Who is a Sex Worker: Covid-19, State Support, and Hidden Identities

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Abstract

The sex workers community in India remains a highly marginalized with various prejudices and discriminatory practices faced by them every day. The lack of inclusion of the community has been reflected in most government policies too, where sex work is not acknowledged as a legitimate occupation choice, and thus, sex workers are left out of many relief measures. The thesis analyses the intricacies of institutional support provided to sex workers by studying the first-of-its-kind policy measures employed in the aftermath of the Covid-19 pandemic to provide free rations and state-issued funding in Pune, Maharashtra. After employing the doctrinal and qualitative research methods, it was found that the incomplete comprehension of the diversity of sex workers, the issue of inconsistent documentation and various institutional omissions, mainly regarding the lack of inclusion of the stakeholders in the decision-making process of the scheme, were the main reasons for the failure of the scheme in reaching its objective, resulting in the 'fraud'.

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Introduction

The COVID-19 pandemic, along with the resulting lockdowns and limitations, has exacerbated and brought devastation to India's informal economy. The informal workers, 90.7% of the total employment (NSSO, 2017-18), struggled to survive amid the crisis, putting pressure on the fragile sector. Sex workers, as a part of informal labour, were most vulnerable and worst hit, as their occupation involves intimacy. Sex work in India is highly stigmatized. While prostitution is legal, living off the earnings of someone else's sex work, running a brothel, soliciting, and pimping are criminalized. This results in the widespread systemic breach of sex workers' human rights as sex workers are subject to violence by police, brothel owners, and moneylenders due to several factors; importantly, stigma and prejudices associated with it. Therefore, those practising sex work as a parallel source of income often do so clandestinely and are not willing to acknowledge their identity, including married women.

Women working in the sex industry have faced several problems with their marginalization, forcing them to suffer on various fronts, including health, education, and social justice. One of the fundamental causes for their marginalization is that giving sexual services, which is their primary source of income, has been socially sanctioned (Seshu, Pai, & Murthy, 2021). Asha Care Trust, which works in India's third-largest red-light area in Budhwar Peth, Pune, conducted a survey during the pandemic. According to the survey, almost 85.0% of sex workers took loans to sustain their living and necessities throughout the pandemic. The survey further revealed that 98.0% of professional sex workers had availed loans from brothel owners and moneylenders, which put them in a risky financial situation, and many had fallen into huge debts (Kumar, 2021).

After realizing the looming condition of sex workers, Durbar Mahila Samanway Committee (DMSC) – Kolkata based – the country's oldest sex workers' collective, filed a Public Interest Litigation (PIL) highlighting the destitution suffered by sex workers as a result of Covid-19. Following this, Supreme Court ordered state governments to provide dry meals to sex workers without requiring them to provide identification. In July 2020, the Department of Women and Child Development (WCD) of the Government of Maharashtra issued a circular announcing official support for sex workers across the state to tide over the Covid-19 crisis. The support comprised of a financial ex-gratia amount of Rs. 5000 per sex worker for a period of three months starting October 2020; sex workers with children were to receive an additional amount of Rs. 2500 per child for up to two children.

Along with this, the government extended free ration and essential services. The announcement was a far-reaching one in several ways. First, the initiative served as a governmental recognition of the severe loss of livelihoods for sex workers resulting from Covid-19 lockdowns. Second, more importantly, the language of the circular openly revealed an acknowledgement of sex work as work and sex workers as an occupational identity – a distinct reversal from the past. However, some questions surfaced. Did the money reach targeted beneficiaries? Were the community-based representatives involved in the implementation of the scheme?

Historically, in India, the state has refrained from recognizing sex work as a legitimate occupational choice. Even post-Covid-19, sex workers have received little support from the state. On 7th October 2020, the National Human Rights Commission (NHRC) had issued an advisory on women's rights in informal labour during the Covid-19 pandemic. It had recognized sex workers as a particularly

vulnerable category and stated that they must be registered to enable them access to worker benefits, healthcare, and protection. It also outlined the nature of support to be provided by the state.

