the rest of the fifty one as "rescued" victims of trafficking. From the testimonies of women, it appears likely that the police arbitrarily proceeded to make the older women as accused in the case, even though there was no material to indicate their involvement in the commission of an offence.

### **Violations of the UN Rescue Manual Guidelines:**

The United Nations Office on Drugs and Crime (UNODC) in its project, S - 16, 'Strengthening law enforcement response to human trafficking', has developed a Protocol on Inter State Rescue and Post Rescue Activities relating to Trafficked Persons in collaboration with the Ministry of Women and Child Development (MWCD). The Protocol talks of the guidelines to be followed in interstate operations of this kind.

> The Protocol talks about the human rights approach that should be followed wherein the dignity of the victim should be preserved. According to the protocol, 'non - discrimination is a right of the rescued person'. It seeks steps to ensure that rescued person is **treated with dignity** and provided access to all services of care and support without discrimination.' 'The rescued victims also have a **right to be informed** as well as consulted on all matters and decisions that affect them.' (p 8, *Protocol on Inter State Rescue and Post Rescue Activities relating to Trafficked Persons.*) The entire raid and rescue operation was far from showing any such attitude of sensitivity towards the wishes and interests of the rescued person though there was a real need for the authorities doing 'the rescue' to talk to the women and ask them about the possibilities that they see in their returning back to their native places in Andhra Pradesh. The remaining women that we could talk to in the brothels after the raid were very apprehensive about the victimization and social ostracization that they have to face if people around get to know about their real profession. Some were also worried that their family members will also get to know of their work if the rescued women will not be able to contact them from Andhra where they had been taken after the rescue operation.

> The Protocol talks of ensuring that 'possessions and belongings of all rescued persons are retrieved and taken in safe custody. This may include personal *belongings like, clothes, jewellery, cash, and any other relevant documents which may have been kept locked by the exploiters*'.(p12) The irony being when other women from the brothel along with some of us went to give the 'rescued' women some basic things like their clothes, we were not even allowed to meet the in charge of Niraml Chaya\_ and we had to return without handing over anything to the rescued women and this was so when the previous day Ms. Sumathi, the SP from Andhra Pradesh who had spearheaded the Rescue operation, had agreed to it.

> Similarly Judicial Handbook on combating Trafficking Women and Children for commercial Sexual Exploitation developed by Centre Women and Law, National Law School of India University, Bangalore and endorsed by UNICEF and Ministry of Women and Child Development records that 'There may be instances where the victims may not want to go back to their original place, family / community, etc. (For instance where the parents may be the exploiters, for fear of stigmatization, for apparent lack of livelihood options, etc.) In such situations, the Magistrate / CWC should be requested to order for counseling by the appropriate agencies / persons and thereupon take a considered decision keeping in view the 'best interest of the rescued person'. (p14). They (instead of using 'they', we should perhaps use the rescued person or the women we spoke to) spoke of how, if the police took the women back to AP, it was inevitable that news of women's identity would be revealed through the press etc, leaving women with no choices to negotiate or get on with their lives. Unfortunately, the women's' anxieties were proven absolutely true when the AP Police, on reaching Anantpur held a high profile press conference on 12 January 2008 to announce their 'successful mission' in Delhi, news of which was splashed all over the state.

## CONSEQUENCES FOR THE WOMEN

It is self evident that such events severely impact women's lives in terms of economics, livelihood, health, social concerns, displacement, etc.

**On Health:** One woman had a 6 month old baby boy. She was not allowed to even pick up essential food and clothing for the child when she was dragged into police custody... and yet, when we requested SP Sumathi for permission to get the same for the child, she said arrogantly, *"I am so glad someone finally asked... I've been wondering whether no one cares for the child!"* Similarly, 4-5 women arrested were undergoing treatment for tuberculosis, but despite medical examinations etc, the court was not informed about it and their treatment has been disrupted.

