

# **Market for Sex Work: The Case of GB Road, Delhi**

# Market for Sex Work: The Case of GB Road, Delhi

Dissertation submitted in partial fulfillment of the requirements for the  
Degree of **Master of Philosophy** in *Applied Economics* of the  
Jawaharlal Nehru University


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MPhil Programme in Applied Economics  
2008-10



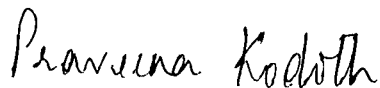
CENTRE FOR DEVELOPMENT STUDIES  
July 2010

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I hereby affirm that the work for this dissertation, 'Market for Sex Work: Case of GB Road, New Delhi' being submitted as part of the requirements of the MPhil Programme in Applied Economics of the Jawaharlal Nehru University, was carried out entirely by myself. I also affirm that it was not part of any other programme of study and has not been submitted to any other University for award of any Degree.

  
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Certified that this study is the bona fide work of Neha Hui, carried out under our supervision at the Centre for Development Studies.



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## **Acknowledgements**

I would like to acknowledge the immense support, patience and encouragement that I received from my supervisors, Dr Praveena Kodoth and Prof A V Jose without whose supervision this would have remained an aimless set of thoughts. Discussions with Dr Devika also helped develop my ideas. I would also like to thank Prof. Santhakumar for reading and providing insights on the chapter on Transactions Cost Economics. I would also like to thank our course coordinators, Dr Mishra and Dr Parameswaram for providing flexibility and support throughout the two years at Centre for Development Studies

Much of this dissertation is based on my field work in GB Road. I am immensely grateful to all the women I spoke to there. I owe a lot of gratitude to officials of Bharatiya Patita Udhhar Sabha, especially Mr Rajesh for all the help they provided. I have to specially thank Renu Singh, Madhura Damle, Gazala Meena, Arundhati Chowdhury, Uma Katju, Divya Padmanabham, Avinash Panday Samar for accompanying me to GB Road and providing insights from their various disciplinary backgrounds which enriched my understanding. Discussions with Dr Mary John from Centre for Women's Development Studies, Prof Mohan Rao, Jawaharlal Nehru University and Dr Subrata Guha, Jawaharlal Nehru University helped build insights. I would also like to thank Nupoor Sharma, Oyendrilla Sarkar, Swati Mohan Sappal, Pushpa and Sakshi for letting me stay at their rooms during my field work. The presence of Tathagata Mandal and Srimon Chottopadhyay and Sumandro Chottopadhyay in Delhi made the experience of field work pleasurable.

Many people at CDS had made the two years there very memorable. My classmates, especially Sanchita Mukherjee, Lachitamol, Karamjit Kaur, and Kiran Kumar were of great support as were hostel mates especially Tanushree Halder, Jyotirmoy Sircar, Sushma Kindo, Namrata Thapa, Sruthi Herbert, Ashapura Barua and Sumayya. A special thanks to Cheta and Chechis in the canteen for taking a lot of care of all of us.

A special thanks to Achyut Chetan for hearing me through all my academic ups and downs. Gareth Wall had been a there with me through out, always with words of encouragement and a helping hand. Finally, the support that I got from my family cannot be expressed in a line, especially that of my parents who, inspite of their initial reservation against my area of study have taken interest in my work, heard me through and provided insights and encouragement in all problems faced.

***Neha Hui***

*30<sup>th</sup> June 2010*

## ABSTRACT OF THE DISSERTATION

# **Market for Sex Work: Case of GB Road, New Delhi**

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2010  
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Sex work constitutes providing sexual (and emotional) services in exchange of money. In most contexts the provider of this sexual service are women and the demanders are male. The market for sex work is affected by the social and legal institutions within which it is situated. In the Indian context sex work is illicit, yet tolerated and that results in the sex worker's dependence on agents like pimps and madams and vulnerable to harassment by Police. This dissertation attempts to understand the provision of sex work through brothels in terms of the transactions costs and power structures it involves and the implications of these for sex workers. The study is based on interviews with thirty eight sex workers working in GB Road, New Delhi and observation of activities on 19 brothels. It was observed that there are two types of transactions on the market in G B Road, a) contracts entered into to minimize transactions costs and b) spot market transactions entailing exchange of sexual services for payment on a one time basis. Transaction cost economics provides a useful tool for analyzing the transactions in the market for sexual services. In transaction costs economics, actors are seen to be facing costs for being in the market, which they try to minimize by forming contracts with others. Three main categories of brothels were identified in GB Road: Higher end, high commerce brothels, lower end brothels and *Mujra* houses. These are interpreted as representing different but interrelated responses of the market to social and legal processes. In the Indian context, the legal position (in addition to their social status) of the sex worker creates the circumstances for various intermediaries to come into the organization of the brothel. Provisions in the law on sex work create her dependence on pimps and madams and give the police the authority to extract rent out of the sex worker. These together with the social stigma associated with sex work results in the sex worker having lower bargaining power than other agents. Simultaneously, the lack of social sanction means that most sex worker do not have resort to the legal system or a social support system to fall back upon and are therefore vulnerable to cheating and coercion. The brothels where the effect of this is felt the most are the higher end brothels where the sex workers have the least bargaining power and have to part with the highest proportion of income. The women in the *mujras*, who have some level of social sanction and support of families, exhibited the least amount of cuts from their incomes and the seemed to have the highest amount of bargaining power among the brothels. The lower end brothels were in between, with the women facing considerable amounts of deductions from their earnings but displaying higher autonomy and bargaining power with agents.

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## Chapter 1

# Gender, Economics and Sex Work

### 1.1 Introduction

The term 'sex work' brings together two seemingly incongruent aspects of life - 'sex' and 'work', the first is usually associated with the realm of intimate life and in the Indian context, largely with marriage, whereas the second is usually related to the market and / or to the means of earning a livelihood. Not surprisingly the market for sex work is unlike most other markets, including ones that are illegal for the reason that sexuality is deeply implicated in patriarchal social structures. The market for sex work is shaped also in accordance with the level of 'toleration' within the legal context in different economies and polities. In India the market for sex work is shaped by the legal and social frameworks within which it operates. The legal framework renders a crucial aspect of the trade, i.e. soliciting illegal and thereby results in possibility of corruption, harassment and increases transaction costs. The social framework on the other hand renders sex work illicit, thereby condemning the women who undertake it. This study examines the market for sex work in India by looking closely at the provisioning of sexual services through the organization of brothels in one location – GB Road in New Delhi. It also attempts to locate the specificities of the market for sex work on GB Road in terms of the broader Indian context. GB Road, being located in the capital of the country, is the home for sex workers from different parts of India as well as from Nepal and Bangladesh. An important distinction of the G B Road market is that sex workers are not organized politically on the basis of their identity as sex workers as they are in Kolkata and Mumbai.

This chapter engages largely with the literature on sex work. It classifies the literature first on the basis of analytical themes and second on the basis of disciplinary perspectives and provides a brief overview of the existing work in these groups. First we look at literature that deals with the questions of work, morality and the social construction of sex work. The

second section looks at the feminist debates on sex work. This is followed by an overview of the Neoclassical Economics and Marxist perspectives on sex work. We take up the literature on sex work in the Indian context in a separate section followed by a statement of our research problem, a description of the field work, methodology and data base.

### **1.2 Sex Work: Analytical Issues**

This section attempts to provide a broad overview of the issues related to sex work emerging from the literature. A useful point of entry into the study of sex- work is a review of research published in the 1990s by Vanwesenbeeck (2001), who notes a shift away from the earlier approach that took the 'prostitute' as the unit of analysis and focused on biological explanations for the presumed 'sick personalities' and 'evil characters' of women in sex work. Early twentieth Century literature on prostitution, according to her, did not bring into focus the socio-economic back ground of the women in prostitution, nor did it look at heterogeneity among prostitutes. On the contrary, she observes there was a general tendency among researchers to resort to stereotypes about the behaviour and psychology of sex workers. The discourse of victim-hood, that is, an ideology that fosters the view that women are passive, acted upon and powerless rather than as embodying agency came into the discussions of prostitution around the second half of twentieth century. Bulk of research in the second half of the twentieth century concentrated on the psychological and sexual abuse that women in prostitution faced in their childhood. In the decades of the 1990s, Vanwesenbeeck observed that about fifty percent of the literature reviewed by her concentrated on the questions of STD and AIDS. The other major concern of researchers on prostitution was the mode of entry in the occupation. Vanwesenbeeck is deeply critical of the fact that studies in non western contexts are made largely within the discussion on AIDS. Another problem, according to her, is that sex workers are the most attractive and accessible subjects for experiment of HIV drugs.

Among the empirical studies on sex work, there is a dearth of work that tries to estimate the size of the market i.e., the number of people in the trade, their annual turn-over etc. The illegal / illicit character of the market may have affected the ability to carry out research on these aspects. Owing to the difficulty encountered in accessing sex workers, many studies emanate from structured efforts of NGOs or the state to intervene in sex work with health initiatives. Potterat, Woodhouse, Muth and Muth (1990) made an estimation of the prevalence and longevity of prostitutes based on women in prostitution visiting their institution in El Paso County Health Department, Colorado Springs over two decades from the 1970s. Of the 1,022 prostitute women they observed, more than fifty percent were classified as evanescent, twelve percent as short-term, and thirty five percent as long-term residents by them. Also, their study shows that there are about twenty three prostitutes per 100,000 people, and an average prostitutes life span in the occupation is short i.e., of about four to five years.

### **1.21 From Prostitution to sex work**

A shift in terminology from prostitution to sex work from the 1970s onwards marks an important phase in the politics surrounding sex work. This shift may be traced to the political mobilization of sex workers in Europe and North America on questions of sexual expressions and the claims of sex work as constituting work. The term 'sex work' was introduced by the sex worker turned activist Carol Leigh and reflected a beginning of a movement to recognize sex workers as political subjects with agency (Leigh, 1997). The International Labour Organisation (ILO) endorsed this term in 1998 in a report by Lin Lean Lim on the sex sector in south East Asia( Lean Lim, 1998; Raymond, 2003). The ILO however takes the stand that children in commercial sexual service do not comprise sex workers as there is an underlying element of consent in the term 'sex work' which is applicable only for adults( Lean Lim, 1998). The use of this term met with substantial amount of opposition from radical feminists arguing that 'flesh trade' is human slavery that degrades a woman's body and soul. Raymond argues that commercial sex is by nature violent.

“If a woman in prostitution is paid to "enact" a rape, how can the purchased performance of "enacting" a rape, to which she allegedly consents, be separated from the actual brutality of the rape which the buyer may force on her. Would any court of law recognize a distinction between a forced and free enactment of rape in this situation? Or would it assume that an occupational hazard of prostitution is that the buyer, with impunity, can get rougher than the prostituted woman bargained for? How will the woman be able to demonstrate that the violations from acts that she is expected to perform in prostitution - e.g., a "regular" rape - are indeed separate from those acts she shouldn't be expected to endure in prostitution - i.e., a brutal rape ?” (ibid: <http://sisyphe.org/spip.php?article689>: accessed on 7<sup>th</sup> July 2010)

Feminists arguing for 'sex work' highlight the 'occupation' aspect of it. They argue that rather than criminalizing sex workers on the sexual aspect of it, the labour aspect needs to be emphasized and concerns should be on protecting sex workers like all workers from exploitation and all women from discrimination (Sutherland, 2004). Other terms used in the literature include 'commercial sex worker' (for instance Parrado, et al., 2004) and 'women in prostitution/ prostituted women' (Holsopple, 1999). We use the terms prostitution and sex work interchangeably while dealing with the literature in this chapter. The following chapters adhere to the use of the term 'sex work' since it emphasizes the dimension of work the best. The use of the term sex worker is also preferred here to 'commercial sex worker' because the latter fails to capture unpaid sexual services that women, including sex workers may have to provide in various contexts, including marriage.

### **1.22 Morality and social construction of sex work**

Much of the philosophical writings on sex work have been focused on the question of morality involved especially in the binary between sex work and sex within a marriage. Primoratz (1993) argues that the morality

question in sex work is concomitant with morality present in society, thus there is a need to draw a distinction between positive morality and morality present in society and expressed in public opinion. Often, the point of contention is the procreative nature of the sexual relationship that marriage has and which the relationship with the sex worker has not. *Social functionality* of a sexual relationship according to Primoratz is the primary point of contestation and since the procreative element is missing in the relationship between a client and the sex-worker, its social significance is lost. Thus, exchange of pleasure for money has no social significance. This argument opens up the political economy question of (primarily woman's) sexuality in the two identities that it informs i) as provider of reproductive labour and ii) as provider in a pleasure market. These identities are theoretically not mutually exclusive, but often separate in reality, especially when distinguishing the wife from the prostitute. Primoratz puts up the question whether there exists mercenary sex within the institution of marriage, thus complicating the understanding of the sexual relationship within marriage as serving social functionality.

Simone de Beauvoir too is concerned with the role of apparently contradictory, but necessarily complementary social roles of the prostitute and the wife in her momentous work, *The Second Sex* (1949). She explores the interrelations and the overlaps between marriage and prostitution arguing that in spite of the apparent separateness between a woman in wedlock and a woman in prostitution, their lives actually overlap significantly since women in prostitution form a niche for 'honest/good women' to exist (Beauvoir, 1949: 568-569). A married woman is also engaged in an economic transaction of sex, only that she is selling her body to one man and unlike the prostitute who's hired by many men, she is hired by a single man for life. While a married woman is oppressed within marriage, she gets respect from the rest of society as a human being, and since a prostitute doesn't receive the same respect as a human being, she is in a position of feminine slavery of the worst kind. The overlap/ conflict between prostitution and marriage has been debated by feminists and will be taken up again.

Beauvoir was among the first to take into consideration socio- economic back ground as a significant factor influencing women's entry into sex work. She argues that unemployment and poverty are the primary causes of prostitution. Beauvoir also delves philosophically into the idea of 'love'. Using a description of possible economic and non-economic relations with men; the pimp and the client, she differentiates between love and prostitution. About the prostitute, Beauvoir claims, "[s]he reserves for the lover, the kiss from her mouth." (Ibid:562), thereby making a distinction between the perceived (by the woman in prostitution) relationship of love and mercenary relationship, a distinction which a woman in wedlock fails to make even though there are implicit payments within a marriage such as the husbands 'supporting/protecting' wives in return of unpaid labour and sexual services.

An important contribution to the issue of morality in sex-work has been made by Nussbaum (1998) who argues that everyone who earns his/her living does so by using the body. Thus, the prostitute's use of body, though it has its own peculiar features, isn't necessarily innately different from any other occupation. No job is devoid of bodily services. The differences lie in the extent and ways of using one's body, the remuneration one gets in return and the level of control one has on his/her body as well as the social stigma attached to the different ways in which the body is used.

Primoratz (1993) argues that most of the dominant moralistic arguments against sex work, including the claim that the occupation poses a threat of venereal diseases, exploitation, violence, and low status of the sex workers; are paternalistic. The patronising position maintains that sex workers are victims of circumstances and are subject to exploitation and argues that they need protection. Primoratz argues that the crucial, although indirect cause of all these hazards of professional prostitution is the negative attitude of society, the condemnation of prostitution by its morality and its laws.

Foucault's analysis of power is useful to try and understand the seemingly paradoxical situation in most societies of condemnation and severe restrictions on sex work and but also its toleration. Sutherland provides a gist of the Foucauldian idea of power. "Power is disciplinary, rather than repressive and the subject is constituted by, rather than the target of power" (2004: 6). In the *History of Sexuality* (1976) through his attack on "the repressive hypothesis<sup>1</sup>" and "the incitement thesis" Foucault considers why and when sexuality was shunned. According to him, censorship is a disciplinary force that constitutes and expresses sexuality in hitherto unknown forms. By this thesis prostitution in the age of censorship would also be constitutive of similar disciplinary process. Thus, in the age of censorship for 'good' women, coexisted specialization of 'bad' women the prostitutes.

According to Foucault, four 'strategic unities' formed, from the 18<sup>th</sup> century, mechanisms of knowledge and power centering on sex express the production and control of sexuality.-

- A hysterization of women's body
- A pedagogization of children's body
- A socialization of procreative behaviour
- A psychiatrization of perverse behaviour

'Alliances' (as Foucault describes social interactions between individuals) are deployed through the relationship of sex- marriages, kinship ties of possession and inheritance and therefore, also exchange of bodily services with money through prostitution.

"Deployment of alliances pav[es the] way for deployment of sexuality by 'allowing' and 'forbidding'... The institution of family [plays] its role in deployment of sexuality... Family [acts] as the interchange of sexuality and alliance" (ibid: p108)

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<sup>1</sup> That is, the hypothesis that in the 19<sup>th</sup> century western societies have sought to repress sex and sexuality.

As these stylizations deploy alliances (like marriage) within rules that permit and forbid, there are tabooed alliances that are essential for the acceptable alliances to work. The rape of 'bad' women serves to hysterize the good woman's body. Similarly, once procreation is socialized, the non procreative relation needs to be socialized as well. Thus deployment of sexuality is linked with the economy, through numerous ways, but especially through the body, which consumes and produces. Deployment of the 'acceptable' relationship has to come hand in hand with the tabooed, and thus the tabooed needs to be tolerated.

### **1.3 The Debate on Abolition**

Ericsson's (1980) first concern is the need for a philosophical debate on the issue of prostitution, which he thinks must necessarily form the basis for other debates in this area. Ericsson considers the theoretical possibility of looking at sex workers as any other service provider in a market. He argues that even if sex exchanged for money is considered by some to be inferior to romantic sex, it does not mean that mercenary sex can or should be abolished. Demanding a ban on prostitution, according to him, only because romantic sex is superior is impractical because love may or may not exist between a couple, and most people may not find partners. According to this argument, it is morally acceptable for both men and women to seek sexual services for money. Ericsson's work was criticized by Pateman in 1983 on the grounds that Ericsson did not substantiate on the fact that prostitution is a sale of sexual services, which cannot be separated from the body and the self who is selling it. Thus, in the process of the exchange, the buyer of sexual service actually buys the control over the seller's body. Furthermore, Pateman looks at why the abstract argument made by Ericsson on defending the buyer doesn't question the reality that sex is bought only by men and not by women.

Nussbaum (1998) argues against abolition of prostitution from the point of employment opportunity and control of working conditions of women, claiming that legalisation will not necessarily demean the value of love but



might make conditions of work more acceptable for women in the industry. She argues that historically, any sort of service for money was looked at with aristocratic prejudice. She compares prostitution with various other occupations where bodily services are inevitable, like a domestic help, a singer at a night club, a masseuse, a professor of philosophy and a person who gets paid for her colon being examined by medical instrument. In comparing each of these occupations with sex work her argument is that the essential difference between these jobs and prostitution isn't in the nature of work, but more so in the way society perceives and treats these occupations.

Kate Sutherland (2004) categorizes the feminist contributions on sex work in radical feminist literature in the western context into two groups: the radical feminists and feminist radicalism. The contention between these two groups started with the discourse of censorship of pornography. The radical feminists supported the censorship on the grounds that pornography caused harm to society whilst the feminist radicals oppose the censorship challenging the monolithic definition of pornography and upholding freedom of choice in erotic expressions. Regarding sex work too they have taken oppositional positions. Radical feminists consider sex work as an abuse to human rights, whether forced or 'voluntary' and have supported its abolition, while the concern of the feminist radicals has been to shift focus from abolition of sex-work to concerns of human rights and working condition of the sex worker. Among radical feminists, notable is MacKinnon who in her 1989 work argues that a woman, under patriarchy, is alienated from her sexuality in a manner that is comparable to a labourer, under capitalism, who is alienated from his labour. For MacKinnon a woman who is selling sex for money is not alienating her labour power, but is alienating her sexual self. Thus she feels, selling sex for money is an exploitative act since it causes alienation of the self. MacKinnon thereby drops the question of 'work' as a Marxist concept and the discussion is only regarding sex, which as it is constituted under patriarchy is degrading to women (Sutherland, 2004).

Janice Raymond (2004) is one of the most important scholars arguing that sex work is a human rights violation, concentrating mostly on the aspect of trafficking as an integral part of international sex trade. She argues against legitimisation or decriminalisation of sex work arguing that such a move would only increase the bargaining power of other stakeholders in the sex trade. Sutherland has concentrated on the implication that such a debate has on activism around sex-work. The point of contention between these two groups is a result of a difference in their view on sexuality. Radical feminists endorse the view that sexuality is a social construct of male power, created by men to control women while feminist radicals consider sexuality as a powerful device for women's emancipation. Also important is the disagreement on the idea of what is 'voluntary'. Radical feminists are of the view that 'consent' is central to patriarchy in their modern guise. Sex radicals, on the other hand, argue for theoretical pluralism in defending and promoting sexual no-conformism. In defending commercial sex, Patrick Califia (1994) has argued that since the construction of relationships is around 'ideal' partners, and it is not easy for people who do not fit into that 'ideal' category to find sexual satisfaction in what are acceptable relationships. Thus as there is no moral issue in seeking commercially available sex as (in an ideal world) there should be no socially constructed barrier to be able to seek sexual gratification commercially.

Another angle in the debate was brought in by scholars like Augustin who argue for the need to separate *sexual slavery* from *sex work*. In her 2003 work, Augustin analysed how the heavy demand in Europe for domestic, caring and sexual labour has promoted migration from various parts of the world, which is generally of women and transgender people. She argues that the moral panic over trafficking and the limited feminist debate on "prostitution" contribute to a climate that ignores the social problems of the majority of women migrants. Often migration of women is equated with sex trafficking, thereby obliterating the agency, and social issues relating to women migrants, whether or not they engage in sex-work. This Augustine tries to analyze from a post colonial perspective, questioning the

western attitude of trying to 'help' and 'save' the third world women. First, a crucial aspect of these women's work, Augustin notes, is that it is in a sector that cannot be / has not been defined. The closest categorisation in the national income accounting system might be in terms of personal/household services but lack reference to health and recreation.

#### **1.4 Economics, Sex Work and Work**

Women's participation in work both as domestic worker and as wage labourer has been subject to debate in economics. Problems in definition arise from the binary characterisation of productive and un-productive labour that dates back to Adam Smith. Productive labour, in the Smithian framework, is that which adds 'value' to whatever it is bestowed on, thereby *producing* value. All labour that does not do so is called *unproductive* labour. Smith argues that "[a] man grows rich by employing a multitude of manufacturers: he grows poor by maintaining a multitude of servants" (Smith, 1976: 69). He argues that the labour that produces *value* is productive labour. What is value in this discussion? Value in Smith's discussion has two meanings - value in use and value in exchange. Smith's purpose is to show the measurability of the exchange value and the formation of prices around the exchange value. Within the Smithian framework, which laid the path for neoclassical economic analysis, the value of the commodity is the amount of labour that it enables a person to 'purchase or command'. Labour, is the *real measure* of the value of the exchangeable commodities. Labour is thus the cause of value, not value. Thus the marketable outcome of labour is what constitutes of commodity with value.

Julia Nelson (2001) argued that there exists a deeply relational conception of value. Valuation of any work, is the sociological value that is attached to the occupation. *Care* work is undervalued, according to Nelson, since 'relationality' is denied in determining valuation. In the discussion regarding care work, 'market value', which is determined mechanistically, is distinguished from 'family value', that is seen to be *beyond* the market. Caring activities challenge the line drawn in economics between activities

seen as mechanistic and value-free and those that are supposed to be imbued with morality and sentimentalism. She argues “The realization that our actions have value, independent of our appreciation of it, decenters the market, decenters the human, and revitalizes the world” (Nelson, 2001: 149). Similarly, Folbre argues that economics has largely been concerned in ‘production of commodities by the means of commodities’ forgetting ‘production of people by the means of people’ thus leaving care labour out of the purview of discussion (Folbre, 2005). Sex work may be seen as care labour provided within and outside the marriage.