However, under pressure from anti-trafficking groups, the NHRC had to redact its statement stating that:

"In accordance with the extant provisions under the law, sex workers cannot be categorized as informal workers nor can they be registered as sex workers or migrant sex workers" (National Human Rights Commission, 2020).

In the backdrop of this redaction, the circular from the Maharashtra state government acquires further significance as a highly progressive document dealing with sex workers from a framework of labour rights. However, for the scheme to materialize on the ground, there are several practical concerns of identity. Who is a sex worker? What is the underlying documentation that will prove her identity to the state? In this paper, we surface some of the complications arising from the interface of these questions asked.

Literature Review

Sex work in India can be categorized as a very diverse amalgamation of individuals from various genders, backgrounds, and circumstances. As opposed to the popular belief, sex workers are not only women, but also cisgendered males and transgenders, married and unmarried people who live many different lives as fathers, mothers and siblings, operating both individually and in brothel settings. Another popular stereotype that is accepted is that all sex workers are coerced, oppressed, or are forced to be pursuing the profession. However, in reality, many of them are fully consenting adults who make the intentional choice to partake in sex work (Azhar, Dasgupta, Sinha & Karandikar, 2020). For many of these sex workers, entering this profession is an economic decision after having been a part of the labour market in the past. Many women from poor backgrounds engage in the labour market to earn a livelihood but reject the lifestyle due to the numerous challenges faced in the sector. Therefore, sex work is often associated with poverty, as many of the people indulging in it do so to receive higher incomes after partaking in various other vocations before sex work becomes a viable alternative. A pan-India survey of 3,000 female sex workers (FSW) suggests that 64.6% of the respondents belong to poor economic backgrounds. The survey also reported a high illiteracy rate, with 50.2% of the respondents who had received no schooling. This indicates a highly marginalized, illiterate, and economically backward population that makes up the majority of the participants in this occupation (Sahni & Shankar, 2013).

However, sex work remains a highly stigmatized trade that leaves the individuals involved vulnerable to discrimination, exploitation, and exclusion. Many women who enter the sex trade due to poverty explain that the key criteria that allowed women to be respected in their communities, like motherhood and marriage, were denied to them due to their identity as sex workers. This historical stigma against prostitution in India leaves them vulnerable to sexual exploitation, being left by their families, eviction from their houses and their children being ridiculed. Because of these vulnerabilities, many women refuse to identify themselves as sex workers and hide their occupations from even their families (Cornish, 2006).

Being subjected to increased amounts of physical and sexual abuse by clients, brothel owners, and the police is not uncommon for female sex workers in India. Cases of sexual violence in the country are reported to be up to 63.0%. According to existing research, these women exposed to such abuse are linked to numerous factors, including irregular use of contraceptives, STD symptoms and infections, frequent forced abortions, and attempted suicides (Prakash et al., 2016). This violence against sex workers in the country is associated with the historical view that labels them as criminals, leading to the recurring violation of human rights. The patriarchal morality that establishes these standards of discrimination against women who voluntarily undertake these activities restricts women from their rights and leaves them vulnerable to these acts of violence and abuse. The challenges faced by sex workers are not just limited to violence but also issues accessing healthcare, housing, and other basic facilities. The lack of legal recognition and the uncertain status in the law for these sex workers significantly contributes to the denial of justice for FSWs (Pai, Seshu, Gupte & VAMP, 2018).

In India, the norm that follows the traditional approach in response to sex work is based on misguided stereotypes, stigma, and misinformation, which fails to capture the diversity in the profession and the agents of voluntary participation (Vijayakumar, Panchanadeswaran & Chacko, 2019). The Immoral Trafficking Prevention Act 1986 (ITPA) is designed to prevent trafficking and regulate sex work. The act is expected to perform this task by criminalizing numerous activities associated with sex work, including the operation of brothels, hiring prostitutes, earning a livelihood out of the profession, contacting clients or any form of advertisement of the trade. While the act does not directly criminalize prostitutes or sex workers, it renders them incapable of functioning legally, thus criminalizing their entire livelihood. It also bans any sexual activity taking place in a public venue or a notified place (Goyal, 2020). It fails to distinguish between voluntary participants of the trade and trafficked victims, resulting in policy decisions that either encourage the abolishment of the practice of sex work altogether or drastically hinder any movements or activities that could lead to their empowerment. This manifests itself in the form of increasing numbers of raids in the occupational locations of these sex workers resulting in their eviction, arrests, and imprisonment (UNDP, 2007).