**On Livelihood:** On speaking to the women, it became apparent that most of them were the only financial anchor in their families – husbands, children and parents. Many of the women picked up also have children who live in their respective villages. *"Here at least, we do not have to go hungry"*, said W18 who had come to Delhi 14 years ago. Her husband had left her, fell ill and died back in Andhra Pradesh. She had a one-year boy and a two-year old daughter at that time. For three years, she did manual labour in the village – lifting weights, construction work – and barely managed to survive. Then she came to Delhi and joined this profession. Her children are both studying in AP, but they don't know how she makes a living. W18 goes to meet her children once in every two months. Said several women from Brothel House G *"We earn a livelihood by our own free will". "If we could've earned a livelihood in our villages, then why would we have to come here?" "We are supporting and managing our families." "They (the police and the NGOs) earn rewards and we are harassed".* Added W19, *"For a lot of women there, sex work is a khandani pasha. For others its majboori (compulsion) since there is no other support."* As further proof of the "voluntary" nature of their work, we were shown money order receipt of W20, who had sent money to her village. Many women have accounts in the area branches of the Dena Bank, State Bank of India and the Syndicate Bank.

**On Issues of Honour:** All the women we spoke to repeatedly stressed that if the arrested women were taken back to their respective villages by the police, it would cause extreme humiliation for them. The daughter of one of the arrested women was about to be married in a month... and the general consensus among those at GB Road was that in the light of the raid and rescue operation, that marriage was most likely to be cancelled. The women all spoke of how the world sees their work as '*ganda kaam*' (dirty work) and hence it had to be hid from family - parents, children, relatives and the larger community/society that they belong to. They spoke of how, if the police took the women back to AP, it was inevitable that news of women's identity would be revealed through the press etc, leaving women with no choices to negotiate or get on with their lives. Unfortunately, women's' anxieties were proven absolutely true when the AP Police, on reaching Anantpur held a high profile press conference on 12 January 2008 to announce their 'successful mission' in Delhi, news of which was splashed all over the state.

**On Displacement:** Many of the women who were picked up during these raids had been living in Delhi for more than a decade... travelling back and forth to their native places at will. Said W20, *"Everyone has ration cards as proof of identity."* But that was apparently of no concern to the Delhi or Andhra Police or even the court. As W21 said, *"Women were crying when they were pushed into the police van. They were crying because their children and families would now come to know in their respective villages. **No one was asked even once whether they were trafficked, or had been forced into this work, or if they were minors.**"* As defence lawyer Savita reiterated, *"No argument was recorded in court. I spoke to the women – they all said they didn't want to go back."*

**On the Ironies of being Rescued:** In interviews with the press in Pune, SP Sumathi had said, *"The AP government has many schemes to rehabilitate those victims of the sex trade who express interest for the same. Apart from Rs. 10,000 in cash that is given to each victim, housing and employment is also provided to them. Moreover, NGOs are also authorized to provide them with necessary items like clothing, and even assist them in getting reintegrated with their families... The Andhra Pradesh government runs an effective rehabilitation programme for women rescued from brothels"*.

But our interviews on GB Road throw up many questions against such claims. As several women said that *"Usually, sex workers who are picked up are taken to Nirmal Chaya. Then a medical test happens and they are handed over to the parents if they are "khaandani" (from a family of sex workers). Others get handed over to local NGOs. They are kept in the Nirmal Chaya for 2 months and then sent home. Often corrupt officials also make them sign blank forms so that they can pocket the money."* W23 from Brothel House G recounted their experiences in Nirmal Chaya in New Delhi are anything but positive even for juveniles. *"I was very young when I got into the profession... so some years ago I was 'rescued' - she said sarcastically. "But at the rehabilitation home, we were never given any money, much less vocational training. The officials in the Home talked to us really badly, made us do menial chores like 'jhadu-pocha' (sweeping-swabbing of the floors). The moment I was out of there, I came running back to GB Road - why would I go anywhere else?!"*

## CONCLUSION

The 'raid and rescue' operation on GB Road by the CID, Andhra Pradesh and Crime Branch, Delhi, raises a host of questions and repeats many patterns of violations against sex workers seen all over the country. It is ironic that in an operation that purports to 'rescue' sex workers, the dominant narratives are of the inhuman treatment of the women during the operation, verbal abuses of sexual nature, manhandling and violence by male police personnel, and alleged sexual assault before they were handed over to judicial/protective custody! Not to mention that if the 'raid' was actually to prevent trafficking, the police arrested 24 women (and not a single man) as 'traffickers' in a business where there is not much doubt that actually a large number of men are involved right from procurement onwards to running brothel houses.