#### **1.41 Neoclassical Economics Perspective on Sex Work**

Edlund and Korn’s (2002) contribution has been in analyzing prostitution within the micro economic framework. They argue that with some assumptions prostitution can be shown to be the opportunity cost of marriage. Methodologically, Edlund and Korn use the framework pioneered by Becker in his work on household economics. In his *Theory of Marriage* Becker uses microeconomic theory of consumption and the assumption that there exists “marriage market equilibrium” to explain behaviour of men and women within marriage. Two important propositions Becker advances are that i) marriage between ‘likes’ in terms of physical capital, education or intelligence, height and race is utility and output maximising and ii) the existing sexual division of labour within marriage is a result of an utility maximization exercise within the family. One problem of this theory is that it tends to assume homogeneity in the institution of marriage across cultures. Moreover, marriages (or consensual cohabitation, which Becker has been assuming for the purpose of his paper to be equivalent to marriage) in Becker’s work are between two utility maximising adult individuals of opposite sex who necessarily want to bear children together. These assumptions correspond to a heteronormative, euro-centric, Christian ideal of marriage and hence are limited by their spatial and temporal particularity. Edlund and Korn also use similar assumptions as Becker in their theorisation of prostitution as an alternative to marriage. They specifically differentiate a man’s relationship between a prostitute and his wife by the fact that the relationship within

wedlock is necessarily procreative while that with the prostitute it is necessarily non-procreative from the man's point of view. Arunachalam and Shah (2008) have showed through large sample data for Ecuador and Mexico that sex workers earning the highest premium are more likely to be married, thus showing that Edlund and Korn's argument didn't necessarily hold. Furthermore, they argue that since Edlund and Korn's argument builds on the fact that women in prostitution are earning a higher premium because they are foregoing the surety of parenthood within marriage, male prostitutes should be less likely to enjoy a premium over their counterparts in the labour market, as commercial sex is not procreative for them. However, Arunachalam and Shah find that the premium earned by men in sex work is greater than for women. They propose an alternative hypothesis that the higher premium earned is a compensational aspect to the risks involved in the trade.

Edlund, Engelberg and Parsons (2009) sought to empirically test Edlund and Korn's thesis for high class escorts. They argue that high class escorts might have several advantages for validating Edlund and Korn's hypothesis, including that because of the class advantage of escorts over street based sex workers they forego more on the marriage market, as they have better opportunity in the marriage market. They are also less vulnerable to risks from violence and venereal diseases and are faced with lower transactions costs, as much of the soliciting is through the internet and their clients are more likely to be wealthier. Their study was based on pricing information from the web of 40,000 mainly US based sex workers, which showed that the earnings of these women was on average \$280 per week, which was in the top 0.05 percentile of female earnings in the US. For this data set, the income was the highest for women in mid - late twenties, which according to the authors is also the age when women have the highest marriage opportunity and hence the opportunity cost is high.

Other important work on sex work within the neoclassical framework has been done by Giusta, et.al (2009) who argue that if there is actually a premium, that can be explained by the stigma and reputation of both the

sex worker as well her client. They have shown, through demand- supply analysis, that equilibrium price is affected by reputation of both the client and the sex worker. They have also shown that differing policies have differing effects on the pricing. For example, policies that recognize prostitution as a job and reduce the stigma associate with it, will have the effect of increasing the marginal net gain of supplying prostitution, and increase the marginal willingness to pay for prostitution.

#### **1.42 Marxist Perspectives on Sex Work**

“...the overthrow of mother-right was the world historical defeat of the female sex. The man took command in the home also; the woman was degraded and reduced to servitude, she became the slave of his lust and a mere instrument for the production of children.” (Engels 1972: 68)

Marxist scholars have looked at the question of sex work in the context of private property. Marriage in the modern capitalist system according to Engels (1972:79), gives way to prostitution. He claims, in the case of property owning bourgeoisie, “[I]n both cases,..., the marriage is conditioned by the class position of the parties and is to that extent always a marriage of convenience. In both cases this marriage of convenience turns often enough into crassest prostitution-sometimes of both partners, but far more commonly of the woman, who only differs from the ordinary courtesan in that she does not let out her body on piece-work as a wage-worker, but sells it once and for all into slavery.”

The proletarians, according to him, because they lack private property, can only have conjugal relationships backed by sex-love. Since there is no private property, there is no inheritance and thereby no incentive to enforce male supremacy. Thus, in the modern capitalist society, monogamous marital relationships and the subsequent male supremacy (both within and outside marriage) are a manifestation of capitalist exploitation and prostitution (and adulterous relationships) is a consequence of that. Engels predicts that in a socialist system such systems

will no longer exist, thereby regarding patriarchy as a byproduct of modern capitalist system. Similar is the argument in Communist Manifesto (Marx and Engels, 1971) where they argue that

“[b]ourgeois marriage is, in reality, a system of wives in common and thus, at the most, what the Communists might possibly be reproached with is that they desire to introduce, in substitution for a hypocritically concealed, an openly legalised community of women. For the rest, it is self-evident that the abolition of the present system of production must bring with it the abolition of the community of women springing from that system, *i.e.*, of prostitution both public and private.” (Marx and Engels, 1948: 55)

In line with and continuation of the Marxian idea of commodification of labour in the capitalist system, Marxist feminists have looked at manifestation of capitalist patriarchy in various social institutions where there is active commodification of the female body, and prostitution is a typical example (Maria Meis, 1998). Engels also hints at the idea of the woman's body becoming a private property of the man thereby making the man 'possessive' or jealous. He argues,

“The jealousy of the male, which both consolidates and isolates the family, sets the animal family in opposition to the herd. The jealousy of the males prevents the herd, the higher social form, from coming into existence, or weakens its cohesion, or breaks it up during the mating period; at best, it attests its development. This alone is sufficient proof that animal families and primitive human society are incompatible, and that when primitive men were working their way up from the animal creation, they either had no family at all or a form that does not occur among animals” (Engels, 1884:50)

Thus as Davidson (2002) puts it, the debate among feminists on the issue of prostitution can be approached through the following arguments “...do the body's sexual capacities constitute property in the person or is it impossible to detach sex from personhood without moral harm? Does

prostitution law violate the prostitute's natural right to engage in voluntary transfers of her rightful property, or does the prostitution contract itself violate her natural right to dignity?"(Davidson, 2002: 86). The Marxist argument is that since the property in a person cannot be separated from the person, the buyer of wage labour necessarily also buys the right of control over the workers body. Therefore, in such a system because of unequal bargaining power of the buyer from seller in the exchange between the sex-worker and her client not only are sexual services transacted but also with it control over her body (and hence vulnerability to violence).

### **1.5 Sex Work in the Indian context**

Various forms of sex work exist in India. As observed by Joffres et. al.(2008), these include: brothel based sex work, highway sex work, mobile brothels and dance bars, forced arranged marriages, customary sex work and sex tourism. Various locations specialize in one or more forms of sex work. Recruitment in the trade, especially when of forced nature, is conducted through various strategies, including promise of job, coaxing indebted families to sell girl children and kidnapping. Customary sex work in forms of temple sex work (i.e. young girls of particular castes are dedicated to temples and having to provide sexual services to the patrons) as well as tribal sex work (women from particular tribal communities specializing in sex work) may also lead to brothel based sex work as though at the time of initiation they are valued highly, their market value post puberty falls continuously and they lose their earlier position to other girls. In such circumstances they are forced to join networks of commercial sex work in city based brothels. Sex tourism is another form in which sex work is provided, in tourist areas around the country, especially in the 'golden triangle'- Delhi, Jaipur and Agra in the heart of the country, Himachal Pradesh, Orissa, Maharashtra, Karnataka, Goa and Kerala. Sex Tourism according to them involves boys and girls who cater to Indian as well as international tourists. However, in spite of all these various forms of sex work available in the country, a disproportionately large amount of emphasis is given to trafficking, which according to Joffres et al, only constitutes 16% of the total trade, thereby failing to differentiate between sex work through trafficking and through other modes of entry. Interstate



trafficking accounts for nearly ninety percent of sex work in the country, with Andhra Pradesh, Bihar, Madhya Pradesh, West Bengal and Karnataka being the largest source states. Internationally, Nepal and Bangladesh form the largest source country for trafficking for complex networks that operate in major red light areas in big cities (Joffres et. al. 2008 <http://www.equityhealthj.com/content/pdf/1475-9276-7-22.pdf> extracted on July 9th, 7.30pm). According to a report by Human Rights Watch Asia (1995) in Nepal these networks start out in the villages of these girls/women where they are sold off to brokers for very low sum of money by relatives or acquaintances, who transport them to brothels in the major red light area where they have to perform sex work and other unpaid labour in conditions of bondage. Police force and politicians from both sides participate in the trafficking networks and bolster them. The other major source is Bangladesh, from where thousands of girls are trafficked to India through West Bengal and Orissa (Nair and Sen, 2005)

Gangoli (2001) draws upon fieldwork in red light areas in Kolkata and Orissa to highlight the networks and power structures within which the sex workers operate. In Sonagachi in Kolkata she observed, that the new entrants were young girls of 8 to 10 years of age who were called *chukkri* and were bound to a *mashi* (literally translating to aunt, implying madam of the brothel) who would have bought the *chukkris* from their villages. The *chukkris* were obliged to earn their way out of the debt incurred in their names at the time of their entry, which are the costs paid to agents for bringing them into the trade. Once out of this phase they were semi independent or *adhiya* who could keep half their earnings and had to give half to the provider of room. Beyond this a woman is *swadhin* or independent, who can hire a room, pay an advance or rent, keep her earnings and pay for her expenses. According to Gangoli, the woman is about 18 when she becomes *swadhin* and works as a sex worker till about 30, after which she finds employment in related activities. She also observed that in Orissa the sex trade was not as organised a network as it is in Kolkata. There the scale of operation is a lot lower and a lot of it is street based.

Kerala needs a special mention here as sex work in the cities here is not concentrated territorially in red light areas as they do in other cities. Sex work, as Anitha (2003) notes, is mainly of the following forms - street based sex work, lodge based sex work, family girl circuit and sales girls group. Anitha notes that street based sex workers are prone to the highest risks among sex workers, with the lowest rate of return for providing sexual services. Street based sex workers don't get any community support either. Lodge based sex workers are better placed in the hierarchy, and generally operate with the help of husbands or care takers in a network that is a lot more organized. Family girls are sex workers who entertain clients at home with or without an agent. Anitha's work, which is based on interviews with 175 sex workers of which 125 are street based and fifty lodge based, looks at the reproductive and sexual health of sex workers. The distribution of respondents in both the categories is clustered in the age group of twenty six to forty. Anitha observes that sex workers in her sample are mostly led into the trade because of poverty or by their partners. Further, Jayasree (2004) noted that half of sex workers in Kerala had been married and experienced domestic violence, desertion by their husbands, sold by their husbands or having their property seized by their husbands, and later divorced. It is to be noted however, that of Anitha's sample, 72.8% of street based and 98% lodge based sex workers had had formal education including a very small proportion, who were college educated. It was also found that there was knowledge about Sexually Transmitted Diseases among the sex workers and most sex workers used some kind of contraceptives (highest use being of condoms and sterilization)

Jayasree (2004) noted that the three most pressing problems faced by sex workers are violence from the police, lack of support for their children, lack of shelter, lack of social services support and health problems. Police violence, she notes is often the consequence of misuse of the existing legal framework (discussed in chapter two), which deals with trafficking of women and children, and in case of Kerala the Kerala Police Act and

Indian Penal Code 294, which deal with obscene acts. Jayasree's points out those sex workers need to be viewed in a more liberal perspective as women with right to express their sexuality rather than only as 'victims'.

D'Cunha(1992) has argued against decriminalization. Her assertion is that the exploitative core of the occupation lies in the patriarchal assumption that sex is men's right and women's bodies can be commodified and legalization would serve to perpetuate this assumption. According to her another problem with arguing for decriminalization is that what is probably argued for individuals in prostitution tends leave prostitution as an *institution* unchallenged. Her fear is that decriminalization or legalization would result in the state indirectly endorsing prostitution and encourage third party management. She also finds the argument that prostitution should be legalized or tolerated would protect the extant patriarchal family structure perpetuating the exploitative status quo of male supremacy both within and outside marriage. Such a qualification, she argues, gives the male members justification to seek sexual gratification outside marriage. Finally, she counters the argument that the conditions of work would be less exploitative on legalization by asserting that commodification of the human body is by itself exploitative and thus demanding for non-exploitative conditions of work is farcical.

Gangoli and Solanki (1996) argue that the law that decriminalizing sex work in India (PITA, 1986) reflects the ambivalence that society feels towards sex work, whereby the law neither is capable of providing justice for the sex worker and nor does it reflect the intention to abolish the profession. Their claim is that decriminalizing, as opposed to licensing may provide at least a partial solution to the problems suffered by sex workers. Decriminalization would enable sex workers to practice work, and also to unionize and demand better work conditions.

**1.6 Research Question** There are three sets of issues that this study seeks to explore.

1. How do legal, social and other processes / contexts in India define sex work and restrict or enable its provision?
2. How is the market for sexual services organized in the specific context of G. B Road, New Delhi, and what practices does the market entail, especially with respect the supply of sex work?
3. How does the organizational form of the brothels on G. B Road influence the discourses and practices around sex work?

### **1.7 Analytical Framework**

We draw upon insights from new institutional economics to frame our understanding of the provisioning of sexual services. Here we interpret the organization of the brothel in terms of the firm, as it is understood within this strand of economic theory. The market for sex work entails interactions that may be of two kinds: a) contracts between various agents that enable sexual exchange to take place and b) spot market transactions between the provider of sexual services and the client or buyer. The contracts entered into on this market are informal. However, this is only partially because of the legal circumstances in which they are made. We know that even in contexts where formal contracts are legally possible agents may resort to informal ones. In the context of sex work however the legal context affects the ability to enforce contracts leading to the resort to other measures that may include violence. The legal and social contexts also have implications for the sex workers in particular rendering them vulnerable to exploitation and violence. Further, demand and supply of sex work are implicated in a patriarchal framework.

### **1.8 Field work and Data base**

The study is based on the biggest 'red light area' in Delhi situated at GB Road also known as Swami Shradhananda Marg. A 'red light area' is a cluster of brothels where sex workers live and work. A study of brothel based sex work does not give a general picture of the market for sex work, a) it focuses on the supply or provision of sexual services and b) it is only one of

several ways of organizing the supply of sex work. However, the organisation of sex work centred on brothels has its own distinct characteristic based on power structure in which it is located. The choice of GB Road was for various reasons. Firstly, collection of data would be relatively easier from a red light area, where sex workers live and work collectively, as compared to street based sex work, where sex workers operate as individuals. Furthermore, being situated in an urban location gives a cosmopolitan character to the red light area that could give a feel of heterogeneity within the market. In studying the organization of sex work in an urban location, the choice was largely down to two red light areas - Sonagachi in Kolkata and GB Road in Delhi as the researcher had knowledge of Hindi and Bengali. The review of literature revealed that the sex workers in Sonagachi are organized politically, which renders a particularity to the market and makes it significantly different from GB Road, which has only witnessed sporadic NGO activities. There is also relatively more material on Sonagachi, including narratives of sex workers documented by the sex workers organization, Durbar Mahila Samanvaya Committee. Hence, we decided to select GB Road as the site for empirical study.

The study is based on detailed interview with thirty eight sex workers and observation of the working in nineteen brothels. Initial access into GB Road was through the NGO, Bharatiya Patita Udhhar Sabha. There were three types of brothels: a) higher end brothels or commercial brothels, that seemed to be doing a lot of business, b) lower end brothels or less commercial brothels that did much less business for various reasons and c) mujra houses, where the trade was mostly the provision of music and dance but also included sexual services. The initial few days resulted in concentration on the functioning of the brothel in which they worked. However, in the course of time I felt the need to break free from the organisation, since the responses seemed to be influenced by the perspective of the NGO working on its premises. Later I ventured into the other brothels independently, usually accompanied by a female colleague. In the course of two months that I have carried out the field work, I had knocked on the doors of forty brothels, at least one in every four brothels

in the location, unable to get response from many. We weren't allowed to enter many brothels and in many others, though no one stopped us from entering, the women refused to speak to us. Often some women agreed to talk to us, but in the course of the conversation she was asked to not talk to us, and we were (usually very politely) asked to leave. However, I was able to observe the activities even in those brothels, which contributed to my understanding of the market. Most of the thirty eight women interviewed were only sellers of sexual services, some were also singers and dancers. One woman amongst them was additionally a *thekedar/madam* or caretaker. I also conducted interviews with one 'madam' or caretaker who wasn't an active sex worker, one male security guard, and one male owner of a brothel who is also an official of the NGO. Of the women interviewed, thirty one said they did only sex work.

Seven women were *mujra* workers i.e., singers and dancers. Two out of the seven *mujra* workers in our sample insisted that they did not provide sexual services. In addition to the seven women from the *mujra* houses, I was able to conduct discussions with ten women. I was able to spend time observing activities in five higher end brothels, eleven lower end brothels and three *mujra* houses. Detailed interviews were conducted with six women from the higher end brothels and with twenty five women in the lower end brothels. I was able to enter all the nineteen brothels but in the higher end brothels it was difficult to get sustained access to women as would be necessary to conduct in depth interviews. Hence, the fewer number of interviews with women in this category of brothels. Nor was it possible to do repeat interviews because I was watched. Interviewing younger women in the higher end brothels proved a difficult task for often they would refuse to speak, either on their own or under instruction not to do so. It was evident that these younger women were under heavy physical and mental pressure. It seemed that the trauma of separation from their families was still on their minds and was reflected in their expressions. This too could have made them reluctant to engage in long conversations.

Hence, the sample is not representative of the profile of sex workers in the brothels of GB road nor is it used in the study to make generalizations. Rather the field experience is used to provide a description and analysis of the processes involved in the constitution and working of the market for sex work especially with respect to the provision of sexual services and the implications for the providers i.e., sex workers. The major limitation of the study is that the sample is small and not representative because of the lack of access to all the brothels and sex workers. Also, since the research is based on responses, it is possible that they are influenced by the presence of pimps/ madams. In many cases conversation would be cut short with someone whispering something to the ears of the worker.

### **1.9 Organization of the thesis**

The thesis is organized in three core chapters following this introductory chapter. The second chapter of the thesis looks at the social and legal contexts within which the provision of sex work on the market is located, and how the unionization of sex workers around their identity and rights may alter the market for sex work. We elaborate on the analytical framework for the market focusing on the supply of sexual services through the brothels in this chapter. In the third chapter, we provide an overview of the market for sex work in GB Road with a focus on the transactions costs it involves and elaborate on the supply of sex work through a system of brothels. We examine several aspects of the trade in GB Road, provide a socio-demographic profile of sex workers and document the power structures within the brothels. In the fourth chapter, we make use of interviews with sex workers to understand the implications of the organizational form of the brothels for perceptions of sex workers and for practices. The concluding observations are presented in the fifth chapter.

## Chapter 2

# The Political Economy of Sex Work

### 2.1 Introduction

The economic organization of the market would vary according to its legal status and its social status. More or less the world over, sex work is considered illicit even where it may not be illegal i.e., it does not have social sanction even where it may have legal sanction. The economic organization of the market would vary importantly according to its legal and social status. In the European context, the Netherlands and Sweden represent two extreme positions with respect to state regulation of sex work. In the Netherlands in the 1980s the state sought to look for administrative tools to control sex work, and in that regard decriminalized sex work. The Netherlands seeks to distinguish between voluntary and forced sex work, with the purpose of criminalising forced sex work while bringing voluntary sex work under the purview of social welfare. In Netherlands there are 1.6 sex workers for the population of every 1000. In Sweden on the other hand, though selling sex and soliciting is not illegal, buying sex is punishable (Kilvington et al, 2001). In many South- East Asian countries though sex work is illegal, the state thrives on revenue collected from sex trade. Thailand, for example, made sex work illegal in 1960 with the Prostitution Prohibition Act. Prohibition was enacted under pressure from the United Nations and part of Thailand's attempt to modernize in the post colonial era. It was highly unpopular among the Thai elite masculine society, which tolerated and even encouraged sex work (Jeffrey, 2002). A thriving tourism industry that is mainly male grows continuously on the sale of sex from 'exotic' Asian women that is tolerated and even encouraged by the state (Mies, 1986). The state has been involved in encouraging sex tourism, discretely by toning down reports on HIV/AIDS to openly promoting sexually oriented entertainment (Boonchalaksi and Guest, 1994: 17). In India sex work has an ambiguous status for while it is not prohibited, aspects of the trade are illegal. This status of the occupation has implications for sex workers in terms of additional costs to be borne to tide over uncertainties and risks.



Thus, the market for sex work has certain specific features, which make way for a range of intermediary actors.

The sex worker's primary activity is selling sexual services in exchange of money. Importantly, from the client's point of view, this transaction is non-reproductive (Edlund and Korn 2002). The client is the purchaser of sex from the sex worker. Both the sex worker and the client may be either male or female. However, the market for sex work, the world over has mostly female sex workers providing for male clients. This is also the case in the Indian context and in the case of our empirical setting - GB Road, New Delhi.

This chapter seeks to lay out the processes – legal-political, social and economic – that shape the market for sex work in India. By doing so it tries to build a framework for analysis of the market for sex work. First we discuss aspects of the social context with respect to property relations within patriarchy and implications for sex work. Then we turn to the legal framework within which sex work operates in India, and try to understand how it shapes the market for sex work. Our next section is on the economic process underlying the market for sex work. In the last section, we examine aspects of the political context or the organization of sex workers in India on the basis of their identity as workers. There we look at the possibilities of unionization of sex work and how unionization affects the market.

## **2.2 The social context**

Institutionalized sex work is undertaken mostly by women and caters largely to male clients. In fact one of the grounds on which feminist scholars have argued for abolition of sex work is that it is a mode of exploitation of women, shaped by patriarchal social circumstances. This is a more general point with respect to the shaping of sex work as an occupation. It is not to suggest that it is the more liberal (or less patriarchal) societies that have abolished sex work. On the contrary, sex work is prohibited in some of the most patriarchal societies such as in the

Middle East, whereas it is legal in places like the Netherlands, which are more liberal. Whatever the perspectives of states and societies, women take up sex work as an occupation on account of factors ranging from customary practices to poverty and destitution.

### **2.21 Patriarchy and sex work**

For writers like MacKinnon, sexuality is shaped closely in association with patriarchal processes. Three aspects of patriarchy are implicated in the domination of women in institutionalized sex work. First, women's sexuality has been more subject to social control than that of men and accordingly women have been denied the ability to demand sex except in socially approved ways. In contrast, men's sexual behaviour is less rigidly subject to regulation. Thus the clientele is mostly male, as it is a matter of pride and machismo to be intimate with many women but it's a matter of shame/ dishonour to be with many men (Mackinnon, 1989). Second, the heterosexual norm is implicated in the repression of homosexuality, which is framed as deviant, and renders a market for other forms of sexuality much less institutionalized and precarious than (heterosexual) sex work. Third, the female body (and the child's body) is more easily subject to control than the male body through violence and social stigma, which makes the female body the more readily available to supply sexual service (Foucault, 1992). These three aspects are implicated in the domination of men as clients in the market and women as providers of sexual services. Men too may supply sexual services but not only are there differences in terms of the scale of the market but also its nature and organization with implications for remuneration and social status. Thus, women's task of providing sexual services can be seen to be part of a broader sexual division of labour.