The pre-existing vulnerabilities of sex workers in the country were further aggravated by the stringent lockdowns placed all around the country as an impact of the Covid-19 pandemic. These lockdown measures that lasted months at times translated into a dramatic loss for those whose livelihoods relied on human contact. The lockdowns thus resulted in millions of sex workers being rendered out of work. However, the implications of the pandemic run much more profound. Many women, out of fear of stigma and social isolation, partake in sex work clandestinely, giving out services after their husbands and children go to work or school. The pandemic meant that these women could no longer carry out their trade and failed to explain the loss of their livelihood to their families. Furthermore, their hidden identities also made them unable to seek any state support provided by the government for the fear of being discovered.

With the lack of state or family support, many FSWs had to borrow funds from private lenders that often come with high-interest rates. This financial hit also meant that women who paid their rent on a recurring monthly or weekly basis could no longer afford their accommodations and had to be evicted from their homes.

The pandemic had also significantly impacted the access to healthcare and medical aid for many sex workers, with private hospitals claiming to prioritize Covid-19 patients, denying their services to these individuals. Women also faced many issues with their reproductive hygiene and health as the inadequate supply of oral contraceptives, shutting down of STI departments in government hospitals, and suspension of aid from NGOs due to their closure, resulted in these women turning to private healthcare institutions that charged excessive treatment fees (Pai, Seshu & Murthy, 2021)

Identification of sex workers, which has been an ongoing issue for trafficking victims for a very long time, is an issue that became more difficult as an impact of the pandemic. The rise in unemployment and drastic wage cuts have left people, especially those in the informal labour market, exposed to potential threats and vulnerabilities, making them easier targets for trafficking. In addition to this, for those who are already victims of trafficking, the lockdowns and restrictions have posed additional confinements that limit their contact with the outside world. As an outcome of attempts at reducing the spread of the outbreak, the reinforced isolation has reduced the possibility of identification and rescue for these victims and creates challenges for legal or state support to be provided to them. These vulnerabilities have resulted in the potential increase in the trafficking of rescued victims due to the inability of shelters to care for them in a pandemic induced economy of recession (UNODC, 2021)

A research study on the impact of the extended closure of Red Light Areas (RLAs) in major cities like Mumbai, New Delhi, Pune, Nagpur and Kolkata suggests that complete shutting down of these venues could lead to a 43-68% decrease in the cases of Covid-19 related deaths and a negative change in the total cases reported by 32-60%. The study assumes sex workers to be ““super-spreaders”” of the virus due to the high interaction and human contact, thus suggesting the closure of RLAs till the pandemic subsides. The lack of basic facilities that are bound to be a challenge for the sex workers in the country as an outcome of the proposed policy decisions by the study is directed to be matched with proportionate and adequate aid. This aid consists of – additional monetary support as an extension of the state’s financial relief programmes, access to financial services (like low interest and high return yielding schemes) to further allow financial liberation and finally, investments in the skill development sector to allow these workers empowerment and the resources to opt for other occupations if they please (Pandey et al., 2021).

The pandemic, as challenging as it was for the sex workers, led to rapid responses from various communities, non-governmental organizations and other help groups globally, advocating for universal healthcare, emergency financial support, abolishing the exchange of information between immigration officials, emergency assistance in housing and shelter and health care providers and opposition to police brutality and state-sanctioned violence towards the marginalized groups (Lam, 2020). The Global Network of Sex Work Projects (NSWP), along with the Joint United Nations Programme on HIV/AIDS (UNAIDS), published a joint declaration calling for urgent and decisive measures to defend the rights of sex workers (NSWP & UNAIDS, 2020). These declarations and movements in support of sex workers were seen taking place all around the world, including “SWAN” in Central and Eastern Europe, the Canadian Alliance of Sex Workers Law Reform, “SARM” in the United Kingdom, “STAR” in the Republic of North Macedonia to name a few; highlighting the role of activism and social workers in reforming the lives of the marginalized. Calls for social justice and human rights, as an alternative to the “rescue mode,” are seen as disempowering and oppressive to those indulged in the sex trade and are key to combat the recurring failure of distinguishment between sex work and sex trafficking (Lam, 2020). Studies have found a substantial link between improved community collectivization, safer sex behaviours, and better financial stability among FSWs in India,

