

Release of the Interim Findings of the Fact-Finding team on Police Crackdown on Sex Workers/Customers and Local Businesses at Budhwar Peth, Pune

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INTRODUCTION

In order to understand the depths and complexity of the police crackdown on sex workers in Budhwar Peth which has escalated between January to April 2019, Saheli Sangh, a sex workers' rights organization working in Budhwar Peth since the past 20 years decided to put together a fact finding team along with Mahila Sarvangeen Utkarsh Mandal (MASUM, a rural feminist organization working in two districts in Maharashtra since 1987) and People's Union for Civil Liberties (PUCL, founded by Jay Prakash Narayan, Justice V.M. Tarkunde and others in the 1970s). This endeavour was supported by National Network of Sex Workers (India) working in 11 states of India since 1997.

The fact finding team conducted visits from 20th to 22nd May 2019 and held individual and group meetings with sex workers in different parts of Budhwar Peth, as well as with police and other stakeholders in the area.

BACKGROUND

In the end of December 2018, the police started collecting documents of identity and address (including address of the native place) proofs and photographs from sex workers and created a list of those records. This record creation was not voluntary on part of the sex workers and they were threatened that if they failed to provide the said documents, they would either get arrested or would have to leave the area.

While police raids have been taking place in Budhwar Peth from time to time, from the first week of January 2019, the police started conducting *Nakabandi* in Budhwar Peth. All the roads leading to Budhwar Peth would be barricaded from ten in the night until about five in the morning, and entry and exit of all persons was prohibited. Sex workers were arbitrarily booked under Sections 110 and 117 of the Bombay Police Act. Sex workers reported that verbal and physical abuse which had escalated during this crackdown continue to remain so.

On January 16, 2019, a major combing operation was conducted by police in the area. During this operation, all the men – whether customers, passers-by/visitors, or residents in the area were held captive on the street. Many people trying to enter the Budhwar Peth area were verbally and physically assaulted by the police officers. They were then photographed and filmed, and the video was made viral on the internet. This has created an atmosphere of fear and intimidation in the area, public humiliation of the customers and ostracisation of the sex workers community. Police also threatened the customers with consequences if they visited the area again. Needless to say, this has adversely affected livelihood of the sex workers.

The police also conducted several raids on the brothel houses in the name of rescuing minor or Bangladeshi sex workers, at which time adult Indian women sex workers were arbitrarily picked up and subsequently put in a rescue home in Pune. Since family members and blood relatives were required to come to Pune to secure their release, many sex workers who had not informed their families about their livelihood had to make involuntary disclosure. Several sex workers who have been unable or unwilling to contact family members continue to be lodged in the rescue homes inspite of neither being minors nor Bangladeshis.

SOME INTERIM FINDINGS

1. There were several contradictions between what the police and the sex workers said about the details of the crackdown. The police mentioned that the raids and combing operation were carried out to identify underage girls and Bangladeshi women, on tips received by them. However, it was found through the narratives of the sex workers that almost all the sex workers arrested during the combing operation were adult Indian women, many in the age group of 25 to 35 years, and that in fact they were forcibly “rescued” in spite of their protests and in spite of them having provided identity proofs to the police officers at the time of the raids. The sex workers reported that one specific decoy customer associated with the rescue home would actually engage in sexual activities in the brothel houses before tipping off police officials to conduct raids. The police claimed that the *nakabandi* and raids were to reduce sex work during the night. The police also issued media statements that they had conducted *nakabandi* and raids to check criminal activities. While it is true that the blockading happened during the night, narratives revealed that most of the raids and combing operations happened during the day..
2. Several sex workers reported instances of verbal and physical abuse at the hands of police officers at the time of raids, and also humiliation and prejudiced treatment from the staff of the rescue homes, akin to kind of treatment meted on a criminal. Several sex workers also reported being arbitrarily and falsely fined for alleged indecent exposure or behaviour and for soliciting clients, even while they are inside the brothel houses. Through the narratives of the sex worker community, several reports of police harassment and ill treatment were revealed.
3. The police mentioned that the aim of the said crackdown was not to rehabilitate sex workers at Budhwar Peth but to rescue minor girls. But this information is perhaps not passed on to the rescue homes because sex workers reported that they are made to sign an undertaking that they would not return to sex work and are threatened with arrests if they were seen again in Budhwar Peth. This information was provided by adult Indian sex workers.
4. Making the identity of sex workers and customers viral is moral policing. It is also a violation of their right to privacy and the right to dignity. Consequently, even regular customers are now afraid of visiting Budhwar Peth. Many customers now ask sex workers to meet outside Budhwar Peth which proves to be a costly affair for sex workers, not just because of added travel cost but also because of increased physical risk.
5. The crackdown has put the sex workers’ negotiating power and safety (including sexual health) at stake as sex workers are forced to charge much less and work in unsafe conditions. All interviewees reported that the crackdown has led to economic crisis and loss of livelihood and income of the sex workers community. The inability to make ends meet has resulted in hunger, starvation, inability to pay rent, indebtedness, inability to support children and extended families; all these resulting in further mental stress and helplessness.
6. The distinction between “traditional sex workers”, “insiders” and “outsiders” is extremely fluid in Budhwar Peth as in any other place. Therefore, the categorization based on Aadhar card/address of the native place is not only futile but also one which creates an atmosphere of constant fear and insecurity among the community. This amounts to an invasion of privacy and confidentiality too.

7. There is ambiguity among sex workers about who is doing the rescue and rehabilitation activities and with what authority and purpose, since most of the women “rescued” during the recent crackdown were neither minors nor Bangladeshis. There appeared to be lack of transparency and accountability in the process of the rescue and rehabilitation of sex workers picked up from Budhwar Peth.

8. From the testimonies of the sex workers, it is borne out that the provisions of the Immoral Trafficking (Prevention) Act, 1956 have been misused to conduct arbitrary raids and launch criminal prosecutions in Budhwar Peth and forcibly put adult sex workers in rescue homes. This has led to large scale violation of rights of sex workers in Budhwar Peth, greatly endangering their lives and livelihood. The worsened situation of the sex workers’ community since the beginning of 2019 was revealed through the interviews and conversations held during the fact finding.

The fact finding team recommends that the *nakabandi* and check posts used to crackdown on people entering the Budhwar Peth area should be removed and that the harassment, intimidation and humiliation of customers be stopped immediately. Arbitrary police raids and crackdown on sex workers should stop immediately, so that sex workers can live without fear of harassment, criminalisation, intimidation or being forcibly picked up by the police. It is the duty of the state administration to ensure that the provisions of the Immoral Trafficking (Prevention) Act, 1956 are not misused against adult women in sex work voluntarily carrying out their work. In this context there is a need for sensitization of the police force towards the sex workers’ community in Budhwar Peth and of the rights of sex workers.

It is pertinent that the human rights of sex workers are not trampled upon, and that the dignity and security of sex workers are not compromised in any manner.

These are the preliminary findings of the fact finding team. The full report will be released in due course.

Saheli Sangh, on behalf of the fact finding team