Some form of sexual division of labour has been observed in virtually all societies and production organizations. It is pronounced in modern capitalism where the relationship between sexuality and the market is manifested in marriage and sex work. Where does the conflict between women's position in sex work and marriage come from and where do their

roles converge? Engels argued in *The Origin of Family, Private Property and the State* (1884) that women in (bourgeoisie) marriages are 'mere instrument for production of children'. The institution of marriage is a building block for capitalism in two ways. Firstly, the monogamous marriage forms the basis of inheritance of property, and hence perpetuates the capitalist mode of production from father to son. Additionally, reproduction of labour power occurs within marriage. Thus, within capitalism reproductive sex has twin roles for women in marriage- the producer of new owners of capital as well as the producer of new labour force. To guarantee paternity and inheritance rights, absolute fidelity is required from women, thereby women's sexuality is subject to strict controls. This also begets the idealization of the chaste wife and societal criminalization/pathologization of the promiscuous wife/daughter. On the other hand, male sexuality is regulated by channeling male lust to non procreative sex that can be commercially purchased, thus enabling the agent 'client' who demands non procreative sex from the 'sex worker'.

If the logic of patriarchy may explain why providing sexual services is women's work, what are the factors that determine which women are to provide sexual services within marriage and which women are to provide paid sex work? Here we turn to the class and caste interrelation in the working of patriarchy within the Indian context. The customary practices related to the provision of sex work have not been fully eliminated despite legislation against it. Women often have to provide customary sex work on caste lines involving ritualized sex work. Religious sex workers or temple sex workers- Devadasis, Jogini, Muralis- come from scheduled castes in south and west India. Temple sex workers have been an important part of religious and cultural life from 10<sup>th</sup> century onwards. These women specialized as musicians and dancers and provider of other services to deities(Pande, 2008). Historically they were influential women with wealth and political influence. As the patronage of temples reduced women lost out on this affluence. Though, the devadasi system has been abolished by law, there are caste groups that continue to initiate women into sex work drawing on 'tradition'. Young pre pubertal girls from the lower caste

group are 'dedicated' to gods or goddesses for betterment of village, in the context of a drought or outbreak of diseases on advice from village elders, often in elaborate ceremonies. Women of some tribal communities, including Nat and Bedia, Kanjar communities, specialize in providing sexual services and entertainment in forms of dance and song (Joffres et al. 2008). Their kinswomen, often mothers or aunts, initiate women into the trade. These tribes are often de-notified tribes, which are tribes 'notified' under the British Rule as 'criminal tribes' in the latter half of the 19<sup>th</sup> Century and 'de-notified' by the Indian Government post independence. The 'criminal' stereotype attached to them by the British made them unemployable elsewhere, hence perpetuating their role as sex workers (Abraham, 1999).

While, a segment of sex workers are recruited through customary channels, a significant section of sex workers may be traced to poor or destitute families or may have been duped into joining the trade through discreet networks where violence and /or lack of awareness is used to channel women in sex work<sup>2</sup>

## **2.22 Sex work as a livelihood option**

Why would a sex worker not consider exit from the sex industry a viable option<sup>3</sup>? The possibility of engagement with paid work outside their homes is also limited by social factors, especially for unskilled women who are only employable in manual labour, it might be a useful exercise to compare the costs and benefits that the sex worker may have in her different career options. In the urban context the brothel based sex worker is characterised by low level of skill and would have limited alternative occupation. She may be a housewife, that is, a woman engaged in unpaid labour within the

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<sup>2</sup> There is extensive evidence of this in the description of entry into sex work by sex workers themselves in *Namaskar*, 2006 which is a publication of a Kolkata based sex workers collective named Durbar Mahila Samanvaya Committee and report by Anita S (2003) on sex workers in Trivandrum.

<sup>3</sup> If we hypothetically assume an unlikely case that sex workers have an option of exiting and competitively engaging in other occupations.

domain of her household. In this capacity, the return to her contribution to the household in form of both physical labour in housework and care in forms of emotional and sexual servicing to her husband will provide for her subsistence. Here, her husband is also a de facto employer. Alternatively, she may engage in unskilled wage work like domestic help (that is employment in paid household labour outside the woman's own household) or construction work<sup>4</sup>.

In the case of the housewife, her sexual services are part of her unpaid labour. The housewife gets social sanction and respect that a sex worker does not. A sex worker is however unlikely to consider being a housewife a viable career option since within the existing social context, sex work and marriage are perceived as mutually exclusive zones though they may not necessarily be so. Furthermore, marriage also presents occupational hazards. A housewife faces high risk of violence and sexually transmitted disease within the family (Bhattacharya, 2004; Simon, 2001). In her 1990 work on courtesans in Lucknow, Oldenburg notes that the women ridicule the hypocrisies within institution of marriage through their music and acting.

A second alternative of livelihood for the sex worker may be manual labour. *Namaskar*, (2006) reveals that many women entered sex work after having to provide unpaid sexual services to employers in other informal sector activities, especially in domestic wage work and in construction work (See also Jameela, 2009). The lack of effective systems to prevent sexual harassment especially in the unorganized sector makes women vulnerable. The worker-employer contracts within poorly paid unorganized sector work are hardly ever legally enforceable since labour laws do not protect the workers in the informal sector. The contract that the employer enters into with the female informal labourer might include an unspoken understanding that she will have to provide sexual service to the employer on demand. Sex work may also be more lucrative and

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<sup>4</sup> In the rural context, agricultural wage labour is also a viable option.

requiring less physical labour than other unorganised sector works (including agricultural labour). When women have already had to provide unpaid sexual services, often just to retain their work, the women might find the option of selling sexual services for money a more profitable option (Nussbaum, 1999).

If sex work is more remunerative, why is it not acceptable to more women in poorly paid work? The stigma attached to sex work, arising from prevailing morality is probably the biggest barrier in adopting it. Furthermore, a wage worker is also not expected to forego conjugality (which society sees as normative for women) in order to take up work. Unpaid sexual service within a marriage (where it is not consensual and though it may carry an implicit payment in subsistence provided to a housewife) is seen as acceptable as against unpaid sexual services in wage work (which may or may not carry implicit payments). However, while both have the potential to be exploitative one is seen as normative while the other is socially inappropriate.

### **2.3 The Legal context of sex work in India**

In India, sex work has deep roots. It was a recorded occupational practice right from the time of *Rgveda*. Sex workers occupied a range of social and economic status, from the courtesan who enjoyed patronage of noblemen to street based workers who had very little autonomy on who to provide services to and how much to charge for it (Bhattacharji, 1987). In the colonial period the structuring of sex work went through a change, like the rest of society, with new administrative and commercial relations with Britain. Under British rule, sex workers were brought within the legal framework through the Contagious Diseases Act of 1868 following similar laws in Britain that sought to 'protect' the British military stationed in India from venereal diseases. This Act looked into registering sex workers, without taking into account the various categorization based on class and skill that were present among women engaged in providing mercenary sex in the feudal Indian context. Thus, the new law treated alike a range of categories from the *tawaiif* (courtesan) to the *randi* (market based sex

worker) and made it mandatory for them to face medical examinations under similar conditions. Existing categories started to be further smudged with the British efforts to survey and document women in the occupation, which was gradually transformed from one based on feudal aesthetics to commercial sex (Sen, 1999). The Contagious Diseases Act, along with the Indian Penal Code (1891) paved way for future regulations on sex work.

Post Independence, the first law dealing with sex work was the Suppression of Immoral Trafficking Act (SITA) of 1956. SITA was brought into force when India signed the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Lake Success, New York, 21 March 1950) (D'Cunha, 1989). Even though the law maintains an ambiguous position towards sex work and is primarily concerned with trafficking of persons in relation to sex-work, it reflected the patronizing attitude of society towards sex workers. The legislation also implicates an ambivalent attitude towards sex workers implicating the patronizing view of 'prostitutes as victims' alongside that of 'prostitutes as bad women' (D'Cunha, 1989).

SITA has been replaced by the present legislation, Prevention of Immoral Trafficking Act (PITA), 1986. Though the framework of the present law is similar to the earlier law, a more comprehensive framework was sought to include all those who might be exploited within the sex industries, including male sex workers, *hijras* and *koti* workers. SITA also didn't differentiate women from children regarding the punishment to people implicated of forcing them in the trade (Wad and Jadav, 2008). In fact, one major criticisms of the legislation, from conservative quarters, is the use of the acronym SITA, as the Ramayana character Sita is supposed to represent the image of the good Indian woman and an ideal wife (Solanki and Gangoli, 1996). "Naming prostitution acts with any religious deity doesn't speak well for the lawmakers. It speaks of insensitivity at the least, and inaccuracy to a great extent..." (The India Times, November 9th, 2007). With the legislation, the whole burden of the trade fell on the woman, the sex worker without penalising the men involved in the trade

(D’Cunha, 1989). The amendments in SITA included appointment of Special Police Officer with power over the entire country, provision of Women Police Officer in case of raids, implicating the renting or leasing out accommodation for the purpose of commercial and the term “suppression” was subsequently replaced by “Prevention” and the act came to be known as the Prevention of Immoral Trafficking Act 1956. Like SITA, it tolerates prostitution, not seeking to abolish prostitution or prostitutes.

Under the PITA (1986), sex work is ‘prostitution’. The law tolerates sex work, that is, sex work per se is not illegal but, as we shall see in this section, a ‘prostitute’ is liable to be criminalized. Also, the position of the legislation regarding sex work as an occupation is unclear. Sex work in theory is not illegal but acts/ conditions accompanying sex work are illegal. The legislation does not overtly take a position on sex being exchanged for money, as it is a ‘private’ affair (Lawyers’ collective, 2002), however the sex worker is liable to be criminalized. It is not clear who the ‘prostitute’ is. The legislation defines ‘prostitution’ as “the sexual exploitation or abuse of persons for commercial purposes or for consideration in money or in any other kind” (Section 2(f) of PITA (1956)) and the term prostitute is to be interpreted from it accordingly depending on context. Though the Act need not necessarily concern women, it is largely directed at women in prostitution as there is no mention or consideration of trafficking of boys or hijras in sex work.

The legislation criminalizes brothels. The residence and workplace of the sex worker, the “brothel” is defined by the law to “...include(s) any house, room, conveyance or place or any portion of any house room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for *the mutual gain of two or more prostitutes.*” (Section 2(a) of PITA (1956), emphasis added). Thus the magistrate has the power to seize brothels. This aspect of the law makes the sex workers vulnerable to dislocation and loss of place of work. In the case of GB Road, New Delhi the power of the magistrate to seize brothels complements the already existing threat of dislocation faced by women by land mafias who



have been trying to capitalize on the increasing real estate prices by displacing these women from their residence and work place of more than 70 years. Additionally, the last part of the definition makes it difficult for two sex workers to share an accommodation, whether or not they use this accommodation as a brothel. In fact, this legislation renders it difficult for sex workers to rent any accommodation since it can criminalize 'brothel keepers' i.e., owner/ manager/ renter/ lessee if he/she is 'knowingly' rents out for prostitution.

There is an attempt to curtail extortions of the sex worker by making punishable by the law anyone (above the age of 18) living off the earnings of a prostitute, including anyone acting as pimp or tout for the prostitute. "Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person shall be punishable..." (4 (1) of PITA, 1956). However, this provision renders it difficult for the sex worker to support her family or other dependents financially. "Where any person over the age of eighteen years is proved to be living with, or to be habitually in the company of, a prostitute ... it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of prostitution of another person" (4(2) of PITA, 1956). With such a provision any relationship that the sex worker may have could come under the scrutiny of the law and anyone close to her could be questioned. A sex worker with children living with her in the brothel is also liable of being criminalized by Section 6(2), which assumes that

"[W]here any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed an offence ... (that amounts to...[d]etaining a person in premises where prostitution is carried on —(1) Any person who detains any other person, whether with or without his consent,

- (a) in any brothel, or
- (b) in or upon any premises with intent that such person may have sexual intercourse with a person who is not the spouse of such person,

shall be punishable on conviction, with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine which may extend to one lakh rupees.”

The Act deems it illegal for “[a] person...to detain a person in a brothel in or upon any premises for the purpose of *sexual intercourse with a man other than her lawful husband*, if such person, with intent to compel or induce her to remain there” (section 6(3), emphasis added). This provision reinforces the apparent dichotomy between the sex worker and the wife. It also implicitly assumes that a woman cannot be coerced into having a sexual intercourse with a man who is her lawful husband. In addition to this, the provision on rape in Indian Penal Code 1860 (Section 375) renders a rape within marriage impossible because there is no provision for a woman to refuse sexual intercourse with her husband. Besides this, Section 354 of the Indian Penal Code 1860 says, “[w]hoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.” Thus sexual assault in the Indian Penal constitutes outrage of a woman’s ‘modesty’. A woman, by definition may be sexually assaulted only if she has ‘modesty’. This is variously interpreted reflecting the social attitude of what ‘modesty’ and ‘immodesty’ are. To cite an example, Gangoli (1995) notes the famous Rameezabee case of 1978 where Rameezabee, a working class woman was arrested for ‘loitering’ and was raped in custody. The police slapped a case of incitement of girls into prostitution on Rameezabee to detract from the rape case. On the other hand in the case, the State of Maharashtra vs Prakash Arl, a woman who alleged that she did not resist rape by policemen or raise an alarm because they threatened to imprison her husband received a favourable judgment on the basis that her testimony was bound to be reliable as she wasn’t a prostitute. A significant body of feminist work establishes that the legal system relies on the stereotypical classification of the chaste

woman as against the 'whore' (Das, 1995).in dealing with cases of violence such as rape. This clearly has deleterious implications for sex workers.

Further, PITA makes soliciting on the streets or from windows punishable by law (Section 7 (a & b)). This makes a sex worker suspect when she is out for any reason and therefore also more vulnerable to harassment by police. Similarly in an attempt to 'cleanse' the public of the problem of sex work, the law makes it illegal to practice sex work in places of public near schools, temples and in hotels "Prostitution in or in the vicinity of public place...any person who carries on prostitution and the person with whom such prostitution is carried on... which are within a distance of two hundred meters of any place of public religious worship, educational institution, hotel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or Magistrate in the manner prescribed, shall be punishable..." (Section 7, PITS)

Through these provisions the legislation, vests the police with an immense amount of power. The police can search brothels and/or search/arrest women without warrant. This makes it very difficult for women to carry condoms because that might be used as evidence against them. (Solanki and Gangoli, 1995). Section 15 of PITA vests in the police with the power to search without warrant, to remove and take into custody any persons they find therein. Raids by Police needs to be accompanied by a female officer, but in case no female officer is available, they may make do with any "respectable female inhabitant and in case of interrogation, lady member of recognized welfare organisation/ institution." Though sex work is not illegal, practices surrounding and facilitating sex work are illegal making it difficult for sex workers to work without the threat of harassment or extortion.<sup>5</sup>

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<sup>5</sup> If controlling trafficking is the only concern of this Act (as it's name suggests), then it is for most purposes redundant as there are various provisions that should be able to criminalize anyone guilty of trafficking in persons. In particular, Sections 339-344 of the Indian Penal Code (1860) deals with wrongful confinement, Section 361- 366 looks into kidnapping, abduction from guardian, abduction for the purpose of forceful marriage, 366

As Solanki and Gangoli (1996) argue, the legal framework is neither aimed at abolishing the trade, nor is it attempted at legalizing the profession. The primary aim of the legislation is to control and regulate the trade in a way that conforms to the social position of sex work. In the Indian case, the market for sex work is formed within this legal context. The legal status affects the bargaining power of actors on the market with particularly restrictive implications for the sex workers. Sex workers are more likely than other actors to be hindered by its provisions or to be rendered suspect by them. The red light areas itself may be seen as a response to legal and social conditions. As the provisions of the law could be used to implicate anyone renting out their house to a sex worker, the cluster of brothels come together as a red light area, providing some amount of security. However, this form of organization renders the sex worker dependent on the madams for place of residence. The madams organise the brothel as a place or sex workers to stay but also negotiates with the police for payments in cash or kind so that they turn a blind eye towards arrangement.

## **2.4 The Market for Sex Work**

This section looks at how the market for sex work is organized in terms of economic processes. The market for sex work includes three aspects, the brothel as an organization that provides sex work and is held together by 'contracts' of an informal nature, the client, who seeks to buy sex and the process of exchange. Further, there are two major types of transactions, a) contracts between different agents, which actually give shape to and facilitate the functioning of the brothels and b) spot market transactions, which account for the major part of the exchange of sexual services between sex workers and clients. The market for sex work is marked by problems of transaction costs and makes it more insightful to use the tools

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deals with procreation with minor girl (only, not boy), 366B with importation of women from foreign country. Also significant are Section 370 that makes buying or disposing any person as slave criminal and Sections 372 & 373 renders buying and selling of minor girls as criminal.

of new institutional economics to analyse it. Unlike neo-classical economics, transaction cost analysis allows us to consider the myriad contracts that are informally negotiated to enable a market for sex work.

#### **2.41: The Organization of the Brothel: Economic analysis**

Problems of the provision of sex work may be conceptualized in terms of Transaction Costs. The underlying unit of analysis is an employment contract, especially the kind between the sex worker and the madam. Contracts are bi-lateral relations between employer and employees and other players in the production process that involve reciprocal expectations and behaviour (Noorderhaven, 1992). Ronald Coase (1937) introduced the idea that the firm, like the market can be regarded as a means of technical organization. We may conceptualize the brothel as a technical organization, shaped fundamentally by the legal and social framework. The institutional nature in economics is evident in the hierarchical transactions within the firm. Like in the neo-classical consumer theory, New Institutional Economics is also based on a set of behavioural assumptions. Two main theories in economics that use the conceptual framework of 'contract' to discuss worker- employer relationship, one is *Transaction Cost Economics* and the other *Principal Agent Problem*. We will discuss the usefulness of Transaction Cost Economics with respect to the market for sex work. The problem of players in the market, as understood by Transaction Cost Economics is that players seek to economise on the cost of transactions, that is, the cost of being a player in the market.

The underlying logic is that any issue can be formulated as a contracting problem can be investigated to advantage in transaction cost economising terms. Transaction costs are of *ex ante* and *ex post* stage. Transaction costs economics maintains that it is impossible to concentrate all of the relevant bargaining actions at the *ex ante* contracting stage. Bargaining is a process that carries on over time and thus the requirement to devise a system, which will minimise transaction through contracts. Control (ratification and monitoring) of decision is, to a certain extent, separate from

management (initiation and implementation) of decisions and both involve different sets of transaction costs. As discussed earlier, the legal context within which a sex worker carries out her trade is such that she is liable to prosecution if she solicits, if she has a child living with her, if she and any other sex worker (or anyone else who might be perceived so) decide to share accommodation. Because of the social stigma attached to the trade she is bound to live and work within the red light area. Thus the sex worker has to incur transactions cost to avoid arrests from the police and to avoid being forced out from her occupation. To reduce the cost from unwanted arrests, the sex worker would need to enter into contracts with various agents including the pimp, the madam and the police. For these contracts also, the relevant bargaining action cannot be *ex ante*, as the flow of information is limited, and since there is no legal provisions to enforce the contracts.

Transaction cost economics assumes that agents are subject to *bounded rationality*- i.e., human beings are rational and try making the most of the opportunity available, but limitedly so. The limitation is set by social norms and practices and the agents embeddedness within them. The assumption further is that the agents try to minimize their transactions costs (or the costs of forming negotiations) as best as they can given this bounded rationality. Transaction cost economics also assumes that transactions have three points of difference- in their *uncertainty, frequency and asset specificity*. Asset specificity is the transaction specific skills and assets required for the transaction to be carried on. Uncertainty, in typical cases that are dealt with in TCE refers to observability and measurability of performance. Two concepts that need to be dealt with regarding self interest orientation within TCE are opportunism and incomplete or distorted disclosure of information. Opportunism in transaction cost economics is similar to utility maximisation, but is limited by the societal norms that the individual agent is subject to. Incomplete information is relevant especially regarding calculated efforts to mislead, distort, disguise, obfuscate or otherwise confuse thus using incomplete information for the agents benefit in the contract, whether short term or

long term. Thus, a contract formulated by economic agents is moulded by their opportunism looking to minimize transaction cost brought about by incomplete information.

Now the question is how to ensure that a contract is enforced. Contract is based on the prospect of doing some more business between the parties in future. Bargains and contracts are to be understood in their social context. Custom and unwritten laws (norms) are accepted and form the basis for settlement of disputes. How do the parties deal with uncertainty regarding enforcement of the contract? Two strategies that might be resorted to, that of *cooperation*, observing the conditions of contract, not cheating and renewing the contract if the other party has adhered to the same, and the of *non-compliance*, whereby the player chooses to breach the contract since the utility of non compliance is greater than the utility of compliance. The breach of contract may also be in anticipation of a breach from the other party, and can be seen as a cost of asymmetric information.

A series of contract formation leads to emergence of trust or lack of trust. Social context also results in players' obligations to abide by a contract. Within the system of production or firm there is the *individualized obligation* and *generalized /institutionalized obligation*: Individualized obligation is the basis for personalized trust, which is built on personal traits, *institutionalized obligations* is the basis on which the players can trust a contract, since there is a institutional mechanism to fall back on. There is also *external obligation* that is built upon a system of social norms, two groups within which external norms can be divided-*formal norms* and *informal norms*. Formal norms are enforceable by formal institutions where as informal norms are not enforceable by any formal institutions, but are either enforced by the members of the community or are self-enforced given the perception of what is normative in the social situation where the players exist.

In a brothel, the madam may form contracts with the sex workers on the one hand and with a series of service providers such as the pimp, private

security personnel (bouncers, handlers and so on) as well as with police and / or bureaucracy on the other hand. Contracts that are formed between the madam and the sex worker are of the nature of employer-worker contracts. In some settings, the madam acts directly like an employer, where they pay the sex worker a monthly/ weekly income based on their performance/or the cost of maintenance of the brothel. When the sex worker pays a percentage of her income to the madam, the role of the madam is still similar to that of an employer since they are responsible for recruiting sex workers and the working of the organization. The madams, who are mostly former sex workers, are also potential providers of sexual services, though not in the routine manner of the full time sex workers. The pimp is involved in the recruitment process, in channeling information flow to the client about sex worker as well as in assisting the madam in organizing the brothel.

A sex worker becomes a part of a brothel mainly to minimize various transaction costs and this induces her to form contracts with various agents, especially the madam and the pimp. Costs of transaction, for the sex workers point of view, are at various levels. Transaction costs that are incurred by her include payments to the pimp, madam and police and also non financial costs that she may incur including the threat of violence and vulnerability to sexually transmitted diseases. Additionally, the pimps and the police may also demand sex work but usually not in exchange of money and this too may fall to the lot of sex workers.

Williamson discusses two modes of contracting- *continuous contracting* and *periodic contracting*. Continuous contracting is extensive contracting where workers maintain considerable autonomy and once the terms of contract are struck, lay claims to distinct profit stream. The problem with continuous contracting is regarding how the requisite complex contract can be negotiated and described in a low cost manner. Bounded rationality comes in the way of this type of contracting to be comprehensively realised. Periodic contracts are short term contracts without complex negotiations and with no long term expectations. In this contract the boss



and worker agree to 'tell and be told' and contract is on short term basis and possibly on task basis.