thus proving that improving the financial stability of FSWs requires institutional development of COs and community collectivization. Furthermore, increasing community collectivization and ownership among community members has been proven to result in smooth programme implementation, with the expectation that such programmes will be continued and improved over time (Patel et al., 2019).

Research Gap

Although there is a plethora of extensive research surrounding the sex workers' lives and the role of the government and authorities in the same, certain ambiguities and gaps remain in the literature.

- Presently, there is no study on state-sex workers' interactions during Covid times through formal welfare schemes. The post Covid-19 support from the Maharashtra government is among the first state initiatives recognizing the labour identity of sex workers. Therefore, it is essential to scrutinize how the scheme unfolded at the grassroots.
- Female sex worker identities are fluid, given that the women often perform multiple informal labour activities. Therefore, it is very likely that the scheme could have missed out on the non-brothel-based forms of sex workers. Presently, there is very little information about the impact of Covid-19 on non-brothel-based sex workers. Through our interactions with the CBOs of sex workers, we seek to engage with the broader populations of sex workers beyond brothel-based ones.

Research Questions

- What led to the announcement of the Maharashtra Government's scheme of providing free ration and cash incentive to sex workers?
- What were the details of the intended implementation of the scheme as opposed to its actual execution?
- What are the limitations of scheme implementation in this sector that were highlighted throughout the process?

Research Objectives

In light of the institutional weaknesses, social stigma, and the hidden identities of sex workers in the country highlighted above in the review of literature, the objective of this research is to assess the overall implementation of the mentioned scheme and assess its efficacy to understand the various limitations of government policies in this sector. Addressing the issue of identity, documentation and access to institutional support and resources are some of the questions that we seek to answer with this research.

Research Methodology

This research seeks to understand the institutional mechanisms and channels created by the state for the disbursement of funds and rations to sex workers. Accordingly, we seek to employ the following methods of enquiry.

1. **Doctrinal methods:** At the outset, we seek to study the PIL filed by DMSC and the judgement passed by the Supreme Court for providing relief to sex workers without the need for verification of identity. The text of the order from the Court forms a vital background document for understanding how the states followed its content.

2. **Qualitative methods:** For understanding the institutional mechanisms, we seek to interact with the following set of stakeholders:
    - State officials and members of the committees established for scrutinizing and verifying the identity of sex workers.
    - Members from NGOs which are part of targeted intervention programs for HIV control, which were roped in for disbursement of funds
    - Members from Community-Based Organizations (CBO) of sex workers
    - Sex workers of different categories: those who received no funds from the state as against those who did

The study is based in Pune and is conducted with the assistance of SAHELI, which is a collective of sex workers. In-depth interviews were conducted to map out the trajectory of the support initiative and how fissures emerged in it.

This approach allowed the researchers to get rich and in-depth information on the experience of sex workers in availing the benefits of the scheme, the ’government’s stakeholders in ensuring its implementation, and CBOs like Saheli in aiding sex workers during the process.

The participants (Government officials, representatives from CBOs and NGOs, and sex workers) were informed about the ’study’s aim and objective, and the consultations tentatively lasted from 40-60 mins. The interviews, which took place telephonically and in person, were then transcribed and analyzed.

The consultations were conducted with caution and under the guidance of faculty mentor Dr Kalyan Shankar. The consultations helped contextualize findings and develop forward-looking recommendations. For this qualitative study, member checking was essential as it ensures the results’ correctness, credibility, and validity. Therefore, preliminary findings were shown to the representatives of grassroots organizations to ensure the exactness of the study.