Another important area of concern remains the law. First, are the contradictions of the ITPA itself and secondly, the district court failed to give the women a hearing about any aspect of their lives, the alleged trafficking, rescue etc. In addition, it failed to take note of any of the violations against the women, choosing instead to give immunity to police personnel, and simply wash its hands off the case by transferring the case to AP, despite some women having proof of domicile in Delhi for decades!

As showed in the introduction to this report, there are many incidents to show that the events in Delhi were not a one-off are seen time and again. In this context, there is an emergent need outside the sex workers movement too to address these issues and respond to them in support and solidarity to the issue of sex workers rights. In the past few years, women's groups, sex workers' movements and other democratic initiatives in the country have made sincere attempts to initiate dialogues on the politics of sex work and rights of sex workers differentiating it clearly from cases of trafficking. These attempts have contributed to creating a multiplicity of voices speaking on the issue, but have not culminated in any concrete steps towards addressing the constant negation and violations of rights of women, men and transgenders/sexuals in sex work.

It is important at this point to consider the increasing cases of trafficking and the possibility that some women in red light areas and other sex workers' areas have, in fact, been trafficked. Prevention of trafficking for any form of labour is something which both the civil society and the government needs to address seriously, through the creation and implementation of better laws that can provide safeguards for women and other poor

populations who are extremely vulnerable to getting trafficked, especially in the context of migration. Trafficking, especially of minors is a critical issue which needs immediate and stern action for prevention. But it is important that adult women voluntarily involved in sex work not be forced into being 'rescued'. Sex workers must have the right to decisions on their own rehabilitation or continuance in sex work, without the fear of police atrocities (physical, verbal or sexual), illegal arrests or violations of other fundamental rights.

Typically, 'rescue' operations are meant to be followed by 'rehabilitation'. The 'rescued' women in this case were forced to go back to a shelter home in Andhra Pradesh, as a temporary arrangement. The condition of such shelter homes whether in the city of Delhi, Andhra Pradesh or other places are pathetic. But most of these 'protective' shelters are known to be worse than jails. A case in point being the home in Delhi, Nirmal Chaya, that turned out to be tougher than the Central Jail, Tihar, where the 'rescued' women were treated as dreaded criminals, with no access to friends or family, or right to their own goods and property! High publicity is given to such 'raid and rescue' operations, but in the shelter homes run by the government, there are no basic facilities provided to those supposedly being rescued from inhuman conditions. The government allocates a meager amount of Rs. 14 per day per person for food expenses in these shelter homes. The rescued sex workers are often forced to go for compulsory HIV tests. However, if they test positive, the necessary next steps of CD4 tests, ART, nutrition, care and support are not accessible to the 'rescued'.

The GB road raid and rescue operation was made possible through a collaborative effort from the part of both the AP police, Crime Branch, Delhi and NGOs working in the field. The raid was highlighted in the media with major publicity. But, the aftermath of the 'rescue', in terms of rehabilitation of the rescued are never followed or reported. Once the women were put into a train to AP, the local media naturally lost interest in the issue. And whatever happened to the lives of these rescued women once they reached AP is not of much interest to any.

The lived reality of sex workers across the country shows that sex work is not at all an underground activity. In fact, in most contexts and areas of sex workers like the GB road, sex workers are regularly in touch with the local police and NGOs on different issues on an everyday basis. The testimonies of the women on GB Road also affirm the fact that they are usually 'informed' even about 'raid and rescue' operations! Yet the media and the government constantly portray sex work as an underground activity, about which the system and society have no knowledge. This myth needs to be broken and there must be sincere attempts on the part of both, civil society initiatives and the media to expose the everyday realities of those involved in sex work, and also the close nexus between those who are in sex work and players like the police - who at times play the role of 'friends' of the sex workers, or at times the guardians of the law that simply sees them as 'trafficked victims', depending on the circumstances.

Consequently, many questions remain: What are the real intentions behind this incident? Why the high publicity? What are the attitudes of judiciary vis-à-vis 'rescued' and sex workers? What is the reality when it comes to the rehabilitation of 'victims of trafficking'? How to deal with the moralistic, sensational and unethical media? What is the responsibility of the NACO and Delhi SACS when women sex workers in GB Road don't even receive basic HIV services - information, condoms, STI treatment? What is the role of sex workers rights' NGOs when trafficking and bad working conditions are a reality in their geographical area of work?