Williamson (1975) claim's is that all sorts of market organization can be theorized within the Transaction Cost Economics, including the organization of Labour. Transaction cost approach rests on the proposition that governance structures for labour must be matched with the attributes of labour transaction in a discriminating way if transaction cost economizing is to be accomplished. Labour market transactions in which continuity of relationship between the firm and the labourer is maintained are conditions for enhancing human asset development. Williamson uses a framework to define various sorts of contracts that might come in effect in the organization of labour within a firm. There are four basic types of contracts between employer and employee that might be formed within the framework that Williamson develops. If the employee has low degree of specific skills or what Williamson calls *human asset* and these skills are separable from the firm (in the sense that whatever skills the labourer may have, are not exclusively useful and likely to be developed in that firm), the transaction that will be realized will be of the nature of *internal spot market*. In such cases neither the worker nor the firm will have efficiency related interests in each other. In such cases no particular structure will be devised to maintain such a relationship. If however the level of skills is low, but inseparable from the firm, that is the worker's skill level increases and can be used in specifically useful ways by the firm, then Williamson terms the form of relation a *primitive team*. If the worker has specific skills that are not enhanced within the team relation, the worker will have incentive to move out of the team while the firm will have to devise ways of retaining the worker. Such a relation is termed as *obligational market*. Finally where the skills are significant and are enhanced by team aspect, the contract will be what Williamson terms as *relational team*.

Can we look at the brothel in this framework? The Sex worker in a brothel does not operate independently and there is a whole set of contracts that facilitate her work. The madam may be seen to be in the position of an

employer of the sex worker since she recruits her, supervises her work, maintains relations with other sex workers/clients, and sometimes even pay her a weekly/monthly amount. On occasion, a long term client may take the position (de facto) of the employer. The pimp may enter into contracts with the madam and with sex workers separately, depending on the organization of the brothel. Where the sex worker has relative independence, she may directly be in touch with pimps and may have agreements with them with respect to supply of clients. On the other hand, where a sex worker is dependent on the brothel and has little means of her own, it is the madam that would have agreements with pimps for the supply of clients.

Let us look at the possible relationship of the sex workers with each agent one at a time. Madam's are generally former sex workers themselves who have risen up the organisational hierarchy to have a managerial position in the brothel. Their contract with the sex workers can be expected to be of two types. On the one hand there are sex workers who are bonded to a particular brothel because of debt incurred on entry. This debt may constitute the amount paid to the family of the sex worker, the recruiter, cost of transportation, possibly the cost of bribing and weapons necessary for carrying on illegal trafficking, cost of food and other daily requirement of the sex worker (Debabrata, 1998). With those kinds of sex workers the contract will be continuous in nature in an obligational market. In these cases the sex workers are bound by the 'contract' till the debts are paid off. In most of such cases the sex workers aren't part of the making of the contract. The contract gives the sex workers a place of residence, place of work, takes care of their subsistence needs and inputs necessary for work (work clothes, makeup, condoms etc.). Children of sex workers are also taken care of by the madam. This contract holds for as long as it takes for the sex worker to pay off her debts.

Once the contract gets over, the sex worker may be free to leave as and when she chooses. The contract that she now holds with the madam is of a different nature. Usually in such cases the contract is that the sex worker is

given place to stay, work, food, access to customers and some level of security at old age in exchange of a certain proportion of their income. As long as the sex worker is earning well the madam has incentive to retain her and will try to enforce the contract. Once she passes her peak period the sex worker may not be as lucrative to maintain the contract with and the madam may consider breaching the contract as the optimal recourse given her bounded rationality. However, the madam may consider enforcing the contract as a superior option than breaching it in two situations. First, if the sex worker, over the period of her work in the brothel has come to be in a position to assist the madam in management role and if the madam considers her a possible heir and secondly, if the sex worker has children who may in future join the market. The contracts that the sex worker makes with the pimp are also of a similar nature as that with the madam. Only additionally the sex worker might be obliged to provide unpaid sexual services to the pimp as part of the contract in addition to part of her income. In return the pimp provides the sex worker access to clients as well as security in case of violent clients and 'protection' from police harassment. In a way, the madam looks after the 'inside' and the pimp looks after the 'outside' when it comes to organisation of the brothel, exhibiting a sexual division of labour.

Agency theory is another offshoot of New Institutional Economics, which uses the contract as the unit of analysis to understand employer- employee relationship. Unlike in the case of TCE, Agency Theory has an implicit understanding of the hierarchies within a market, since it tacitly looks at ways in which the principal (employer) disciplines the Agent (employee). In the Agency theory, 'Agency problem' arrives when the principal (employer) is unsure about whether the agent (employee) has performed according to agreement. The problem of the employer is thus to devise strategies to distribute risks as there is incomplete information. One salient feature of contract is the measurability of performance, determining the controllability of contractual relationships. Both TCE and Agency theory have implicit assumptions of individual utility maximization. In the Agency theory, the contract is achieved through a

process of utility maximization that both the agent and the principle engage in given a set of choices. Assumption of positive information cost is also central to the Agency theory. This, together with the fact that individuals are assumed to be profit maximizing, brings about an important theoretical assumption- that individuals are 'opportunistic'- meaning that individuals use guile in their self interest seeking behaviour. This is in contrast to *organizational theory* (Ellerman, 2005) which considers power, rather than individual profit maximizing behaviour as the principle behind the process of contract. Thus what the agency theorist would consider a voluntary contractual agreement (even if not within equal partners), the organisational theorist would attribute the same to power relationship within the different players. This aspect is neglecting existing control systems within the production process that elicit compliance. In case of the market around sex work, coercion is one way of eliciting compliance.

#### **2.42 Purchasing sex: the client**

In seeking to buy sexual services on the market, the clients may deal directly with sex workers, who are resident in brothels but have a degree of independence or may deal with the brothel for the services of a particular sex worker. Clients enter into spot market transactions with the brothel or with a particular sex worker. In these cases of *spot market transactions* the exchange of sex for money is a onetime process which is carried out immediately after an agreement is reached. However, unwritten contracts may be formed by sex workers, with some clients whose association may be both of the continuous and periodic in nature. Informal contracts are formed with 'regular' customers who attach themselves with the same sex worker for a period of time, receiving sexual and related services in exchange of monetary and other returns. The client in receiving services of the sex worker also has to incur transaction costs including costs to pimp to have access to sex workers, threat of getting robbed and vulnerability to sexually transmitted diseases. As a consequence, he may form contracts with the pimp through which he may access sex workers through the same

pimp over a period of time. However, his bargaining power in this case will be

### **2.43 Exchange on the market**

Here we'll be concentrating on brothel based sex work, where the exchange is carried out at a 'brothel' which is a house generally sublet to two or more sex workers who work and stay in it. The exchange of sexual services can take place in various locations including client's house, car, some secluded place, lodge etc. In order to enable exchange the sex workers, pimps, madams, and clients may have to enter into monetary agreements with the Police in exchange of 'protection' from harassment and threat of arrest (Debabrata, 1997). Sex workers and madams might have to additionally provide unpaid sexual activities to police to avoid harassment. The market for sex work operates within the context of social norms and legal provisions, which sees sex work as illegal and immoral, yet tolerates it. Such a system legitimises harassment by police and creates the space for police to involve in rent seeking activities<sup>6</sup> (Solanki and Gangoli, 1996).

### **2.44 Theory of Demand and Supply**

The demand and supply side of the market for sex work could add to our understanding. In that regard, it might also be useful to bring into the picture the Marshallian framework (Marshall, 1920) of demand and supply to understand the contract between the client and the sex worker. Demand for sex work is subject to various factors including price of sexual service, class association of the client, perception of what is feminine and sexually attractive<sup>7</sup>, perception of machismo and social construction of the 'male'. Price of sexual service might have two sorts of effect on demand. Lower priced sexual services might have 'normal' good character' whereby

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<sup>6</sup> Rent seeking activities refer to strategies where individuals, firms or organisations try maximising income by manipulating economic and political circumstances. (see Tullock, 1988)

<sup>7</sup> This is an interpretation of the mainstream attribute to 'tastes and preferences', which in neoclassical economics is attributed as an exogenous factor. In our framework however, 'tastes and preferences' have ideological factors affecting them and in this particular context the societal view on gender and the female body, together with the legal and political doctrines have a bearing on the demand for sex work.

the demand increases with fall in prices. Whereas the higher priced sexual services might exhibit veblen effect, with increased prices further increasing the demand. Income effect can be expected to have positive relationship with demand, with higher earning clients agreeing to pay higher price for sexual services. Societal construction of femininity can be expected to affect prices both directly (the customer demands more paid sexual service if the sex worker fits more to his idea of 'attractive', which is again moulded by societal construction of what is attractive) and indirectly through the prices (a sex worker who is conventionally attractive fetches higher price than a sex worker who is not). The price effects and the societal construction of femininity can also be seen to have relationship with each other. Sex workers who are not conventionally attractive might exhibit 'normal good' characteristic charging lower price if demand for their services are waning. The supply side is characterized by factors like price, cost of inputs, living/ working conditions, background of sex workers, returns from other occupations<sup>8</sup> etc.

### **2.45 Exploitation**

The problem with Transaction costs approach is that, though it is a comprehensive framework it doesn't bring into consideration the sociological background within which the transaction took place (Kalberg and Reve, 1993) Ellerman revisits the idea of 'ownership' in engaging with the concept of governance through contract, especially corporate governance. Ownership rights over means of production give the employer the right to govern. In case of prostitution one might understand an extension of this principle, additionally the ownership is over the rights to women's bodies and movement. Transaction cost theory, deals more with internal and external market failures but does not deal with power relations within the market. It could be worthwhile considering the conception of exploitation from a Marxist framework in order to highlight the working on power. The usefulness of the Marxian Economic

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<sup>8</sup> This would include the sex worker's access to other sources of employment which is limited by stigma of being attached to the occupation of sex work making her access to other occupation difficult.

framework in our analysis is in the fact that the power relations in the formation of the market are explicit in this framework. Yet the Marxian definition is incomplete since the only power relation it discusses is that based on class. For our study we can define *exploitation* as the appropriation of labour based on gender, caste and / or class and without sufficient compensation or sometimes even without the consent of the provider of service. These appropriations of labour may be in several forms, they may have a marketable value (or exchange value) or simply a use value. Such exploitation could lead to financial, physical and psychological harm to the labourer that are not compensated for by those who appropriate her labour. We can consider for our discussion various forms of exploitation. *Economic Exploitation* is a concept that is quite well defined in the literature. Within the Marxist literature, the simple appropriation of surplus is exploitation (Sweezy, 1946). That is, any amount of labour power appropriated over the labour required to reproduce it is surplus appropriation. This concept can be extended to *social or cultural exploitation* arising where a society tacitly recognises the need for such a worker or service provider but also condemns her for providing that labour or service. *Physical Exploitation* arises from appropriation of a material base or the body, which may do harm to it in the absence of adequate safeguards. *Sexual Exploitation* is linked to cultural exploitation where it is the appropriation of sexual capability in a framework that does not recognise issues of consent or does not provide adequate information to make decisions regarding sexual interactions. A distinguishing aspect of employer- labourer contract in the case of sex work is that the pimp/madam/ client enters into a contract with the sex worker that is potentially exploitative in nature. That is because of the definition of social norms regarding sexuality and because of the legal provisions that soliciting is illegal, which render greater bargaining power is in the hand of the employer than the labourer. In the context of sex work, ownership rights to the place of work and residence, use of coercion, debt etc result in the women in sex worker being in unequal terms in both formation and enforcement of the contract.

## **2.5 Political processes; Labour organization/Union and the market**

Organization of sex workers on the basis of identity as workers is a crucial dimension of the political economy of the market for sex work in India that has come to the fore since the 1980s. Organization was initiated in the process of efforts to address the AIDS epidemic and has taken on different dimensions in different settings in India. Sex workers in Kolkata were organized earlier than elsewhere and are better organized as well. The dispersed nature of the market for sex work is a problem with respect to organization in Kerala, yet there have been efforts at organization in some of the bigger towns and cities. In Kolkata as in Kerala, organization has meant that the sex workers have raised political questions of rights and have been able to form associations to pursue their political and economic rights. The scale as well as the nature of organization is considerably more restricted in G B Road, which has had implications for the questions that are raised by sex workers who have been mobilized by NGOs. While, we deal with this aspect of the market in G B Road in chapter 4, this section draws on the experience of organization of sex workers in Kolkata to address some of the ways in which organization, depending upon its nature and scope, could alter the terms upon which sex workers operate on the market. The market for sex work could change significantly with organization or unionization of sex work. How do unions and organizations affect the market? Unions demand fair wage and better conditions of work. In the context of legal, registered trades, unionized establishments pay higher wages than non unionized enterprises, resulting in higher product prices. Union wage differentials occur because of transfer of resources from rent (or returns to capital) to wages (return to labour), or as Stewart (1990) puts it, 'rent capture'. In a perfectly competitive market, because of high elasticity of demand, the price of the output may not be affected by union activism. In such cases, there is possibility to capture some extent of rent in the short run, but in the long term, the employer/firm will seek for higher pastures, or may lose out to competitive firms that do not provide wage differential. Unions, to deal



with such situation, may look to unionizing the whole market, that is, the union is able to make the whole industry pay a bargain wage.

In the context of the brothel, women of one brothel may collaborate to lower rents, increase prices charged, and to improve working conditions. Such collaboration would not significantly change the condition of the market unless there are channels of information to other brothels, whereby the effect of the organization spreads between brothels. If not, the collaboration of women in one brothel would just remain an isolated case. The possibility for sex workers to unionize is limited on many accounts. First, though the brothel is a collection of sex workers, the restricted access of sex workers to the public is likely to restrict their access to sex workers in other brothels and thereby inhibit the growth of organization. Second, sex workers are not always recognized as workers, creating an obstacle to their being registered and recognized as a trade union in a broader conglomeration of workers. However, there are strong collectives of sex worker as for instance the 'Calcutta Sex Workers' Union', better known as Durbar Mahila Samanwaya Committee (henceforth referred to as Durbar).

Conventional trade unions differ from sex workers union in some ways. First, unlike the conventional unions, there is no binary between employers and employees in the sex market. Conventionally, unions bargain for higher wages. Theoretically, sex workers' unions may be able to limit the cuts taken by various agents in the sex market, therefore effectively bringing about a wage rise. However, the concerns of sex workers unions' are more to do with workplace conditions, minimization of transaction costs, keeping forced entry at bay and spreading information about HIV/AIDS. They are similar to conventional unions in attempting to regulate working conditions. Additionally, conventional unions may also regulate entry into the firm with the rationale of avoiding wage cuts.

Durbar is different from conventional trade unions, yet it has been able to significantly change the characteristics of sex market in Kolkata. Durbar started out in 1992 as an HIV/ AIDS initiative using a peer based approach. Twelve sex workers were trained, and they were to pass

information to other sex workers. The idea was for a team of researchers to recruit sex workers from the community and provide training on health and HIV, who were then promoted as peers and outreach workers. However, soon the programme started to fall apart as pressures from local goons and police, and a need was realized for a more widespread approach at organizing the sex workers. Thus Durbar, the sex workers organization was developed.

Two important aspects to the formation of Durbar are: first, Durbar was formed at a time when, because of a changing labour regime and rise of the informal sector, traditional trade unions were on the decline and there was a rise of alternative mobilization of workers especially in the informal sector. Much of this mobilization depended on funds and organizational strength from outside, often non government organizations (NGO) and not necessarily political parties on which traditional unions heavily depended. Second, the stigma attached to sex work has largely discouraged political parties, including left wing parties from addressing and affiliating them (Pal, 2006). These two aspects generated the space for the creation of DMSC as an alternative mode of mobilization of workers. Durbar was able to affect the market for sex work in Kolkata in two significant ways. In the micro level, Durbar has been able to control forced sex work to a certain extent through their Self Regulatory Boards, which is Durbar's program to counter trafficking. Notably, Durbar is clear in distinguishing trafficking from sex work and yet is articulate in claiming that trafficking is not necessarily limited to sex work. Members of the group keep a strong vigil on the red light areas, and intervene when they think necessary. There are two aspects of sex workers organization that assist in this process: first since DMSC consists of sex workers themselves, they are able to identify 'unusual activities' better than outsiders. Second, since Durbar is registered as a labour union, they have the authority to 'rescue' people if there is a need (Jana, et al. 2002). The second aspect in which Durbar has made a significant impact in the market for sex work is in dealing with

income insecurity through micro finance<sup>9</sup>. This too has the potential to change the character of the market if it is able to reduce indebtedness among sex workers and thereby reduce their dependence on pimps and madams (or the chances of working as bonded labour).

The market for sex work draws upon the demand for sexual services generated in association with the social construction of desire in ways that implicate specific (patriarchal) conceptions of gender and sexuality. The supply of sexual services may derive from three sets of circumstances. First, the patriarchal structure that subjects the female body to regimes of control; second, the context of sexual division of labour, whereby women are allotted specific tasks including the provision of sexual services on the market, and third, because manual labour, which is the most likely alternative available to a sex worker is also likely to be less remunerative and equally exploitative. The demand and supply of sex takes place within a legal structure that results in the creation of a set of intermediary rent seeking agents, with who the sex worker enters into informal contracts to minimise transaction cost. Given the peculiarity of the legal structure and the lack of acceptance of sex workers in society the sex workers have a considerably lower bargaining power and are vulnerable to economic and social exploitation. The possibility of exploitation reduces considerably if the sex workers are able to organise themselves, as the case has been in Kolkata. However, in Delhi the sex workers are not organized. In the case of G B Road, the political economy is informed by a different kind of NGO intervention, that is less responsive to the political interests and rights of sex workers.

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<sup>9</sup> The microfinance is registered under the name of USHA (Usha Multipurpose Cooperative Society Limited). Durbar, in their website claims that he microfinance is especially remarkable since it is registered as a 'cooperative of sexworkers'.

## **2.6 Conclusion**

Sex work in India has a peculiar position of being tolerated, though not wholly legal. This makes it different from the Netherlands where sex work is legal and Sweden where clients and the sex worker are criminalized. Sex work, the world over is mostly performed by women for male clients. This can be seen as a part of a broader sexual division of labour, which is observed in all societies and production organisation. In India, there is a class/ caste aspect to providing of sex work, where women from particular castes and tribes are the supplier of sex work. It is often a livelihood option for sex work because of lack of alternative options. The legal system around sex work was set with the Contagious Diseases Act, 1868 which sought to regulate sex work as part of an effort to 'protect' British military from venereal diseases. The present law on sex work PITA, 1986 deems it illegal for sex workers to solicit thus making them dependent on other agents. Transaction cost creeps in and the sex worker can be seen to be forming contracts with the different agents to minimize transactions cost and to enable exchange. However, because of the precarious position of the sex worker, they have lower bargaining power and are vulnerable to exploitation. However, unionization or organisation of sex workers may substantially reduce the vulnerability within the same legal context, as has been the case in red light areas in Kolkata.

## Chapter 3

# Providing Sex Work, G.B. Road, New Delhi

### 3.1 Introduction

The market for sex work involves the exchange of sexual and related services, including emotional services, for money.<sup>10</sup> In New Delhi, the market for sex work is fairly dispersed and includes women and children providing sexual services to male clients. GB Road is an urban red light area located in the capital of the country thereby attracting media attention and political interest<sup>11</sup>. It is a prominent site where sex workers are territorially concentrated. On G B Road, sex workers ply their trade living and working in brothels - organizations that serve simultaneously as residences and work places of sex workers. Notably, at least some of the young women found in the brothels in G B Road, find their way there after being brought into New Delhi as children of less than fifteen years to service higher end clients through discreet networks that are difficult to trace.

We saw in the previous chapter that the sex workers on G B Road are not organized politically around their rights as workers in a manner in which they are in other comparable sites of territorial concentration of sex workers such as Kamathipura in Mumbai or Sonagachi in Kolkata. There are at least two NGOs working in G B Road but they have access only to sex workers in a limited number of brothels. For most part their presence is not very strong, especially in the brothels doing brisk business. These features – locational concentration but the lack of organization of workers - make the sex work market on G B Road distinct. There could be several

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<sup>10</sup> Narratives of women published in *Namaskar*, (2006) indicate that sexual services include penetrative and oral sexual. Foreplay and pretending orgasm might be included in the service that the sex worker is expected to provide. Non sexual care activities might also be included in sex work. In the same issue women also recount experiences of men who had paid them only to spend some time with them and talk about their troubles.

<sup>11</sup> Kapil Sibbal, the Union Minister of Ministry of Human Resource Development is an MP of the constitution under which GB Road falls (Chandni Chawk). The 2009 General Elections was significant for many women in GB Road because it was the first time in 60 years that some of them got their voters ID Card and cast their vote for the first time.

factors making the organization of sex workers around identity and rights possible in red light areas like Kolkata and Mumbai, and even in a place like Kerala where the sex industry is not concentrated territorially, but not in Delhi. One possible reason may be that though GB Road is the largest red light area in Delhi, there is a large number of sex workers scattered all over the city. It may be difficult for an umbrella organization to work in such a dispersed context. Other reasons may be the nature and ideologies of the NGOs that are working on G B Road or the ability of the organized network of brothels and agents in the provision of sexual services to successfully prevent the entry of NGOs. The question of organization of sex workers on G B Road remains important, though we do not take it up in any significant way here.

This chapter seeks to provide a profile of the sex workers in GB Road, document their interaction with various other actors in the market, especially with respect to the brothels. We also attempt to describe the interactions and some of the practices that characterize the market. In the first section we provide a general overview of the sex market pointing at the various linkages that shape and sustain it. In the section that follows we characterize the brothels on G B road on the basis of the nature and the pattern of functioning. The socio- demographic profile of the women interviewed is described in the third section. Following this we describe the practices that characterize the supply of sex work through brothels and the working and earning patterns of the sex workers.

### **3.2 Overview of the market**

The market for sex work on G.B Road is characterized by several kinds of transactions costs incurred by sex workers on agents, who facilitate a trade that is significantly constrained by the lack of full legal recognition. Agents also resort to rent seeking and thereby exploit sex workers. We have already pointed out that there are two major types of transactions on the market i.e., a) contracts between the various agents and b) spot market transactions between sex workers and/or brothels (on behalf of sex workers) and the clients. The various actors involved in the trade - the sex

worker, her client, the madam, the pimps and the police were observed to enter into informal and oral contracts that give shape to a market in sex work but the exchange of sexual services itself usually involved spot market transactions. This market is characterized prominently or centrally by the brothels hierarchical organizations of sex workers that are managed by a madam.

The linkages between actors within the market on G B Road, held together through informal contracts, are illustrated in flow chart 1. The core transaction that takes place on the market is between the client and the sex worker. It is to facilitate this core transaction that different linkages are made through informal contracts. The client approaches a brothel with a demand for sex work, which is supplied to him in the brothel in exchange for money by the sex worker. The demand of the client can be affected by various factors including price of the service, the class back ground of the client, and age of the sex worker, cultural / ethnic background of the sex worker, normative conceptions femininity and social construction of desire. Needless to say, the sex worker supplies sexual services. In GB Road the interaction between the sex worker and the client usually takes the form of a spot market transaction, where the client walks into a brothel and may choose among the sex workers available after some preliminary negotiations. The client then purchases sexual services from the sex workers he chooses. Alternatively, he may approach pimps who solicit in the street, and the pimp would lead him to the sex worker that he thinks best fits his requirements. The nature of transaction between sex workers and clients may also take the form of longer -term contracts, where the client would frequent the same sex worker over a period of time in exchange of cash and other benefits. As the interaction between the two is more sustained, the exchange between the two may be somewhat more elaborate than in one-time spot market transactions. The legal framework and social context, informed by patriarchy, shape the boundaries within which all these transactions take place, enabling but also delimiting them. Thus the state and society shape the outer boundary or the broader

environment in which sex work is defined and provided through the market as shown in the flow chart.