Findings

Litigation and submission by NNSW

On 6th August 2020, the National Network of Sex Workers (a network of female, trans, and male sex workers in India, with over 1,50,000 in 72 collectives, networks and federations in eight states) made a submission to National Human Rights Commission (NHRC) highlighting the issues of sex workers

in the times of Covid-19 pandemic in India appealing for the recognition of sex work as a dignified work. The submission included support from 19 organizations/collectives of sex workers across different states.[2]

The document emphasized the hidden nature of work and the repercussions of lockdown translating to halting sex workers' livelihood. The sex workers were stuck in turmoil; they could neither explain the loss of livelihood to their families nor approach the collectives for relief, fearing the revelation of their work and identities. Moreover, the criminalization of brothels and living off the earnings of sex work further aggravated the fear of sex workers in Covid-19 to come forward and access the relief as they are raided, "rescued", and confined in shelter homes under often horrific conditions. When the government identified vulnerable and marginalized social groups like transgender people, disabled people, and migrant workers for relief packages at the start of the pandemic, sex workers were left out of all aid because they pose difficulties in providing identification certifications like Aadhar or ration cards.

Since the livelihood of sex workers came to a halt during a pandemic, they did not have savings to sustain themselves. The gravity of the problem lies in the fact that sex workers often do not have access to formal loans and financial institutions. During the Covid-19 times, public sector banks refused to provide loans because they had no surety of repayment. This resulted in sex workers taking loans from private money lenders at exorbitant interest rates, especially in Maharashtra.

Considering the horrendous situation of sex workers during the Covid-19 pandemic, Darbar Mahila Samanwaya Committee filed an appeal to Supreme Court asking for the relief in terms of monthly dry rations, cash transfer to the tune of Rs. 5,000 per month, additional cash transfer to the tune of Rs. 2,500 for those with school-going children, Covid-19 prevention measures such as masks, soaps, medicines, and sanitizers; were to be delivered to sex workers through Targeted Intervention Projects/State AIDS Control Societies and Community Based Organizations.

Series of judgements by Hon' Supreme court

In a decision dated 4th February 2011, the Supreme Court of India concluded that sex workers have the right to live in dignity under Article 21 of the Indian Constitution as they are human beings with problems that need to be acknowledged.

In an interim report dated 12th September 2011, the panel set up to advise the court on a range of issues faced by sex workers on trafficking, rehabilitation of sex workers who wish to quit sex work, recommended that-

> "The state governments and other authorities should issue ration cards to sex workers, relaxing the rigours of the existing rules and requirements for verification of address,

[2] List of organizations included; Veshya Anaya Mukti Parishad (Sangli), Sampada Grameen Mahila Sanstha (Sangli), Muskan Sanstha-Collective Male and Trans-Gender Sex workers (Sangli), Saheli Sangh (Pune), Karnataka Sex Workers Union (Karnataka), Sangama (Bangalore), Me and My World Network (Andhra Pradesh), Women's initiative (Tirupathi), Adhar Sanstha (Jalgaon), Ganika Mahila Sanghatan (Nagpur), MJSS (Parbhani), South India AIDS Action Program (Tamil Nadu), Vadamalar Federation (Tamil Nadu), Uttara Karnataka Mahila Okkutta (Karnataka), Kerala Sex Workers Network (Kerala), Jwala Shati Samuh (Jharkhand), Kutch Mahila Vikas Sanghatan (Bhuj), National Network of Sex Workers (NNSW).

> without mentioning the profession in the document. The Ujjawala scheme of the central government should be widened to make it available to sex workers who do not wish to stay in the corrective home. Accordingly, the government should amend the Ujjawala scheme within a period of six months" (Criminal appeal 135/20, Supreme Court of India).

After hearing the recommendations by the committee, the court approved the suggestions by an order dated 15th September 2011, which read as follows:

> "We are of the opinion that the suggestions of the panel are good suggestions. Sex workers face great difficulty getting ration cards, voter's identity cards, or opening bank accounts. We are of the opinion that the authorities should see to it that sex workers do not face these difficulties as they are also citizens of India and have the same fundamental rights as others" (Criminal appeal 135/20, Supreme Court of India).