Recent times have seen a sharp rise in cases of trafficking both within and outside the country. Globalisation and the flow of cheap labour in all forms throughout the world has created a situation in which trafficking, migration, forced migration, poverty induced sex work etc have become terms used interchangeably by all without any deeper understanding or rethinking of the importance of the fundamental differences between these issues. There is no doubt that some women are trafficked into prostitution and trafficking is a criminal offence. Some trafficking also takes place in the area of domestic labour, organ transplant, begging or for things like camel riding. However, the largest number of trafficked person's

works in industries in bonded-labour conditions in countries like Malaysia, South Korea and Philippines. These are people from poor countries like Indonesia and Thailand who are lured with promises of a good salary and then have to work for a pittance in bonded labour conditions. The domestic laws of the country of work make it an offence to leave the employer leaving the worker with no option but to continue at subsistence wages. However, the anti-trafficking discourse and the media seem to highlight and focus entirely on sex work to the exclusion of other segments.

This results in there being little space for sex workers to talk about working conditions, safety and health issues. The discussion inevitably gets displaced to the issues of trafficking. The exclusive pre-occupation with women and children, results in a total lack of engagement with the other segments into which people get trafficked. The violence and injustice faced by those trafficked does not get addressed and the focus gets mired in sex and morality. It is extremely important in this context to address the issue of trafficking in all forms of labour including sex work. Equally important then is the making a distinction between trafficking and sex work in the context of the rights of sex workers. Other moral, ethical, political debates could be useful to understand the concept of sex work as it is but do not help in changing the everyday living reality of lakhs of sex workers in the country and the need to protect their fundamental human rights.

If we are to accept and face it that there is tremendous increase in cases of trafficking in the country, there should be certainly changes both at the legal front and social political context which will help prevent this. ITPA is a law brought in to tackle trafficking. But, as mentioned earlier, the present ITPA has major flaws, which do not help in addressing trafficking. The women and child department of the Government of India recently proposed amendments to the ITPA. Unfortunately, the amendments proposed also completely ignores the need for steps towards preventing trafficking, but repeats the conflating use of term 'sex work' and 'trafficking' where the main purpose of the proposed amendment will be to prevent sex work itself by attempting to prosecute clients of a sex worker. While the ITPA has already been a failure both to prevent trafficking and to protect the human rights of sex workers in the country, the proposed amendments, if applied will lead to further violations of the rights of sex workers because of the possibility of the very act of sex work will then go underground since will clients fear prosecution if caught. On the other hand it no way contributes to curtailing of the prevention of rise in trafficking.

All over the country, sex workers have opposed the proposed amendments for these very reasons. Sex workers movements and organisations in the country have gone public strongly against such a move and they have also pointed out that its high time the government and other concerned authorities consult them before making legislations which affects their life and livelihood. From addressing issues of health of sex workers to rescue and rehabilitation of sex workers, the movements of sex workers across the country has been demanding their say as an agency to protect their own rights. The sex workers movements have demanded dropping of the very ITPA and replacing it an Act which enable sex workers to access their social entitlements and rights. And we, as women's groups and democratic rights groups stand with them in their struggle for a life with safety, dignity and Constitutional rights.

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### **SHELTER, DIGNITY AND EQUALITY**

A striking illustration of the violation of the right to shelter and dignity and equality of the sex workers was the demolition of hutments in Goa In 2004. In a symphony of the executive, legislature and judiciary – instigated by the local legislator, on orders of the Bombay High Court, the executive selectively demolished the dwellings of sex workers in the midst of monsoon fury.

Around 250 huts belonging to sex workers, on Goa's Baina beach, were bulldozed in an effort to 'clean up' Goa. 'Operation Monsoon Demolition' appears to have been based on the assumption that sex workers have no right to shelter. The huts are the homes of women who have been living here for the past 40 years. They have valid ration cards, voter identity cards, electricity bills and tax receipts as proof of their being bonafide residents of Baina; their children attend schools in the area. In fact, many children born in Baina are, today, vote-casting adults.

The right to a roof over one's head, that is, the basic right to shelter and a life of self-respect and dignity, is an undeniable part of the right to life and liberty as enshrined in Article 21 of the Constitution. Yet, in a settlement of hundreds of hutments, it was the homes of women in prostitution that were demolished.

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