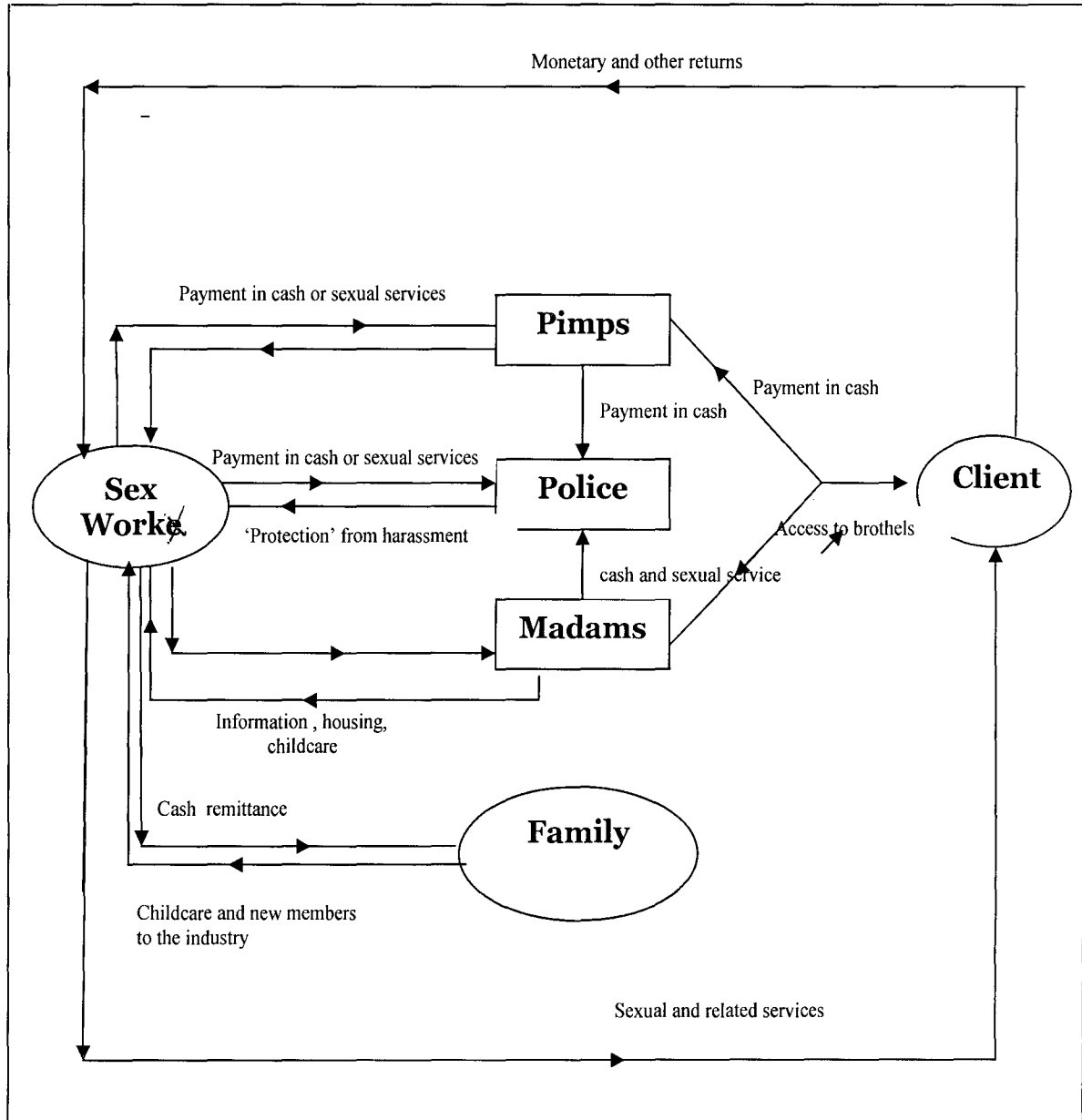
The interaction of the clients and the sex workers takes place facilitated by a network of pimps and madams who organize the brothels, maintain flow of clients, ensure the availability of sex workers and keep the police at bay. Many brothels in GB Road were managed by owners of the building and / or madams, who maintained informal contracts with the sex workers. Often they are managed only by madams, who enter into contracts with the owners for the use of the premises. Pimps may play a part in soliciting for clients but also may assist the madam in managerial works. The sex workers and madams may enter into different kinds of informal contracts whereby the sex worker may apart from paying rent and paying for other services provided by the brothel also provide services to the brothel by assisting in management and supervision. We observed that several kinds of services were provided by the brothels to the sex workers, which included housing, food, childcare and clients. The sex worker, depending on her position in the brothel, may contract directly with pimps where she is provided information about clients and security in exchange of cash and sexual services. She may also be directly or indirectly in contact with police, to whom she may provide unpaid sexual services in exchange of 'protection' from harassment or arrests. It is more likely that the madams and pimps may be directly interacting with the police by providing them cash and sexual services in exchange of guarantee that they can run the brothel without serious obstruction from the police.<sup>12</sup>

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<sup>12</sup> Debabrata (1997) gives an account of how the Police is involved in sex trade, especially of children by conducting fake raids, arresting girls and creating chargesheets with increased age of the girl. This would be done in exchange of hefty bribe from the brothel.



**Fig 3.1 Flow chart 1: The Market for Sex Work in GB Road**



**State (including Legal System), Social norms, Civil society (NGOs)**

The sex worker maintains her links with her family importantly by sending cash remittances in exchange of childcare services provided by the family. Families and communities also serve as sources of new recruits to brothels.

### **3.3 Provision of sexual services on G B Road**

According to a report by Bharatiya Patita Udhara Sabha there are about 5,000 sex workers residing in 96 brothels located in 20 buildings on GB Road.<sup>13</sup> The buildings on GB Road date back to the 1930s after the British administration decided to move the brothels, once prosperous under Mughal patronage, from their earlier location in Chowri Bazaar. The British sold these buildings to business men in Delhi who rented out the ground floor of these houses to hardware merchants while upper floors were used to relocate the red light area<sup>14</sup>. Currently, each of the upper floors is rented out to two or more people who sublet them to women for use as residence-cum-workplace. For the sake of convenience, the brothels in GB Road are divided into three distinct categories. Two of these categories of brothels offer sexual services only and comprises most of the brothels in the area. We have referred to them as higher end and lower end brothels. The third category is mujra (performance) houses, which have women who provided entertainment by way of dance and song and may or may not engage in sex work. The two types of brothels providing sexual services only are discerned from their location, the profile of women workers residing in them and the organisation of work.

#### **3.3.1 Higher-end Brothels**

In terms of layout, the 'higher-end' brothels, characterised by the presence of larger numbers of younger women and with a relatively large male presence, are on one extreme of the road. In the high end brothels, there were sex workers of different places staying together. However, often

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<sup>13</sup> The report on which these figures are based is undated. However, according to the officials of the organisation the report is not more than 4 years old and the numbers are reasonably accurate.

<sup>14</sup> This is based on information provided by officials of the organisation as well one elderly sex worker from GB Road.

there were two or more women of the same community living in the same brothels. These brothels are also relatively neater and better maintained with nicely painted walls and often with marble floors. One would usually find two rooms, which resemble halls with benches used for seating that have cupboards attached to them. All the women (on average between twenty and thirty ) and store their belongings in the cupboards. These rooms are also the sites of a range of market related activities. Clients go up to these rooms to meet the sex workers, they interact with the sex workers here, which involves small talk and casual flirtation and sometimes some amount of physical touch – exchanges of hugs and kisses. Once a deal is reached the woman escorts her client to one of three or four little cubicles where sexual services are provided. As the number of cubicles is limited to three or four in each brothel, time keeping is rigid and at the end of a session lasting fifteen to twenty (in words please) minutes if they do not vacate the cubicle the managers or other sex workers are likely to remind them by banging on the door. In this category of brothels, both men and women are involved in the day to day management. Men usually take up the activities related to procuring clients (pimping and soliciting in the streets), providing security, working as accountants, procuring and selling alcohol for use in the brothels, cooking for residents and dealing with the police.

There is a pyramidal structure of authority in the brothels. At the top is an older woman, 'the madam', usually a former sex worker herself who is addressed as *didi* or aunty. It is usually the case that the house is sublet in her name, and she manages affairs and looks after the 'interests' of the women. Her job includes maintaining peace in the house, orientation of new girls in the ways of the brothel, and overseeing the work of all the other people involved in managerial or other roles. Below the older woman, who is something of a 'head' of the house, there are women who have been residents for sometime and are older sex workers. They are entrusted with the work of monitoring and keeping vigil over the new

recruits and reporting their activities to the madam. Often, there are older women who are in charge of cleaning and looking after children.

Financial dealings vary greatly among brothels and even among women within the same brothel, depending upon their position in the hierarchy or the nature of their affiliation to the brothel. Not all women have direct access to their earnings. At the bottom of the pyramid are the new recruits into the brothel, who are not paid directly, instead their food and other needs are met by management. At the time of entry, the women often live the life of bonded labourers until the time the cost incurred on their recruitment, which is treated as a debt they owe to the brothel is paid for. These debts may include the money paid to the families of the women as well as to agents involved in recruiting her in to the trade, her transport to GB Road, cost of bribing the police, costs of clothes and make up when she is in the brothel and the cost of her maintenance (including food). Once the debt is paid up through the sexual service she is made to provide, the sex worker may have crossed her peak. The shift may be forced on the women, when they are pushed out to make way for younger sex workers who are also more remunerative. The sex worker may also choose on her own accord to move to another brothel if she has been able to build rapport with pimps and owners of other brothels. There are tradeoffs involved in the move. In the higher end brothels, more business goes with less freedom of movement for women. After the debt is paid off, the women become relatively freer and have more access to their earnings. When they receive their earning directly from the clients they begin to pay an amount to the brothel for food and other expenses borne. The cooking is usually done by a man who collectively cooks for all the women. There are often lots of traders selling food, clothes, makeup etc. in the higher end brothels. This is accentuated by the limited access that women in the brothels enjoy to the outside world and results in salesmen hiking up prices.

### **3.32 Lower-end Brothels**

It was our impression that the larger number of the brothels on G.B. road belong to the 'lower end' category. Seven of the brothels we observed had

women from the same communities usually from Rajasthan, Karnataka and Nepal clustered together. Of the rest, two had women from two or more communities grouped together (Karnataka and Rajasthan in one, and West Bengal and Rajasthan in another). The rest of the lower end brothels had women from all over the country cohabiting together. Often, in the lower end brothels regional identities were the basis upon which sex workers organised their day to day lives, women from the same place of origin lived together and collectively cooked food. However, this was not so much the case in the higher end brothels we were able to observe. These brothels would strike an observer as being relatively unclean with dark and congested rooms. The profile of women in these brothels is also somewhat different – with many more older women than in the higher end brothels. Each of these brothels had fewer women i.e., about eight to ten. Most of the brothels have one or two men present. However compared to the higher end brothels the presence of men is less. In some cases men are employed by the owners to maintain security. Many of these houses have very old or physically handicapped men who help in the daily chores - running errands but also taking care of accounts. There were also brothels that did not have any men present, and where women managed all activities. In such cases the task of procuring clients too was undertaken by older women who had long been in the trade, thus doing away with the need for male pimps.

Our observation revealed that the location of the lower end brothels was important in terms of the nature and quantum of clients they attracted. Those of them located at one end of the street and/or close to the higher end brothels appeared to have a larger number of clients. Sales men attempt to enter these brothels to sell their wares but are usually not entertained. While avoidance of salesmen may be because the women in these brothels have less money to spend on 'feminine' ware, like clothes, make up, perfume etc., even though they are essential in their trade, it is also true that women in these brothels have more access to the outside compared to higher end brothels and hence are better aware of the price obtaining in the market. Hence, the salesmen are less able to take

advantage of them. Cooking in these brothels was done either collectively or individually depending on the presence of women from same community/region/religion.

### **3.33 Mujra houses**

The third category of brothels, referred to at the beginning of this section, are the mujra houses. These houses provide mostly entertainment through dance and song but in addition to this may also provide sexual services. The Mujra Houses are clustered together and located on the opposite side of the street from the other two categories of brothels. The women in these houses belong to the tradition of '*tawaiifs*', who are dancers and singers. There are four buildings with mujra houses. Each building has three or four brothels, which are relatively spacious with a mujra (performance) room included. In the three mujra houses we observed there were women from a single community clustered together. They were respectively from Madhya Pradesh (bedia community), Rajasthan (chedi community) and Uttar Pradesh. The practice is for the women to share rooms, and while the settings of the building suggested little 'privacy', the women did not have complaints regarding this. A house of 4-5 rooms and a *mujra* room is usually shared by eight to ten women and often there are also in residence male relatives of older, 'retired' women. No children were noticed during the field work in any of these *mujra* houses. However, many women did have children who were looked after by the women's parents and were living in her natal home.

There is relatively less male presence in these brothels except during performances. The women themselves generally do the managerial work, which in other brothels is sometimes undertaken by men. In some of these brothels there is no apparent hierarchy between the women. In the brothels providing sexual services only usually there is a 'madam' to whom a rent is paid by each resident woman-worker, and who sometimes along with male relatives or 'spouses' makes decisions regarding the upkeep of the place. The women in the mujra houses said they did not pay a rent to

any one resident woman<sup>15</sup>, but shared costs and collectively maintained the place. In the *mujra* houses the women seemed free to come and go as they pleased both in terms of having greater access to the public domain as well as regarding freedom to exit the trade as they chose. Some of the women entered into long term relationships with the customers. However, there is no movement of women between the *mujra* houses and the other brothels. On the contrary women in the *mujra* houses claim that they are 'respectable' compared to the other brothels and cite as evidence for this the police protection provided to the *mujra* houses but not to the other brothels. The women in the *mujras* claimed that the police protection was to restrict rowdy customers of the non-*mujra* brothels who were likely to create trouble, indicating that they catered to a different clientele from the other brothels.

### **3.4 Social and Demographic profile of sex workers**

The sample of sex workers we interviewed were mostly from the lower end brothels and hence is not representative. Nevertheless, in this section, we provide a socio-demographic profile of the sample sex workers as it is informative about the characteristics of the women in sex work.

#### **3.41 Education and previous employment**

Twenty-two of the women (across the three categories of brothels) have never been to school. Of them eighteen are illiterate. Nine women in all had been in primary or upper primary school (between classes I to VIII). One women from the lower end brothel said she had been to secondary school (class IX and X) and one from the higher end had completed +2. It is also notable that the women in *Mujra* had all gone to school, though not beyond primary and upper primary level.

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<sup>15</sup> The system of rent collection if any was not clear, with the women in the *mujra* houses asserting that there was no rent levied on the houses they stayed in, and that the maintenance costs and costs of electricity were shared by all the women residing.

**Table 3.1 Brothel Type and level of education of sex worker**

		Type of Brothel			Total
		Mujra	Higher end	Lower End	
Education	Never been to school	0	2	22	<b>24</b>
	primary	5	2	0	<b>7</b>
	Upper primary	2	0	0	<b>2</b>
	Sec	0	0	1	<b>1</b>
	+2	0	1	0	<b>1</b>
	college	0	0	0	<b>0</b>
	NA	0	1	2	<b>3</b>
<b>Total</b>		<b>7</b>	<b>6</b>	<b>25</b>	<b>38</b>

For most of the women, sex work was the first and only occupation they have been involved in. They reported no other training but also that they did not think they would be accepted socially in any other profession. Of the women interviewed only five were earning before joining the brothels on GB road. Two of the women worked as domestic help before coming to GB Road, two worked as manual labourers, one was an agricultural worker, one was an auxiliary care worker (an *ayah*) and one was bar dancer in Mumbai, until the bars were closed down<sup>16</sup>.

### 3.42 Age of Sex workers

The mean age of the interviewees in our sample is relatively high at 34 years but within a range of 21 to 60. More often than not, women make their entry into the GB road brothels when they are very young usually in the mid to late teenage. A large proportion of women resident in the brothels, according to our observation, was young, in their teens and early 20s. This was more pronounced in the higher end brothels. However, the mean age in our sample is high because of difficulties encountered in accessing younger women. It is significant that the relatively younger women occupy the higher end brothels, whereas the lower end brothels have women of a more diverse age profile. Also there is a tendency for women to move from the higher end to the lower end brothels as they get

<sup>16</sup> Dance bars in Mumbai were banned from 15<sup>th</sup> August, 2005 following a signature campaign by 150,000 pro ban women to Maharashtra State Assembly. (See Agnes, 2005)



older, a shift that may be less voluntary than it is first made to seem. The age profile and residence of women interviewed for this study would bear this out despite the fact that we had limited access to women from the higher end brothels as against the lower end brothels to which we had relatively easier access.

**Table 3.2 Type of Brothel and Age**

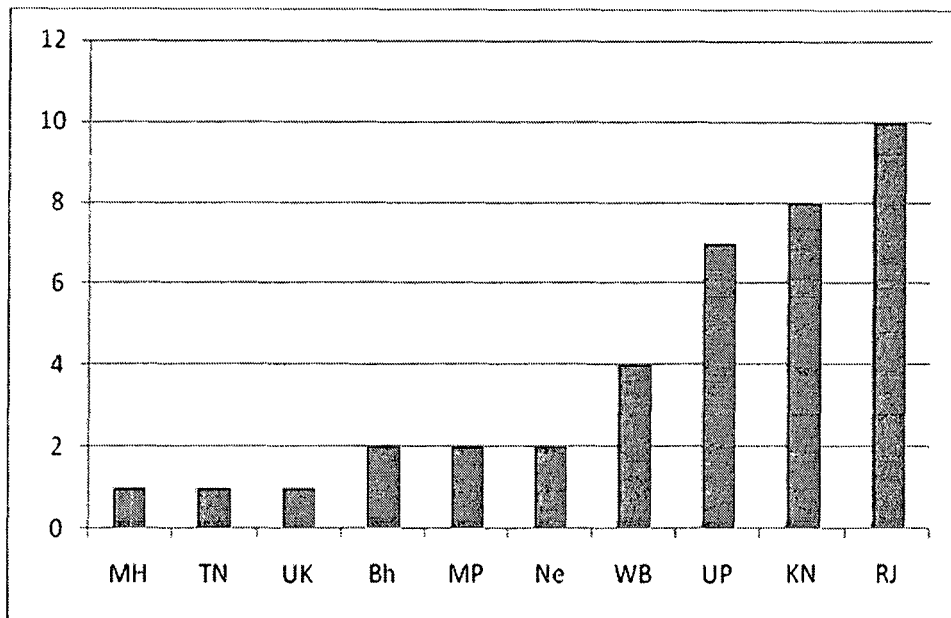
		Type of Brothel			Total
		Mujra	Higher end	Lower End	
Age	20-25	1	2	2	5
	25-30	3	2	6	11
	30-35	3	1	5	9
	35-45	0	1	8	9
	45-60	0	0	3	3
	60+	0	0	1	1
Total		7	6	25	38

### 3.43 Regional Affiliations

All the sex workers in the sample were migrants to Delhi from other states and from Nepal. The largest single regional cluster of women was from Rajasthan, followed by Karnataka and Uttar Pradesh. However, our observation during the fieldwork suggests that a large number of women in the higher end brothels were from the North Eastern state and from Nepal. As I had only limited access to them, they are underrepresented in the sample<sup>17</sup>. Fig 3.2 below shows the place of origin of the women in our sample.

<sup>17</sup>In their work based on interview of fifty two sex workers Shalini and Lalitha (1996) observed that six percent of sex workers in GB Road are Nepalese Bangladeshis. Of the rest, women from Andhra Pradesh, Karnataka, Tamil Nadu, West Bengal, Maharashtra, Goa and Delhi have entered the trade through trafficking. They also observed that more than eighty percent of the women were Hindus. However, notably, many Hindu women had changed their religion to Islam on having joined GB Road. It was also observed that most women had not informed their family about their involvement with sex work.

**Fig 3.2 Place of Origin of Sex Workers Interviewed**



### 3.44 Marital Status

Of all the thirty eight women interviewed, twenty three were never married, fifteen women said that they were married or had been in the past. A comparison of marital status and brothel type reveals that nearly half the women in our sample in the non *mujra* settings are currently married or had been married in the past. This was the case in twelve out of twenty five women in the lower end brothels, and two out of six women in the higher end brothels. None of the women in the *mujras* had entered into marriage, formally though two of them reported that they had long term lovers.

**Table 3.3 Brothel type and Marital Status of Sex Workers**

		Brothel type			Total
		Higher end	Lower end	<i>Mujra</i>	
Marital Status of sex workers	Single	3	12	5	20
	Married	2	4	0	6
	Lovers	0	0	2	2
	Divorced	0	5	0	5
	Widowed	0	3	0	3
	NA	1	1	0	2
	<b>Total</b>	<b>6</b>	<b>25</b>	<b>7</b>	<b>38</b>

### 3.5 Recruitment of Sex Workers

The interviews with the women reveal a range channels of entry into the occupation . We have categorised mode of entry reported by sex workers into four. Eight women reported that this was their *khandani* occupation, that is their community occupation and they have categorized been brought under the *hereditary / community channel* . The second category is that of women entering because of *adverse conditions*. These were women who said poverty and the lack of alternative occupations that would pay as well as sex work was the reason for entering the profession. These women used networks of other women from the same geographical location in order to enter the brothels. The nineteen women in this category had all insisted that there had been no coercion in their entry, though they would not have entered the profession had there been alternative sources of income.

The third category of women responded by saying they had come on their own and they refused to comment further on their situation. In deference to their response they have been put under the category of women entering the trade as "*own choice*". However there were indications in the last case that they were under some constraint, external threats or internal reluctance owing to the emotional pressures acting on them that was preventing them from providing information. It seemed likely that force was being used to keep at least some of them in sex work. Notably it was the women in the higher end brothels that said they entered sex work of their own choice. However, three women related accounts of deception and coercion that they had gone through indicating that they were forced into taking up sex work at least initially. Such women have been categorised as women who were *coerced* into joining the profession. In contrast most of the women in the lower end brothels reported that they had come into sex work due to adverse circumstances.

**Table 3.4 Mode of Entry into sex work according to brothel type**

		Mode of Entry				Total
		Coerced	Hereditary	Adverse Circumstances	“Own Choice”	
Brothel Type	<i>Mujra</i>	0	5	0	2	7
	Lower end	2	3	19	1	25
	Higher end	1	0	0	5	6
<b>Total</b>		<b>3</b>	<b>8</b>	<b>19</b>	<b>8</b>	<b>38</b>

In Table 3.3, one noticeable observation is that the women who claimed to have entered by “own choice” are relatively younger whereas the women saying they had been coerced into joining the profession were all older women. The age profile of women reporting entry on account of adverse condition has a more or less normal curve. The women saying they were coerced into the profession were in the middle of the age spectrum with two of the three women in this category being in the age group of 30-35 and one being above 60. There is an indication from table 3.3 that younger women who are newer in the business and have more clients are more likely to have been restrained from revealing their mode of entry. Thus, each type of brothel is marked by a dominant mode of entry as reported by the sex workers – in the higher end brothels it is ‘own choice’, whereas in the lower end brothels it is adverse circumstances and in the *mujra* houses it is hereditary.

**Table 3.5 Mode of Entry into Sex work and Age of Sex workers**

		Mode of Entry				Total
		Coerced	Hereditary	Adverse Circumstances	“Own Choice”	
Age	20-25	0	0	2	3	5
	25-30	0	3	4	4	11
	30-35	2	4	3	0	9
	35-45	0	0	8	1	9
	45-60	0	1	2	0	3
	60+	1	0	0	0	1
<b>Total</b>		<b>3</b>	<b>8</b>	<b>19</b>	<b>8</b>	<b>38</b>

Fifteen women had one or more members of their family residing on GB road, of which 11 women had relatives in sex work, usually a sister, aunt or niece. The participation of members of family in the same trade is more

apparent among the women in the *mujra houses*. Amongst the women doing sex work only, women from the same family tend to reside together. In two cases however, women reported that members from their family were in the profession and residing in a different brothels. It was observed that in many of the lower end brothels and the *mujras*, the family often served as a source of new recruitments to sex work. Women who have arrived earlier form a network, which is used to draw in at a later time their relatives such as sisters/ nieces/ cousins. In some cases the women who had already spent some years in the brothel or the older women were observed to be soliciting and negotiating on behalf of newer women. There were cases where the older women shared living expenses with younger members of their family who they had helped recruit thereby allowing them to live off the latter's earnings when they were no longer able to earn well.

In cases where there were more than one family member, women usually reported that sex work was *khandani* or hereditary, bringing in a dimension of community occupation. The information collected suggests that the sex workers tended to be drawn from specific communities in each geographical location. Thus community networks between GB road and various geographical locations served as conduits into sex work. One woman from the *mujra* reported that entry into the trade followed a matrilineal process where women joined their mothers and aunts in the profession. She pointed out also that these women were expected to stay unmarried and anyone wanting to marry had to leave the profession. Further if a sex worker wants her daughter to stay out of the profession she would look for an alliance within the community for her daughter enabling her to get married and thus to avoid entry into the profession. However, there was general acceptance of children of unmarried sex workers and they mostly grew up with the mothers' families. As the *mujras* did not have the pyramidal structure of authority that characterized other brothels, older women in the brothels played the role of madams in an informal way. In the three *mujra* houses we were able to observe madams had adult male family members, usually sons or nephews, residing in the brothels. These

adult male members often act as pimps and muscle men / bouncers (security guards), as handy men and also run errands for the women.

### **3.6 Sex Work, Family and Marriage**

If family / community served as an important source of recruitment of sex workers into the brothels on G B Road, the family of the sex workers also played other supportive roles. The less visible role that the institution of family plays in the profession is in the care labour it provides to the children of sex workers. Sex workers in turn send money home. The relationship that these women have with their families plays an important role in the way their expenditure pattern is determined. Many of the women have a relationship marked by reciprocity and with their families back at home<sup>18</sup>. Only 11 women reported that they had other earning members in their family and all the women reported that they sent money back home. Five women said that they had bought land or built a house for their family. Twenty nine women had children of whom only two women had their children living with them. The children of 27 women were living with the women's family in their natal home. All the women provided for their children. Thus the relationship that these women had could be looked at as an informal contract where the role of the family is to provide both child care for the children of the sex workers. Children are sent to their grandparents or other relatives who are not in sex work to be taken care of. As adults they may join their mothers in the profession as sex workers or as men in auxiliary services.

A further interesting observation is the apparent link between the marital status and the mode of entry. None of the women who reported a hereditary entry were married either currently or in the past. Of the eight women six were unattached and two reported that they had long standing lovers. The nineteen women who entered sex work because of adverse conditions, often pointed to the lack of a 'good' husbands as the reason for doing so. The sex worker used the phrase '*dhang ka admi/pati*' to suggest

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<sup>18</sup> During my field work I observed one woman who, while leading her customer into a cubicle to provide sexual services was also very respectfully answering a phone call made by her father!

a husband or a partner who could provide for the household. We have noted that, twelve of the women in the sample were married currently or had been married sometime in the past while six said they were never married. Interestingly, none of the women who reported entry by “own choice”, were married either currently or in the past.

We noted in chapter one that Edlund and Korn (2002) advance the hypothesis that sex-work is an opportunity cost against marriage and furthermore, that sex workers enjoyed a higher premium for foregoing marriage.<sup>19</sup> Thus the underlying assumption by Edlund and Korn (2002) is that sex workers make a rational choice to be unmarried. In the case of women who described their entry into sex work as hereditary, this could well be the case. However, we also need to bear in mind that these women stayed unmarried and chose sex work as part of community (or social) norms and availability of ‘choice’ is not clear in these circumstances though we have seen that mothers could prevent the entry of daughters into sex work by arranging a marriage for them. Neither does Edlund and Korn’s reasoning seem to be applicable for the thirty women who entered sex work for other reasons (not hereditary). Of them over sixty per cent who took up sex work due to adversity were married either currently or in the past. These women may be seen as having made a choice because of the lack of opportunities, whereas eight out of eleven women who seemed to have been forced into the profession (‘own choice+ coercion) were never married but it was difficult to say that they had chosen not to be married in order to enjoy the benefits of sex work. The more important point in our context is that marriage and sex work were not entirely exclusive domains – there were at least two cases of married women who were living with their husbands and doing sex work to support the family. However, the women themselves did suggest that failure of marriage to provide for them was an important reason for joining sex work.

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<sup>19</sup> That is a higher return from similar services (i.e., sexual services) within marriage.

**Table 3.6 Mode of Entry and Marital Status of Sex Workers**

		Marital Status						Total
		Single	Married	Lover	Divorced	Widowed	NA	
Mode of Entry	Coerced	1 (33.3)	1 (33.3)	0 (0)	0 (0)	1 (33.3)	0 (0)	3 (100)
	Hereditary	6 (75)	0 (0)	2 (25)	0 (0)	0 (0)	0 (0)	8 (100)
	Adverse Circumstance	6 (31.6)	5 (26.3)	0 (0)	5 (26.3)	2 (10.5)	1 (5.2)	19 (100)
	“Own Choice”	7 (87.5)	0 (0)	0 (0)	0 (0)	0 (0)	1 (12.5)	8 (100)
<b>Total</b>		<b>20</b> <b>(52.6)</b>	<b>6</b> <b>(15.8)</b>	<b>2</b> <b>(5.2)</b>	<b>5</b> <b>(13.1)</b>	<b>3</b> <b>(7.9)</b>	<b>2</b> <b>(5.2)</b>	<b>38</b> <b>(100)</b>

### 3.7 The presence of men

Men were present in the brothels as customers, as workers in auxiliary services (pimps, bouncers etc<sup>20</sup>) and as service providers (pimps, salesmen). The presence of males suggests two kinds of things. On the one hand, a high presence of men usually implied more clients and hence more business, and on the other hand, it implied less involvement by women in managerial tasks. The high-end brothels were observed to have high male presence where as lower end brothels may or may not have a high presence of men, depending on the location of the brothel on the road and organizational structure. The classification of male presence was based on observation during field visits, which were usually in the afternoon. The male presence in the *mujra* houses was low. This was partly because the time of the field visit did not coincide with their work hour, (9 pm to 12 am). The women in the *mujra* houses also claimed that their customers were generally older men and long term clients, which according to them reflected a distinct and unique taste and preference which was depleting over time. The mode of payment however is different in the *mujras* from the other brothels and therefore, earnings are not necessarily lower despite lower male presence. In the other brothels however, the male presence seemed to have a direct impact on the payment / remuneration, with higher male presence suggesting higher earnings and better management in terms of turnover of business.

<sup>20</sup> The role that these men played was documented from the information received from the sex workers as well as from interviews with these men.



**Table 3.7 Brothel Type and Male Presence**

		Brothel type			Total
		Higher end	Lower end	<i>Mujra</i>	
Male Presence in the brothel of the respondent	Very Low	0	8	0	<b>8</b>
	Low	0	0	3	<b>3</b>
	Medium	0	1	0	<b>1</b>
	High	1	2	0	<b>3</b>
	Very High	4	0	0	<b>4</b>
	<b>Total</b>	<b>5</b>	<b>11</b>	<b>3</b>	<b>19</b>

Source: based on observation during field work

Further, a high proportion (seventy nine percent) of the women who have come into the trade because of adverse conditions could be observed in brothels with very low or low male presence while majority of the women who were not willing to reveal their mode of entry were in brothels that had very high male presence. If we consider the possibility that some level of force was used to bring into the trade women who said that they were there of their own choice we see that fifty four percent of women may have been forcefully integrated in to the trade (including women who had said that their entry was either by 'own choice' or were coerced) were in brothels that had high business. Two characteristics of the trade might explain such a trend. On the one hand, forced entry is into an entrenched network where business is high and there is a higher level of investment into the infrastructure of the brothels. There is also higher input cost on account of forceful appropriation of (generally young) women in the trade, possibly including payment of recruiters, bribes, transport. This is in contrast to women entering due to adverse conditions who in our sample were usually older women. Since on entering they usually do not have the means to invest much in making themselves and their brothels attractive to clients, the male presence is lower in the brothels that they occupy.

### 3.8 Transaction costs and Earnings

As may be expected, the younger sex workers have the highest number of customers per working day. Many of the women in the 20-25 and 25-30 age groups reported that they provided sexual services to as many as eight to ten clients every day. However, there were women in the 25-30 age group who reported that they had less than three customers<sup>21</sup>. These women were in the lower end brothels. As we go up the age groups the number of customers per day reduces. Another noteworthy aspect is that more than 40% of all women reported to have between 0 and 3 customers a day.

**Table 3.8 Average Number of Customers by Age**

		Average Number of Customers in One Working Day				Total
		0-3	4-7	8-10	NA	
Age	20-25	0	1	3	1	5
	25-30	3	0	3	5	11
	30-35	3	4	1	1	9
	35-45	6	2	0	1	9
	45-60	3	0	0	0	3
	60+	1	0	0	0	1
<b>Total</b>		<b>16</b>	<b>7</b>	<b>7</b>	<b>8</b>	<b>38</b>

The rates charged per customer varies according to a number of factors, important among which is the type of brothel the sex workers is attached to. All the women in *mujras* reported being paid between Rs 200 & 300 per customer. Of this the accompanying musicians (usually 3 men) are paid 40% of the earning. The women in *mujras* reported that they would perform on demand from customers. The rate charged was generally Rs 200 for a song and Rs 300 for one dance. Though the payment is made for the whole group, it is indicated towards one singer or dancer of the

<sup>21</sup> There were 5 women in this category for whom information was not available. They were mostly women in *mujras*. There are two distinct yet interrelated activities they perform, that of entertainment and of sexual service. The activity that is more of a spot market transaction is the entertainment, which is by nature a group activity, therefore it is hard to say how many customers *each* woman has. Sexual services in these cases is more of a contract than a spot market activity, and hence number of customers each night isn't a significant variable.

customer's choice, who is accompanied by the rest. Payments thus made to a particular sex worker would also include suggestion of the customer's demand for sexual services for the same sex worker (generally going into long term nature) which would have been partly paid for during the performance and would partly be paid for in the long term. However, given limitations of this study, I wasn't able to look deeper into the nature of payment of these longer-term clients in case of *mujras*.

The longer term or regular customers may be of various types. Interviews with the women from *mujras* revealed that they would enter contracts (sometimes monogamous from the woman's point of view) with customers, where they would provide sexual and care services to the customer *outside* the brothel in exchange of the cost of their upkeep. When in the contract the sex worker may not be performing in the brothels. However we came across women who did perform while in a contract. This might be to hold on to their place in the brothel and also to earn additional income. They may continue performing looking for new customers. Longer term customers were seen in the other brothels as well. In one lower end brothel, one sex work reported that she had one customer who had got into a month long contract whereby she had to be his 'wife' for a month in Kolkata, and at the end of the month he brought her back to GB Road. In another lower end brothel there was one customer(also a clothes vendor) who was a long term customer to the *brothel* rather than any particular sex worker. The nature of his interaction seemed somewhere in between spot market and contract. He entered spot market transactions with sex workers from the brothel, possibly with the women undercutting each other, however he was a 'regular' to the brothel and possibly provided his ware for cheaper rates for women he purchased sexual services.

The higher end brothels also charged relatively higher rates as where the earnings per customer was reported to be Rs 150 or higher. For the lower end brothels, ten of the women reported to have usually charged less than Rs 100 per customer. The rate generally seemed to vary from woman to woman within a brothel. In the brothels where there were pimps and

madams looking after the organization, there seemed to be some standard with respect to rates set by the managers based on characteristics like age or perception of beauty. In the lower end brothels there was little intervention by the management / senior woman and the rates depended on the women's capacity to haggle and the level of competition the women in the brothels were able to generate. In the following table I have shown the rates charged per customer according to the type of brothel they were affiliated to.

**Table 3.9 Rates of sex workers by Brothel Type**

		Brothel type			Total
		<i>Mujra</i>	High Class	Lower End	
Rates per Customer <sup>a</sup>	≥50	0	0	1	1
	50-100	0	0	9	9
	100-150	0	0	7	7
	150-200	0	1	5	6
	200+	7	4	2	13
	NA	0	1	1	2
Total		7	6	25	38

a. this is specifically earnings per customer in spot market transaction as opposed to earnings from customers with long-term contract

If we look at the age profile of the women and compare it with the rates charged per customer, sixty percent of the women in the youngest age class charge Rs 200 or above per customer (excluding tips). Though there was indication that women might be tipped by customers, we were not able to generate more structured information on this aspect. Over fifty per cent of women in the next age group (25-30) charged Rs 200+ per customer. However, 27 per cent of sex workers in this age group were charging much less per customer (between Rs 100 & 150). These were mostly younger women in the lower end brothels.

**Table 3.10 Age and Rates per Customer**

		Rate per customer (in Rs)						Total
		≥50	50-100	100-150	150-200	200+	NA	
Age	20-25	0	0	0	1	3	1	5
	25-30	0	1	3	1	6	0	11
	30-35	0	1	2	2	4	0	9
	35-45	0	4	2	2	0	1	9
	45-60	0	3	0	0	0	0	3
	60+	1	0	0	0	0	0	1
<b>Total</b>		<b>1</b>	<b>9</b>	<b>7</b>	<b>6</b>	<b>13</b>	<b>2</b>	<b>38</b>

The rate per customer (or wage) cited here is not the amount that the women actually get to keep for themselves. They get to keep only a proportion of the wage received from each customer. The gross earnings of the women as well as the surplus they are able to make varies across brothel type, age and bargaining power of the women. For the women in the *mujras*, the total earnings per night of performance is collected together. Forty per cent of the total earnings goes to the accompanying musicians, who are men, and rest is shared among all the women in the brothel, including women who have retired and who perform managerial duties, work as servants or stay at the charity of the workers. There are no deductions made at this stage for 'protection' or 'rent'. The expenses of maintenance of the house and occasional 'gifts' to the police paid by the women to ensure that there was no trouble, are shared. In houses where there are adult male relatives of retired women, their costs also seem to be borne by these women. In the brothels where women engage in sex work only, there were costs borne by the women emerging from the nature of the market for sex work. These costs include both what can be termed as 'transaction cost' and what might be called 'input cost'. The rent may be seen as a transaction cost for two reasons. First, it is virtually impossible to separate the rent paid for housing from the other costs incurred in the payment made by sex workers to the brothel management or from the deductions made by the management before paying the sex worker. The transaction cost incurred in the brothels includes payment for a variety of services including contributions to the cost of pimps, police and payment to any men employed by the owner to ensure security and protection

against harassment. It is difficult to separate this out as an amount. Second, and more importantly, the brothel is a technical arrangement that seeks to overcome the barriers faced in transacting sex for cash openly. The barriers as we have already seen in the previous chapter are legal and social. A woman may face a number of problems in operating as a full time sex worker from an independent house (rented or one that she owns) anywhere in the city. Nor do we find an arrangement where sex workers commute to GB road for work and go back home after work. Hence, the payment for housing i.e., literally rent, is also underpinned by the specificities of the sex work market. The argument here is that the social stigma attached to sex work and the criminalization of soliciting are fundamental to the shaping of a red light area or a zone dominantly known for the provision of sexual services but also one where women as the providers of sexual services are virtually interned (even when they are able to move within it). In this sense, the rent too is a transaction cost given the specific nature of the occupation and the characterization of women engaged in it.

In the higher end brothels the women who have only recently been oriented into the trade do not get any money in hand. Transactions costs seem to be the highest here, because of the large number of intermediaries and low bargaining power of the sex workers. The customers either directly pays the management or the women are expected to submit the money they receive from the customer to the management<sup>22</sup>. In these cases the deal is made and money is paid before the service is provided. In such cases the daily expenses such as food, clothes and cosmetics are taken care of by the management. Withholding payment to the newer women allowed the management to further control their movement and their access to the outside, over and above the strict vigilance already kept on them.

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<sup>22</sup> This information was gathered from observation of transaction in the brothel, narrations of sex workers in brothels with management and from one man in management from the higher end.

In some lower end brothels the women pay a lump sum amount every month to the owner. In these cases the owner of the house, who is generally absent, has neither any incentive to make the brothel attractive to clients nor hire pimps as it doesn't benefit the owners if there are larger number of customers coming to their brothels. Investments to improve the brothels, if any, have to be made by the women themselves. Women from these houses are often seen soliciting on the street below their brothel, something the women from the higher end brothels do not do. In these brothels, the older women were also observed acting as pimps for the younger women and in such cases the younger women paid a part of their earnings to the older women (as they would have otherwise paid to the pimps). In some lower end brothels, the sex workers pay a percentage of all earnings to the absent owner of the house. In this mode there is often a possibility that women will underreport and hence there are often men employed, though not as frequently as in the higher class brothels, to monitor the number of clients. In such cases the owners have some incentive to invest on maintenance and in hiring pimps. There were also some brothels at the lower end that had one female manager or *thekedar* who herself either is or was a sex worker. In these cases the clients directly pay the *thekedar* a rate that she decides with the client and the *thekedar* pays a monthly income to the sex worker (Rs.3000 -4000) based on their performance that month and total revenue and expenditure.

In the higher end brothels, some women earn as monthly income, where they are paid at the end of the month by the madam or manager based on their performance and the performance of the brothel as a whole. Where the women get earning per day, monthly earning is their earning per day multiplied by 30. Net earnings of the women in the higher end brothel ironically is in the lowest brackets. But this was also because some of the women were not paid at all, as their earnings went to pay of debts incurred. For all the women whose monthly incomes were available fell in the categories less than Rs 6,000, including one woman who reported that she didn't receive any income whatsoever. The transactions costs seemed to be lower in the *Mujras* as there were fewer intermediaries. All the

women interviewed in *mujras* earned a relatively high amount, above Rs 10,000 and more than 70 % earned between Rs 20, 000 and 30,000. For the lower end brothels, even though 40 per cent earned in the lower category, about 30% reported to have earned 10,000 or more. Of this there was one woman who reportedly earned about Rs 60,000 per month. This young woman however, was the only woman in her brothel who reported earning such a high amount. It was apparent that older women in the brothel, who shared a familial and/ or caste kinship with her, shared her income. Here too the transaction cost was reasonably high, though not as high as the higher end brothels. This, together with lower income, results in significantly lower income for the women.

**Table 3.11 Net Earnings per Month of sex workers by Brothel Type**

		Brothel type			Total
		<i>Mujra</i>	High Class	Lower End	
Net Earnings per month (Rs) <sup>a</sup>	>3000	0	1	1	2
	3000-6000	0	3	9	12
	6000-10000	0	0	3	3
	10000-20000	2	0	6	8
	20000-30000	5	0	0	5
	30000+	0	0	1 <sup>b</sup>	1
	NA	0	2	5 <sup>c</sup>	7
<b>Total</b>		<b>7</b>	<b>6</b>	<b>25</b>	<b>38</b>

- Net Earning Monthly is what the women earn per month less costs of the trade (rent, cuts by pimps, payment to accompanying musician etc.).
- This figure corresponds to a young women who lives in a lower end brothel with older women and her income is shared by all the older women who earn a relatively lower amount
- One woman whose monthly income is unavailable is the wife of an owner (who is the present manager of the brothel)

### 3.9 Conclusion

GB Road is the largest red light area in Delhi. It is markedly different from red light areas in Kolkata or Mumbai because there has been no instance of unionization there unlike in the other cities. From the field work, three kinds of brothels were observed there: the higher end brothels, lower end brothels and *mujra* houses. Higher end brothels which are characterised



by high level of business, larger number of sex workers and men in auxiliary activities, and a well organized management with a rigid hierarchy. Lower end brothels have fewer customers and a less organized management. There are fewer men in the management and the brothels are managed by the women themselves. The *Mujra* houses are houses of music and dance. Here also the male presence is significantly lower and the management is seen to be by the women themselves. It was observed that most sex workers had not been to school and had little or no other employable skills. Sex workers from the lower end and *Mujras* were often observed to be living in regional clusters. All the women in the *Mujras* and some women in the lower end brothels had entered through the hereditary line, having followed community members, especially paternal aunts into the trade. Notably, all the women entering through the hereditary line were strictly not married. Many women in the lower end brothels had entered because of adverse conditions through regional networks. Most of the women in the higher end brothels claimed that they entered by their 'own choice', not delving further into how or why. There were indications that these women might have been forced into the trade.

All the women involved in sex work had to incur a transaction cost, i.e. a cost for staying in the occupation. This transaction cost varied according to various factors, including how the sex worker had entered the trade, her age, her autonomy, the kind of brothel in which she operated, the male presence in the brothel etc. This transaction cost is primarily determined by the interactions that the women have with various other agents in the market, including the pimp, the madam, the police etc. The peculiar social and legal context within which the occupation occurs creates the role of these intermediaries and hence the possibility of economic and social exploitation of the women in sex work. In the following chapter we will further enquire into the empirical material from GB Road to understand how the perception of labour and marriage are formed in sex work.

## Chapter 4

# Brothel Organisation, Perceptions and Practice of sex work

### 4.1 Introduction

This chapter will consider the differences in the organization among the three categories of brothels outlined in Chapter three to discuss the implications they could have for the practice of sex work and the perceptions they generate on work, sex work and marriage. The specificities in the organization of brothels in G B road are a crucial aspect of the market and therefore they merit more elaborate discussion. The specific form that the organization of a brothel takes may be seen in association with its internal and external dynamics that is the interactions between the sex worker and other agents inside the brothel as well as the interaction of the brothel with factors outside including the clients, police, sex workers' family and the rest of the society. In this chapter, we have first presented descriptions of three brothels, one from each category. These three brothels, though one in each category, have their own peculiarity, yet they retain the broad character of the category. These brothels are not necessarily representative of particular categories but may be considered as extreme cases that amplify and thereby serve to highlight the issues and problems associated with each category. We use this description to derive the implications of organizational form and to anchor analysis of distinctions in practices and discourses. Further, each organizational form may be seen as a response of the market to legal, political and social processes but they are also linked in the way they are shaped and sustained. In the next section we describe the three brothels especially focusing on interactions and activities within it. Following that we focus on the sex workers perception of work, sex work and marriage, their experience of exploitation, their embeddedness in power relations, and the private/public dichotomy with respect to sex work.

#### **4.21 Brothel X<sup>23</sup>:**

Brothel X is a typical lower end brothel with dingy, dark rooms. During the time of fieldwork it housed eight sex workers, the owner of the house who is married to one of the resident sex workers, and their four male children between the age of 6 months and 12 years. This brothel is dominated by Muslim women from Karnataka, and all the women have been in GB road for 5 years or more. One Hindu sex worker from Uttar Pradesh resided in a part of the terrace where she also cooked her food. The youngest woman in the house was about 22 years old, and there was one 'retired' sex worker who looked after the children, while another cleaned the brothel. Most of the women currently in the brothel had joined it on their arrival in GB Road and had remained there since. However, these women did mention a few women who had moved out. The owner of the house is a member and the office secretary of an NGO, the *Bharatiya Patita Udhhar Sabha (BPUS)*, which may be translated as 'Organisation for Salvation of Fallen Women' that works among sex workers in GB Road. This brothel also serves as the GB Road office for the organization.

The owner's position in the brothel is noteworthy. Being the owner of the house, his main job is that of maintaining the house. Also, as the office secretary of BPUS in GB Road and he does administrative work for the organization. Such work includes facilitating bank accounts and Voter Identity Cards for women. At the brothel, he assumes the role of the male head of the house. The organization's day to day activity in the brothel was limited to tailoring classes for a couple of women and English language classes for the children. Besides, this it organizes high profile celebrations of occasions such as Gandhi Jayanti. This year, the president of BPUS, an octogenarian presided over the programme with photographers and newspaper reporters present. On such occasions, women and men conform to gender stereotypes. For instance, the women are expected to appear with their heads covered, and the men give the first speeches.

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<sup>23</sup> We do not use the names of the brothels and the people involved in order to protect their identity.

As the BUPUS is one of very few non governmental organizations working in GB Road, anybody who is not a resident or a client as such, for instance reporters or students seeking to study or report on the area go through it. It is no coincidence that when you Google GB road, nearly all non pornographic hits you are left with are interviews, pictures, articles and blogs about women in brothel X.<sup>24</sup> However, all efforts to conduct interviews with the women in this brothel are marred by the owner, who takes charge over the proceedings thereby providing little space for women to respond. There is hardly any scope for conversation over and above what the office secretary of BUPUS says.

In some ways the brothel resembled a joint family with a patriarch as the head of the household. The owner of the house had established different levels of intimacy with women in the house. The women he was close to (including his wife) were members of BUPUS and often held positions in it. With the women in the brothel, he assumes a paternalistic attitude. About half of the women of the brothel who are the closest to him submit all their earnings to him and others give him a monthly rent and a daily payment for food. Additionally all of them provide him with unpaid care labour. It is not at all uncommon to find him using the women to fetch and carry for him by asking them to get him water, to make tea for him, to fetch him a cigarette or a his shirt. His wife, who is a sex worker herself, and also the secretary of BUPUS also performs the role of a housewife. During visits by people to interviewer sex workers or during programmes organized by the NGO, it is her task to make tea for the visitors. The brothel owner is paid by the residents to arrange for their food, yet the task of cooking falls almost entirely on his sex worker-wife. Apart from all this, she is also the main female television face for the NGO. Interviews with her reveal her

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<sup>24</sup>See \_\_\_\_\_ for \_\_\_\_\_ instance, <http://www.flickr.com/photos/mayankaustensoofi/1753096314/>, <http://blogs.hindustantimes.com/the-delhi-walla/2009/01/31/the-world-of-a-gb-road-sex-worker/>, <http://www.youtube.com/watch?v=xUgon5M5eCo>. All the photographs and the video draw upon the same brothel.

pride in being a wife and mother. For the BUPUS, she serves as a model 'prostitute' turned 'social worker' and as an illustration of their work in 'salvaging the "fallen"'.

Business in this brothel is considerably low. Unlike the brothel next door in the same building which has a great deal of customers going in and out, this brothel has very few clients. The presence of the NGO, which has its office on the same premises, may be a deterrent to new clients. Further, the women in the brothel reported that they had more long term clients. Notably the brothel also discourages pimps and petty sales people from frequenting it, which is one indication that it is not interested in raising business. The women from this brothel did not solicit out in the streets or from the terrace, claiming that it was for fear of police harassment. Whereas women from other brothels would carry on soliciting in spite of the threat, the NGO strongly discouraged the women in the brothels from doing so. However, the owner seemed to be involved in some discreet soliciting whereby he ensured a flow of customers to the brothel.

The chief complaint of the residents of the brothel was that the number of pimps on GB Road was growing, especially those that are associated with the higher end brothels. The women in the brothel seem to hold on to a notion of 'respectability' that the organization encouraged, whereby even soliciting of customers who came into the room wasn't common. Often, especially when visitors to the organization were present, prospective customers would walk in and walk out and yet none of the women would make any effort to negotiate. There seemed to be a visible conflict of interest between the need to do business and thereby maintain a livelihood and also to try to achieve the image of 'victims' turned into respectable women. In spite of the tailoring classes that BUPUS conducted, none of the women found tailoring as a feasible alternative occupation.

The only children at the brothel were of the sex worker who was married to the owner. They were four boys, three of who were in school. Most of the women, especially the older ones, took turns in looking after the youngest

child, who was still an infant. The other women did not have children living in the brothel. Those who did have children of their own said they were being looked after by their families. These women also reported that they sent money to their families on a regular basis. One woman said that she visited her daughter every week as the latter lived with her sister in Delhi. .

#### **4.22 Brothel Y**

Brothel Y is a higher end brothel, which seemed to have the largest number of men (customers and others) in GB Road as observed during the field work. The brothel had two halls with marble floors and clean walls, which are used by the women to live in and to solicit, and a set of small cubicles, which are used to carry out sex work. Y as a brothel differed significantly from X. Unlike X, which in a way seemed to emulate a joint family in its values and division of labour, Y seemed to imitate a western bar/disco like setting, with loud music playing most of the time. Entry to and exit from brothel Y was restricted when compared to brothel X, despite which it was crowded. During fieldwork, despite five attempts to enter this brothel, I was successful only once. This was on the day of Dusherra (28<sup>th</sup> September, 2009) when a general festive spirit prevailed in the brothel and the vigilance at the door of the brothel was more relaxed. Further, the madam was asleep when I went in! On the day I gained access to brothel Y, I was able to spend a considerable amount of time (from 1.30 pm in the afternoon to 6 pm in the evening) in the brothel. There were at least 60 people in all, including at least 35 women, 5 children and some 20 men, at least some of who were brothel staff or otherwise associated with it whereas others were customers. There were two distinct types of women in the room, as was the case in most of the busier brothels. One set would sit quietly in a corner interacting little and showing little enthusiasm in attracting customers, while the other set was part of the general festive spirit of the house. Of the women I had spoken to, many said they were from Nepal, a couple were from Tamil Nadu and one from Bengal. Notably, no visibly old women were observed to be in the brothel. Unlike in brothel X where all women always wore Salwar Suit (often with dupatta) or Sari, many women here wore western clothes. Notably, the women who were

interacting less mostly wore short skimpy skirts and body hugging tops. The women who were freer in their interaction wore a range of clothes including Saris, Trousers, long and short skirts. The men play several roles in the house. For instance, one man was seated at the counter and kept a register of business and also sold alcohol. There were two bouncers, to whom women submitted their earnings and (according to one of them) they were responsible for 'flexing their muscles in case of trouble' (*maar peeth hone se sambhalne ke liye*). Other than that there were vendors and customers making business deals in the hall.

In this brothel, Ms A, one of the women said she had been duped into the trade a few months before and separated from her family and her job in Kolkata. She narrated her experience in the following terms: She had been promised a job after losing her last job as an *ayah* in a hospital in Kolkata (in fact she said in present tense that she was an *ayah*) and found herself in GB Road. She had been forced to have sex with ten to twelve men everyday and as yet had not received any money. She was kept under strict vigilance and had been subjected to violence on occasion. When asked whether her family (including husband working in a company in Kolkata and two children) knew about her involvement with sex work in Delhi, she expressed shock at the possibility of their accepting her presence in a brothel saying that they'd surely kill her if they found out. She expressed her inability to interact with anyone, both on account of her unfamiliarity with Hindi (she herself is Bengali) and also because of the lack of trust she felt. She also said that she was physically stopped from trying to go out of the brothel, and even if she did go out she wouldn't know where to go. Additionally, the clothes that she was made to wear now (a short skirt and a body hugging top) weren't clothes she had ever worn before and she claimed she wouldn't be able to go out in them without being spotted as a resident of GB Road. Ms A had also said that she had been interrogated by the police a few times but hadn't been able to tell the police about her forced entry as she feared violence in the brothel as well as ostracism from her family if news reached them. The conversation with Ms A was subject to constant interruption from another young woman, Ms B who said she

had been in the brothel for three years. She was far more at ease with the place and maintained a constant flow of conversation with the men (in various roles) in the brothel. She was also receiving many customers. During the field visit alone she received at least two customers. According to her she and other women were free to come and go as they pleased. She also pointed out that there were frequent visits by the police to brothel Y. Soon, however, a bouncer, who insisted I talk to him, disrupted our conversation! The bouncer said it was his work to 'manage the police'. Though, we were not able to elicit much detail about the role of Police, it was clear that they would frequent the brothels. It seemed from the responses that 'managing the police' included bribing, and possibly providing free sexual services<sup>25</sup>. They also managed the sex workers by ensuring that the women did not speak up to the police against the brothel management.

It was evident that there were no NGO activities in this brothel. Representatives of the NGO that is active in brothel X claimed that they failed to get access to brothels like Y because the pimps, who made it impossible to do any organizing activity there. According to them the pimps did not allow the NGO representatives to enter the brothels or interact with the women. The visible stark difference in the number of customers, in the age group of the sex workers, in the management gives a sense of the range of the way brothels are organized within one red light area. These brothels were again very different from the *mujra* houses, one of which is described below.

#### **4.23 Brothel Z**

Brothel Z is a *mujra* house consisting of five women, including one woman in her sixties who is the matriarch. This woman occupies a position of seniority not in the manner of the madams in other brothels for she does not wield the same level of authority. Unlike most other brothels the

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<sup>25</sup> Though the respondents in this brothel did not say that they provided free sexual services, there were indications that this may be the case. In another brothel, I observed policemen in a drunken state who were leaving the brothel without paying.



women in brothel Z were ready to have a conversation with us and there were no particular persons either keeping track of our conversation or dominating it or trying to disrupt it. Other than the women, there was one man, who the women said was a *rishtedar* or relative of the senior woman. This group of women belonged to the chedi tribal community from Rajasthan. The house consisted of a courtyard, a Mujra room and two smaller rooms with balconies overlooking GB Road. We sat in a room that was used as Mujra room in the evening. The Mujra room was a long and narrow room, which would, according to the women, be carpeted and decorated in the evening in time for the performance (from 9 pm to 12 am). When asked what the system of paying rent was, the women categorically denied having to pay any rent saying '*ye hamara ghar hai*' (this is our house). When probed further they said that even though they didn't have direct ownership to the house, they did not pay rent and generations after generations of the same community had stayed in this house. It was not clear who the actual owners of the house is/was. While the elderly lady looked after maintenance, all the costs were shared and the women did their cooking individually.

These women were all trained as musician and dancers. They held rehearsals with three male accompanying instrumentalists (*ustads*) every afternoon. The *ustads* also accompany them in their nightly performance and receive forty per cent of the total earnings. The women described the performance as follows. The audience sits in one corner and the performers in the other. The audience puts up requests for a particular woman to perform and placed the. The going rate was Rs 200 per song and Rs 300 per dance. The request for a particular woman to perform could also signal the desire for long term sexual services from her. These women are relatively free to go out, have partners of their choice but are strictly not allowed to marry by the community norm. Marriage is strictly within the community and married women cannot be in the profession. Children from partners are accepted in the community and are looked after by the family. Initiation into the trade was through unmarried paternal aunts and on 'retiring' they would go back home.

They had a sense of pride in their work claiming that nothing ‘wrong’ happened in this brothel. They claimed that they received support from the police in keeping out ‘unwanted public’. The women here were insistent on differentiating their clientele from that of the non- mujra brothels, and asserted that the clients to the other brothels were ‘unwanted public’. Though there wasn’t any obvious NGO activity in this brothel, some of the women said they had opened bank accounts with the support of the NGO Bharatiya Patita Udhhar Sabha that operates from brothel X.

### **4.3 Discussion**

Brothel Y and Z would give the picture of the higher end brothels and Mujra house respectively. Brothel X, though it has the characteristics of a lower end brothel it is atypical because of the presence of the NGO on its premises and the internalization of a specific ideology by the women under the influence of the NGO. The three brothels present a range of issues and problems related to institutions, processes and practices. We will discuss the nature and range of activities that the women undertake within them, and the perceptions and practices of work, domesticity and marriage in association with organization of brothel.

It bears mention (though we will not explore this in any detail) that the nature and range of activities that the women perform illustrates some of the problems associated with classifying certain forms of work done by women as non work (or outside the production boundary of a national accounting framework). Most notably, women may switch between tasks. Some of the tasks they perform are clearly within the production boundary such as work on behalf of the NGO or as peer workers in government health programmes. Some tasks are usually placed outside the production boundary as for instance, domestic work. Still other activities, prominently sex work is not completely legal and therefore presents additional difficulties in being brought within the production boundary. Equally important is the question of how women perceive the work they do and the comparisons they draw in terms of understanding their position as

workers, women or mothers. This is an issue that we take up in greater detail in the section below.

Further, the form of organisation of brothels opens up the question of power relations within the brothels and how the hierarchy differs based on the circumstances within which the brothels operate. However, brothels with different organizational forms are linked in so far as there is some amount of movement of women usually from higher end to lower end brothels. Thus, at least partially these categories are shaped in association with one another and are part of the larger institutional character of the market. The *mujra* houses however are distinct in this sense. Finally, the question of domesticity and marriage can be approached both from the ideas of conjugality and domesticity that the women subscribe to, as well as the apparent reflection of these ideas in everyday aspects of life in the brothel.

#### **4.31 The Question of Work**

*"Its business doing pleasure with you"* (Lyrics from a song by Tim McGraw)

Whether or not selling sex can be considered *work* has been subject to intense debate in the literature, as has been dealt with earlier. Observations from GB Road point to three sets of related questions: a) do the women consider sex work as comprising 'work'? b) What is sex work or in other words is sex work restricted to the exchange of sex for money?, c) how do sex workers view their position within the existing social framework? Discussions regarding the concept of work revealed that the sex workers very clearly see that what they do is a means of livelihood that is currently available to them and they do define it as work but also may not subscribe entirely to the view that it is 'appropriate' work for a woman thus making a distinction between women under the patronage of marriage for whom it would not be appropriate and women outside marriage for whom it may be acceptable. While this does not mean there are no married women in the trade, it does implicate notions of respectability prevailing in wider society.

When asked why she hadn't involved herself in any other form of wage labour a sex worker responded by saying "*yeh bhi to ek business hai, ye nehi karti to khet me kaam karti, utna takat bhi nehi hai ab. Jab tak mera mard tha, main to khet me hi kaam karti thi, abhi yahan aa gayi hu, aur kya*". (This too is business, if I didn't do this I would have worked in the field, but I do not have the strength any more. When my husband was around I used to work on the field, now that I am here how, does it matter). All the sex workers in the higher and lower end brothels emphasized the 'work' aspect involved in selling sex especially by pointing to the use of the body in a way comparable to any other form of manual labour and the strains that work causes to the body. One sex worker argued in Bengali "*amra shorir khatiye kaaj kori*" (we labour with/through our body). Though they do not directly allude to it, their understanding of sex work as work recalls the notion of the use of labour power to provide a service. If sexuality is considered not separable from the body then in doing sex work women may be seen to be using their sexuality through their bodies to provide a service in exchange for money and thereby in engaging in work.. This is in line with the Nussbaum's argument that sex work is not essentially different from any other occupation in the involvement of the body in the production of commodity or service that is exchanged for money (Nussbaum, 1999). Notably, many sex workers we spoke to designated their work as either 'good' or 'bad', but also none of them hesitated in saying that it is 'work'. In differentiating 'good' work from 'bad' work there was an internalization of the notion of respectability whereby sex work is seen to be the work that 'respectable' people are not supposed to engage in. One sex worker (from a high end brothel) asserted, "*har aurat ko zindagi me kuch galat karna padta hai, waise bhi sahi aur galat kaun batlata hai?*" (All women have to do something 'wrong/bad' in their lives. In any case, who decides what is wrong or right?). This assertion reflected conflicting view among the sex worker whereby on the one hand, they seem to be struggling against a social conception of what is appropriate work for women while on the other there was also a sense of pride, which was reflected in their assertion

and defense of their identity as worker. In a high end brothel where the women were reluctant to let us enter the brothel, a sex worker said to us, “haan, *yeh hamara kaam hai, aap ko hamare kaam ke baare me seekhna hai, aap kya hamare saath kaam karenge?*” (Yes, this is our work. You have come to learn about our work. Will you work here with us?). This notably reflects that the sex worker recognizes that even when society appreciates the political position that sex work is ‘work’, there remains a stark difference in what is ‘acceptable’ work from what is not. She also seemed to indicate that the experience of engaging in the activity of selling sex gave them the legitimacy of calling it work, which as an outsider I may not understand. Thus over and above the sexual division of labour rendering sex work as women’s work, there is further societal division of labour which renders sex work as ‘bad’ woman’s work.

However, the organization of sex work isn’t only about involving the woman’s sexuality in the commercial act of selling sex for money. In the cases above, there was a range of activities that were simultaneously ensuring the smooth running of the organization of the brothels. Within the brothel there are power relations and a division of labour reflecting that it further complicates the notion of ‘work’ involved in sex work. For instance, in brothel X, the women performed unpaid care work for the owner, child-care and organizational activities for the NGO as well as sex work. They did not see these as separate in terms of moulding their identity as sex workers. One woman in her mid twenties, who has been in brothel X for the last 8 years claims that their day starts with taking care of household duties including cooking and cleaning in the morning, in the day some of them assist the owner in the NGO works, in the afternoon some of them learn tailoring and attend to guests to the organisation (including serving them tea and refreshments) and from the afternoon they start getting ready for clients and attend to customers as and when they arrive.

The NGO itself takes a paradoxical view regarding the status of sex work and its appropriateness for women. It is of importance that the representatives of the NGO use the term *‘jouna sevika’* (providers of sexual

services) in Hindi and sex workers in English interchangeably with '*patita*' or fallen woman. The organisation seems to accept that sex workers are workers in a limited sense, for while they endorse the demand that sex work should be legalised ([www.bharatiyapatitaudhharsabha.com](http://www.bharatiyapatitaudhharsabha.com)), they seem to do so with the caveat that its acceptable only for women who are already 'fallen women'. Not surprisingly then while taking up a position in support of decriminalization of sex work, the BPUS is opposed to the decriminalization of homosexual sex among consenting adults. Thus they subscribe to a prevailing heterosexual norm. In a conversation soon after the repeal of Section 377 of the Indian Penal Code by the Delhi High Court, the president of BPUS had expressed his annoyance at the legalisation of 'unnatural' sex (as he expressed it) especially when sex work had not been legalized. The position taken by him was that legalisation of sex work would enable women to have more control over their incomes and thereby to be able to provide better education and upbringing of their children. According to him, this would also allow them to perform the role of good mothers. In this perspective, sex work is work, not because the deployment of sexuality is acceptable in other forms (even where they are consensual), but because it is a means of livelihood for women whose options are limited. Women in the brothel X are therefore encouraged to perform roles that, according to the ideology upheld by the NGO, is more respectable especially that of the domesticated woman, and that of the social worker.

In the higher end brothels there is less conflict regarding the acceptability of sex work as work, underpinned by the absence of a paternalistic ideology. In these brothels we see with greater clarity how the market in association with a patriarchal social construction of desire shapes, albeit on the margins of society and economy, women's specialization in the provision of sexual services as part of a broader sexual division of labour. It is this marginal yet (patriarchal) demand-driven position of the market for sex work that provides the ground for the acute exploitation of sex workers as well as rent seeking by various intermediary agents. While this sets the stage for power relations as they are articulated in the brothels, it

could also help understand the specificities of the articulation of power relations in the higher end brothels.

In brothel Y, women occupy different positions based on their age, experience, their familiarity with the brothel conditions and the business they are able to generate. Young, newer entrants are made to work exclusively as sex workers, having to provide sexual services to a relatively large number of clients. Once they have crossed their most lucrative stage, they may become part of management, or may have to exit to make way for younger entrants. In one of the high-end brothels, a sex worker who seemed more familiar with the brothel reprimanded us for attempting to speak to the newer sex workers, telling us that the newer women weren't allowed to talk to outsiders now. She said that the newer entrants had a 'fixed schedule' and had to work more than the other women. She also said that older women like herself had to look after the newer entrants. She wasn't willing to respond further on my questions on who allocates these responsibilities, but there were indications that a particular 'aunty' (a female head) was in charge of affairs at the brothel. .

Men were more prominent in managerial roles with varying levels of authority the higher end ones. The role played by men seemed to be different from the women in the managerial roles. In a higher end brothel, on my asking why there were some men present in the brothel, one sex worker said that '*kuch kaam to bina admi ke hote nehi hain, isliye malik kuch admi lagvata hai*' (some work is not possible to carry out without men, that's why the owner has employed some men). The bouncer in brothel Y indicated that their presence in the brothel was to ensure a smooth passage for clients, which was necessary in maintaining a regular inflow of clients, and in maintaining peace in case of any trouble from outside. Thus there was indication that in management, the women were more in charge of looking after the affairs on the 'inside' of the brothel, while men were in charge of looking after affairs concerning the 'outside'.

In the mujra houses too, like in brothel X, the ideological factors affected the perception of work. Women in brothel Z were simultaneously musicians, and they tended to emphasise their role as musicians. They seemed to rely upon a notion of 'respectability' attached to their work as musicians, in claiming that their work was superior to that of women in the other brothels. They showed a sense of pride in the tradition they were following in taking up work in the mujra houses. It was on this basis that they also sought to differentiate their work from the work in other brothels. In fact, one woman even said that it didn't matter whether what they did for a living was considered work or not, for they were not doing anything 'bad'. Thus, while the women in the other brothels were keen on asserting their identity as workers, the women in mujras were more assertive of the respectability of their vocation. They were less concerned about establishing that what they did was work.

#### **4.32 Exploitation**

In terms of our discussion of exploitation in chapter two, sex work may be considered exploitative because of the nature of appropriation the market allows for, which is in turn conditioned by the lack of social acceptance of sex work as work and by the ambiguity in the legal status. The rent appropriation and unpaid and / or forced sex work constitutes economic exploitation. The failure to accept sex workers as workers denies them any access to social security and to labour laws and entails discrimination of the kind that is based on cultural exploitation. The nature and extent of exploitation is linked to the differences in the perceptions of work and respectability in the brothels. In brothel X for instance, the appropriation of unpaid care labour by the owner cum NGO office secretary is enabled by a discourse of work that relegates sex work to an inferior position. The dominance of the NGO's ideology results in tacit acceptance by the women in brothel X that they are, in fact, 'fallen women' and their acceptance in society may increase with playing the roles of domesticated woman and of 'social worker'. However, the owner extracts a payment from them from out of their earnings as sex workers to maintain the brothel. Thus, despite taking up NGO work and providing unpaid care to the owner, the women



also have to simultaneously carry on with their sex work, and pay part of their income to the owner. In the higher end brothels, the exploitative relations are complicated by the specificity of the division of labour. The new entrants are the most exploited, economically, and sexually, by being made to provide forced and unpaid sex services to large number of customers. They are exploited directly by the madams and pimps who appropriate their labour and indirectly by the older sex workers, who gain power within the system in the brothel by keeping vigil on them.

#### **4.33 Power Relations**

Power relations that sex workers are embedded in differ quite widely between different categories of brothels. As discussed earlier, the higher end brothels exhibit a pyramidal authority structure, with the madam at the top, older sex workers in the middle and new entrants at the lowest level. Three inter related factors determine a woman's movement up the hierarchy of a higher end brothel. These are i) the contribution of the women to the brothel in terms of profit. The women bringing more customers is likely to be more sought after (especially in brothels where the women pay a portion of their earnings), and once she is out of the bonded labour condition, the management would like to hold on to her, ii) the length of time spent in the brothel and iii) the economic and non-economic relations that are built with the management. When women enter the brothels, especially those who are forced into them are at the bottom of the hierarchy with the least bargaining power, but also the highest market value. Those who are forced into the trade are traumatized at the start by the experience and are highly vulnerable to violence. This could lead to these women being quite and submissive in the beginning. Their movement is heavily restricted, as is their freedom to interact, and they are not allowed to possess cash. With the passage of time and as the risk of them leaving fades away the surveillance is relaxed. Gradually there is also a decline in their earnings and new women who enter take the place they occupied earlier. Despite the decline in the business they are able to bring in, this process is accompanied by greater freedom and bargaining power, as they are able to forge relationships on and off the brothels. Ms A

(in brothel Y) said that in the seven months that she had been in GB Road after being duped she had never been allowed to go out and had not been given any money even though she has had to service up to twelve customers in a single day. Another sex worker claimed that she was not allowed to leave the brothel for the first two years, after which the vigilance was relaxed and she gained the freedom to move around. Movements up the brothel hierarchies take place once these women adjust / accept their new circumstance, learning from the everyday experiences in the trade and giving up hopes of leaving. This happens usually when they have been in the trade for a year or more, and they internalize the belief that it would be difficult socially to return to their older circumstances i.e., that they would no longer be acceptable within mainstream society. This is a process in which power relations alter within the brothels and younger women gain power as they get more entrenched in the trade.

The woman's position in the brothel hierarchy is also determined by the economic and extra-economic contracts that she forms with the management and with agents outside the brothel. She may pay the pimp or provide sexual services for providing her with 'better' clients or 'protection'. She may extend managerial assistance to the madam including keeping vigilance over other women or solving disputes among residents. A madam may select her heir from amongst these women. The women who stop doing sex work on account of age but do not become madams have a hard life. They mostly take up the role of servants or look after children of other women or may live on charity

A woman who is in the position of madam has specific responsibilities that would vary according to the category of brothel she is in and the relationship she has with the owner of the brothel. In Brothel X, we saw that the senior woman was married to the owner of the brothel.<sup>26</sup> However, their relationship may be of a long-term nature and include pecuniary and

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<sup>26</sup> This part is based on discussions with members of the organisation Bharatiya Patita Udhhar Sabha and older and one *thekedar* who was also part time sex worker.

sexual transactions. Also the house may be sublet in her name. The madam is the mediator between the women in the brothel and the owner, and her work is often to obtain and pay rent to the owner. She is responsible for establishing networks, both to ensure a flow of clients to the brothel as well as to ensure that there is a stock of women to provide sexual services and take care of other needs within the brothel. We saw that in the lower end brothel, with a thinner male presence, she may also take on the task of the pimp. These networks are instrumental in the case of women entering through hereditary/family channels or women forced into the profession. In case of the higher end brothels, the madam's work also includes negotiating with the pimps. A very important task that falls to her lot is to keep the police at bay. The madam addresses this usually by paying bribes and/or providing free sexual services.

Many women go through a period of movement across brothels. One sex worker, now in her 30s, narrated the story of how she had run away from GB Road in her 3<sup>rd</sup> year with a regular customer but decided to return but to a different brothel. The movements were generally from higher end to lower end brothels, or between lower end brothels. There is no movement between the *mujra* and the non- *mujra* houses as the *mujra* houses are insistent on keeping their identity distinct, especially regarding the notion of respectability.

After crossing the initial phase, if a woman is able fetch more business it is likely that she will have closer proximity to the management in the brothel. However, a woman who is able to generate a lot of money for the brothel will also see the possibility of keeping more for herself. If she is in a higher end brothel and is subject to a greater degree of control by the management she may consider ways of exiting this brothel for another with less stringent regulation. She is however, likely to face two constraints. First in a new brothel with less stringent regulation, she may have to start from the lowest rungs of the hierarchy and second, the brothels with less control are also the brothels with fewer clients and hence her earning may decline. There are indications that the women consider

this trade off, making their decision to remain or exit based on what they perceive to be the utility maximizing choice.

The authority structure in the lower end brothels is not as rigid as in the higher end brothels. Since many of the women come through the community route, they are usually acquainted with the older women, and many a times the older women of the community take a guardian like approach towards the younger women. This also results in an appropriation of a part of the younger woman's earnings. Where the brothel was not inhabited by sex workers from the same community, the hierarchy was even less visible and the women seemed to compete with each other for clients from a similar position, and otherwise with respect to affairs such as cooking and child care, conducted their affairs independently. In the brothel X, the center of authority was the owner and women gained power through their proximity to him. Proximity to the owner also determined the authority of women working in the NGO. In the Mujra houses as well, the hierarchy seemed less rigid, especially since the women there seem to have support of their community back home.

#### **4.34 Perception on Marriage**

The position of a woman within the power structure of a brothel has important implications for the nature of her access to the market or for how she enters into the market. However, she is also subject to other power structures, notably those implicit in social norms. A sex worker is often compared to the married woman, where the married woman is seen morally superior to her. On G B Road, the sex workers seem to internalize this power structure. Most women interviewed held marriage in high esteem and did not necessarily consider sex work as comparable to it as a livelihood option even with the premium it could fetch. Women in GB Road wore vermilion and other symbols of marriage if they were presently married or had been married in the past. Besides, there is also an obvious sense of respect for these symbols. On one occasion, when I was accompanied by an unmarried woman friend who was wearing toe rings (a symbol of marriage in some regions of India), sex workers in brothel X and

another brothel refused to believe that she was not married. Her explanation that she wore toe rings as it was fashionable to do so and not as a symbol of marriage not only failed to convince but also raised resentment among the sex workers, who felt that it constituted disrespect for marriage. One woman pointed out to us that the sindoor (vermilion mark on the forehead), the *mangalsootra* (worn around the neck) and toe rings were the sacred symbols of a married woman. In the brothel X, a young sex worker was annoyed when I asked her whether she had children and responded "*Mere shaadi hi nehi hua bachche kahan se ayega?* (How can I have children when I'm not married yet?). However, such annoyance was not normal in our experience as many sex workers *did* have children without being married. This annoyance from an intern of brothel X reflects the affiliation to the ideology that the NGO upholds. Brothel X was distinct also in being the only brothel in our sample where there were school going children living with their mother. In most other brothels children stayed with their mothers until they are of school going age. Beyond that they were sent away to schools or to be taken care of by family of the sex workers, even while the sex workers provide for them. However it is also to be noted that the children who were in brothel X had a father also living with them. Women, especially in the lower end brothels, were assertive on the fact that they did not want their children (especially daughters) to live with them in the brothels.

As already noted, in the brothel X, marriage held an especially high esteem and the ideal to which women aspired. . In fact one of the objectives of the NGO is to find grooms for sex workers who have left the trade ([www.bharatiyapatitaudhharsabha.com](http://www.bharatiyapatitaudhharsabha.com)). This importance attached to marriage was emphasized in the role that the particular sex worker-wife of the owner. She derived considerable status and respect, within the context, from being a 'respectably' married woman and a mother of four boys. In other cases women who had joined sex work for reasons of adversity justified their resort to sex work on the grounds that their husbands were dead or incapable of providing for them.

At one brothel where all the women had entered sex work through the hereditary route (like in the mujras), a woman took great pride in her teenage daughter who usually stayed in a hostel and was home for a short vacation. The sex worker had kept her daughter away from GB road and from the trade by sending her away to school as a child. She planned to find a good marriage alliance for the girl thereby averting the possibility of her entering the trade. Many sex workers were exceedingly concerned about their daughters' futures and were putting in effort and money to get them married. They saw marriage as normative *even* though some of them had gone through abusive and / or failed marriages. Often, the women with whom I had long conversation would convey their well-meaning blessings to me by saying "*Beti achha ghar me shaadi kar lena*" (May you find a husband from a good family). Most women brought into sex work through the hereditary line insisted that married women were different (may be superior) and brothels were not a respectable place for them. This brings to the fore the paradox engendered by community norms, which regard sex work as a suitable occupation for some women, but not for others.

#### **4.35 The Private/Public Dichotomy**

*hum andar azad hain, bahar nehi..* (we are free inside, but not outside..)

- sexworker, Brothel X, G B Road

The question of space as it is engendered in the pursuit sex work as an occupation and in the lives of sex workers is an important and complex one. Most importantly, sex work breaks the dichotomy that is often drawn between the 'private' and the 'public'. Implicating gender and sexuality in the definition of space, sex work throws the conventional understandings of public and the private into confusion.

This is apparent first in the near invisibility of sex workers on the street, an obviously public space, where we may expect to find sex workers soliciting. GB Road is very crowded, being the biggest wholesale market for machine parts in the city and a connecting road from the New Delhi Station to two

other large wholesale markets. On a typical day, the road is jammed with cars, cycle rickshaws, bullock carts and even horse carts. There are a few women to be seen on the road may be in the ratio of one to every hundred men. Very few of the women seen on the road are obvious residents of the street or sex workers. Generally, the women who are passing by walk fast, or go in rickshaws or cars, moving away from the road with a sense of purpose, sometimes throwing discreet glances at the brothels.

We have already seen that soliciting is deemed illegal and punishable by the PITA (section 8). Though this is applicable for both men and women, a man soliciting is not suspect, thereby making the few women approaching the street (for whatever reason) even more conspicuous and vulnerable to harassment. The street is least accessible to newer entrants in the higher end brothels and the most accessible to older women in the lower end brothels. Interviews with the women who solicit revealed that they do so also for younger women in their brothels, especially those bound by connections of community or kinship. This apart, very few women reported going out into the street for other reasons. Only two women of those interviewed from the higher and lower end brothels reported going out into the city and away from their daily activities on GB Road. One respondent has a sister and family in Delhi where her daughter stays. The other woman was a bar dancer in Mumbai in the past and so is accustomed to a more independent lifestyle. Another respondent said she only goes out to the beauty parlour. The women in *mujras* claimed to have more access to the outside, and could have lovers and long-term clients with who they could interact and possibly live with them outside.

Notions of private and public are conflated and challenged also within the brothel. The brothel is apparently a 'public' space in so far as it is a place of work and a part of a market. The brothel is also not a private space in the sense that it is constantly watched by the police. And yet it is the place where women have their homes and which they identify as their domestic space. What is transacted is an aspect of intimate life that is usually considered an aspect of the private. The consumption of sexual services

may be private for the client, but for the sex worker its provision constitutes work done for pay and thereby not something private. The sex worker is the provider of a service on the market, however intimate the service may be. Thus, boundaries of the 'public' and the 'private' overlap in the formation of the sex market. The dichotomous public/private split collapses as soon as sex is divorced from the moral baggage it is accompanied by and is brought in the realm of work.

Brothel X is an interesting case in this regard. It is 'public' in two sense of the term. In addition to being a brothel, it is also the office of the NGO. Because of this, the women in the brothel become the media faces of sex workers working in Delhi, as that is the most convenient entry for outsiders including reporters, researchers (including myself) who are not clients. However, this doesn't necessarily increase the access that women in GB Road have to the outside. Unlike in the high end brothels where access was limited because of vigilance, women in this brothel (like most other lower end brothels) insisted that they chose not to go out because of the way the society perceived of them as sex workers. Notably, affiliation to the NGO didn't necessarily enhance the women's confidence in being able to counter this lack of acceptance from society.

#### **4.4 Conclusion**

The three brothels described in the beginning of this chapter highlight the forms of organizations of brothels on GB Road. Brothel X is a brothel owned by an NGO official, its commerce and ideological underpinnings are determined by NGO's interests and ideology. Brothel Y is a response of the market for a specific kind of demand, hence the forced recruitment of young women, the restrictions on their movement and the continuous flow of customers. Brothel Z, on the other hand, is organized through communal, kinship, and regional bonds which supply channels of recruitment of women. The power relations and exploitation in the brothels vary according to the ideological framework as well as mode of organisation of the brothels, which furthermore reflect in the perception of work and marriage among sex workers.



## Chapter 5

# Conclusion

### 5.1 Introduction

This dissertation attempts to understand the provision of sex work through brothels in terms of the transactions costs and power structures it involves and the implications of these for sex workers. While the empirical literature on sex work is quite rich, there is a huge emphasis on trafficking, which overrides questions related to the market for sexual services, the linkages it depends upon and the practices it entails. Though the experiences of trafficked women need to be documented, the literature tends to override the distinction between trafficking and other modes of entry into sex work to the neglect of experiences of and problems faced by women in sex work who have entered through other channels.

### 5.2 Political economy

The debates surrounding sex work especially with respect to abolition and its social status the world over provide insights on the position of sex work in India. The legal status of sex work in India is ambiguous as it is not abolished but also does not have full legal recognition. The position of sex work in India is significantly different from that which it has in the Netherlands, where it is legal but also that of Sweden where buying sex has been criminalized but not selling sex. In India, historically sex workers held different positions ranging from the *tawaiifs* or *devdasis*, who had the patronage of the feudal aristocracy to the *randi*, who sold sexual services in the market. The colonial efforts to document sex workers, especially in the wake of the Contagious Diseases Act, 1868 reduced these differences to a single category of commercial sex worker. The present law on sex work, PITA (1986) does not deem sex work illegal per se, but could implicate women in criminal acts for soliciting and even for other acts like living with her children or other persons and thereby makes it difficult for them even to find a house to rent. This creates the sex workers dependence on other actors notably the pimps and madams. This also enables other

agents, such as the police to engage in rent seeking based on the authority that the law gives them.

It is to be noted that the position of the sex worker changes significantly if they are able to unionize. This has been the case in Kolkata, where the sex workers have been united under the umbrella of Durbar Mahila Samanvaya Committee. Durbar, which started as an AIDS initiative, has been able to increase the bargaining power of sex workers significantly by stopping forced entry into the trade, and also by forming a micro finance organisation named USHA, which helps women come out of financial dependence on madams and pimps. Delhi on the other hand, has not had successful efforts at unionizing. This may be because there are simultaneously many more red light areas and other forms of sex work available in Delhi through complicated networks that are not easy to organize. There are at least two NGOs working in GB Road, but they have not been able to cover all the brothels / or even a large section of sex workers.

### **5.3 Transaction Costs**

It is important to recount that there are two types of transactions on the market in G B Road, a) contracts entered into to minimize transactions costs and b) spot market transactions entailing exchange of sexual services for payment on a one time basis. Transaction cost economics provides a useful tool for analyzing the transactions in the market for sexual services. In transaction costs economics, actors are seen to be facing costs for being in the market, which they try to minimise by forming contracts with others. In case of sex work, these contracts are informal and oral and are also subject to the bargaining power that each actor/agent holds in the market. The sex workers, because of their precarious position caused by lack of legal and social sanction, have the least power, making them vulnerable to exploitation. Transaction costs varied according to the nature of the brothel.

Three main categories of brothels were identified in GB Road. These are interpreted as representing different but interrelated responses of the

market to social and legal processes. There are interrelated because there is a certain amount of movement from one category to another but not vice versa. Each category is marked by distinguishable forms of organization, power relations, and recruitment practices of sex workers and cater to somewhat different demands for sex work or clientele. The three categories are the higher end brothels, the lower end brothels and the *mujra* houses. It was observed that after some years of working in the higher end brothels a sex worker may move to a lower end brothel. However, this was not the only entry of sex workers in the lower end brothels, which also recruited younger workers directly through community / regional networks. *Mujras* are houses of musicians and dancers but which also engage in sex work. The women in *mujras* were all observed to have entered the trade through hereditary community lines and there was no movement between the *mujras* and the other brothels.

### **5.31 Higher end brothels**

In the higher end brothels, which were cleaner and more attractive, the power structure seemed to be more rigid with apparently more exploitative conditions in which women live and work. These brothels were marked by strict internal regulations by the management with the help of a high presence of men in managerial tasks and as service providers. They were observed to do brisk business with a relatively higher flow of customers than lower end brothels. These brothels may be seen as a response of the market to the demand to younger women who conformed to a normative conception of femininity. However, to provide for this kind of demand, the brothels sometimes resorted to coercion and violence to control these women, who were frequently forced into sex work through duplicity by agents. From some of the interviews it was clear that entry could be under conditions of coercion. While many women refused to speak about their experience of recruitment or simply said they were in the brothels of their own choice, the expressions on the faces of younger sex workers betrayed trauma.

Transactions cost incurred by women in these brothels were higher because there were larger number of intermediaries involved here. Newly recruited sex workers would be working like bonded labourers until the cost of their entry (which is seen as a debt against the sex worker) is paid off. Women who are out of this debt may have to pay a proportion of their earnings to the intermediaries (notably pimps and madams) to carry on operation in these brothels. There is possibility that as they get established in the trade women may go up the hierarchy in the brothel or they might even leave the brothel for other brothels.

### **5.32 Lower end brothels**

The other end of the market comprises of lower end brothels, which are characterized by less clean/ dingy brothels. Organization in these brothels is more relaxed and the pyramidal structure that the higher end brothels exhibit is altered here. In the brothels that are characterized by community networks, there might be older members soliciting for younger members and newer entrants. The brothels comprise members of several communities who enter the occupation because of adverse condition or who have shifted from other brothels. These brothels are not marked by a concentration of authority at the top nor is there a need to exercise control over the sex workers to the degree that was observed in the higher end brothels. Here the women were observed competing with each and lowering the price of sexual services. The transaction costs here are implicit in the rent/percentage of earnings paid to the owners, or explicit in bribes/unpaid sexual services to the pimps and police. The younger women who have entered through the community channel may have to pay part of the earning to the older sex workers of the same community. However, these payments are less than in the higher end brothels because of the more relaxed management and relatively lower dependence on pimps.

### **5.33 *Mujra* houses**

The third category of brothels observed on GB Road was the *mujra* houses that are houses for singers and dancers. These houses are also

characterized by community-based networks where women from communities specializing in this profession come and stay at the same house, where they are trained and initiated in the trade. Here too as in the case of the lower end brothels there is a more dispersed authority structure with little evidence on concentration of power at the top. However, age and skill was a factor in determining who the senior woman was in the house and she held may command respect owing to seniority. Transactions costs in Mujra houses seemed to be less than in the other houses, though they may have to pay bribes to police. There is no dependence on pimps in these brothels and the madams/owners don't need to hire bouncers for vigilance over newer entrants.

### **5.34 Sex work, transaction costs and power relations**

In the Indian context, the legal position (in addition to their social status) of the sex worker creates the circumstances for various intermediaries to come into the organization of the brothel. Provisions in the law on sex work create her dependence on pimps and madams and give the police the authority to extract rent out of the sex worker. These together with the social stigma associated with sex work results in the sex worker having lower bargaining power than other agents. Simultaneously, the lack of social sanction means that most sex worker do not have resort to the legal system or a social support system to fall back upon and are therefore vulnerable to cheating and coercion. The brothels where the effect of this is felt the most are the higher end brothels where the sex workers have the least bargaining power and have to part with the highest proportion of income. The women in the *mujras*, who have some level of social sanction and support of families, exhibited the least amount of cuts from their incomes and the seemed to have the highest amount of bargaining power among the brothels. The lower end brothels were in between, with the women facing considerable amounts of deductions from their earnings but displaying higher autonomy and bargaining power with agents.

## **5.4 Perception of sex workers and institutional practices**

The organizational form of brothels that tended to differ in each category discussed above had implications for practices (as is evident from the above discussion) but also the perceptions of sex workers and institutions such as marriage.

### **5.4.1 Sex Work and Marriage**

Various authors have debated the relationship between sex work and marriage significantly with the argument that within the capitalist and patriarchal system the scope for the institutions of marriage and sex work overlap in channeling the male desire into procreative (within marriage) sex and non procreative (with the sex worker) sex. This forms the basis for the toleration of sex work, in the context of social norms that degrade and stigmatise the women who provide sexual services. The literature also engages with the grounds on which sex work may be considered 'work' and furnishes arguments against such recognition. The perception of their own labour by the sex workers were along the lines of Nussbaum's argument that the involvement of the body in providing the service in exchange for money makes it similar to any other forms of labour. However, this assertion of 'work' comes with an underlying perception that what they do is 'bad' work and is unacceptable in society. Further, the notion of work gets complicated because of the other paid or non paid activities over and above selling sex that constitute the organisation of sex work as was observed in GB Road. The peculiar lack of acceptance of work on the part of society and also the lack of protection from the legal system makes women in brothels vulnerable to exploitation. An exploitative pyramidal structure of hierarchy was observed in the higher end brothels of GB Road with the madam on top, older sex workers in the middle and new entrants in the bottom. The madam looks after the working of the brothels and managed the recruitment of new entrants. She does these with the help of pimps and others in the brothel, including sex workers who had been in the trade for some time. These sex workers, who are in the middle of the pyramid, participate in the management of the brothel especially by keeping a vigil on the newer entrants. At the bottom of the

pyramid are the newer entrants, who have the least bargaining power and may be working under conditions of bondage.

The study also explored how women in sex work conceived of marriage as a superior institution than sex work. However, the dichotomy that is conventionally drawn between private and public where 'work' is thought to be in the realm of 'public' and 'sex' in the realm of the 'private' is thrown into confusion in the context of sex work.

#### **5.42 NGO Intervention**

The presence of an NGO was observed to be quite strong in some brothels of GB Road. This NGO upholds a conservative ideology, which deems sex workers as 'fallen women' and renders the ideal role of women as wives and mothers. In this context, they hold that sex work should be decriminalized in order to improve the working conditions of women but also that it is not an appropriate work / livelihood option for women. The NGO was observed to discourage soliciting and association with pimps and hence the flow of clients in the brothel, which served as its office, was low maintained by discreet soliciting by the owner / NGO executive. In its functioning the NGO resorts to stereotyped identities of men and women, and reinforces a sexual division of labour among the people involved in the organization. It is also notable that women associated with the organization were noted to have high regard for marriage over sex work. The women associated with the organization were also not seen to have any significant access to the outside world (market place or the roads) but were made to play a role in the public domain as the representatives of the organisation.

#### **5.5 Issues for further research**

This thesis opens up several issues that require further inquiry. To start with, the extent of the trade in sexual services in GB Road is far from clear as also the number of agents involved and the extent of their mediation in the trade. What we did learn about was the nature of the intervention of different agents from the activities / narratives of a few and the likely

implications of these for sex workers. It would be interesting to see, on a wider scale, the heterogeneous nature of the market in sex work, and how practices and perceptions may be shaped in association with legal, social and political processes.

Furthermore, the field work revealed that the rates charged for sexual services varied according to a number of factors, including the category the brothel as well as the profile of the sex worker. In the higher end brothels, there was indication that rates charged were regulated by the management but the mechanism of regulation was not clear. Further, it is difficult to get an idea of the extent of extortion of the new recruits, who are made to work for no payments on the grounds that they have to pay off a debt to the management. In the lower end, on the other hand, the pricing was competitive, with women undercutting each other's price to gain customers. A more in-depth investigation of the prices charged and the mechanisms underlying the setting of prices, where they exist, would be useful in understanding the market. The contracts that the sex workers form with the different agents in the market, including the madams, the pimps, the long term clients and the police provide some indication of the barriers that exist in transacting in sexual services as well as the exploitation entailed in participation in a market in conditions of legal ambiguity. These aspects too need to be studied in greater detail. Such a study would help us understand the transactions costs better, and the extent of reduction in earnings of the sex workers and unpaid sexual services provided. This would also provide insight of the nature and extent of exploitation of sex workers.



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