The court, therefore, recommended that the suggestions made by the appointed panel should be taken seriously, and the implementation should be rolled out immediately. However, in the final report submitted by the panel on 14th September 2016, it was found that sex workers suffer from a lack of legal status in the country as they find difficulty in acquiring proof of identity owing to lack of proof of residence. Hence, in their report, the panel concluded that the sex workers neither have access to schemes meant for their relief nor access to credit facilities due to the inability to open bank accounts due to lack of supporting documentation.

Provided the fact that the plight of sex workers was already addressed to the court in 2011, no concrete improvement was observed while implementing relief measures during the pandemic. The issue pertaining to identification was highlighted; still, sex workers could not access aid due to identification problems.

The Hon. Supreme Court, therefore, on 21st September 2020, passed orders to provide essential services like dry food grains and cash assistance to women who depend on sex work during the Covid-19 period without asking for any identity cards. The committee was constituted under the chairmanship of the District Collector to take necessary action to provide essential services like dry food grains and cash financial assistance to the victims released under the unethical trade act as well as to the women who support their families through sex work without asking for any identity card till the end of Covid-19. The court further appealed Direct Benefit Transfers of Rs. 5,000/- to women and additional financial assistance of Rs. 2,400/- for women with children going to school should be given from the Covid-19 fund without any identity cards.

At the outset of the decision, in a series of letters dated 12th, 14th, 27th October 2020 for the Commissioner of Women and Child Development, Collector of Pune, District Women and Child Development Officer, the Chairperson and Executive director of Saheli Sangh Pune requested to be included in the committee formed to coordinate with National AIDS Control Organization for the implementation of the Hon' Supreme 'Court's decision to assist sex workers.

Scheme - the idea, implementation, and fraud

The Government of Maharashtra created a CM emergency fund for all provisions made by the Hon' Supreme Court for sex workers. The funds were supposed to be provided via bank transfers, and consent forms were to be signed by the beneficiaries.

The provision was supposed to be completed within a stipulated time- monitored by the Women and Child Department (WCD), and the state aid control with the help of NGOs, who had the list of all sex workers in their areas. The task of preparing a list was given to two NGOs, an extended arm of State AIDS control, as a part of their targeted intervention programme.

For the efficient implementation, a committee of State AIDS control District officers, a representative from Women and Child Development (WCD), a community-based representative, and the project officer were to be formed as the scheme's decision-making body. However, in Pune, nobody was invited from the community-based organizations to represent the sex workers, despite collectives such as Saheli Sangh repeatedly writing letters to the required stakeholders showing interest in including in the scheme's implementation stage.

Since the state's promise to include a sex worker representative as a committee member was never fulfilled in Pune, NGOs and community-based societies working actively in favour of the beneficiaries were utterly unaware of this process and the decisions made.

Moreover, most women indulge in sex work clandestinely; they never made it to the lists that the NGOs prepared as a part of their targeted intervention programme. Due to stigma and disagreements between the organizations and the women, several sex workers were not even considered for the relief scheme due to the concealment of their identities. A far more significant problem arose due to the lack of community representation, resulting in substantial flaws in the scheme's implementation. However, soon after the scheme's implementation, it was realized that many beneficiaries never received the funds that were meant for them; when community-based organizations escalated the issue, it unveiled the 'scam' that took place.

Upon diligence, it was realized that the two NGOs, which were supposed to make lists of sex workers as a part of their intervention programme, charged a substantial transaction fee from the women for every Rs. 15,000 that the beneficiaries were promised. Moreover, due to the issue of mistaken identities, many non-sex workers received money that was never meant for them. They believed that the scheme was for all poor women; the NGOs did this to increase the number of beneficiaries so more cuts could be made on every transaction. The inquiry and investigation led to the discovery of Rs. 15 lakhs at one of the NGOs, money that was curbed from the scheme's beneficiaries.

The bureaucratic lapses in the scheme, absence of community-based inclusion, and financial fraud made other districts sceptical of the scheme and made them stop its implementation, depriving many of its benefits, and bringing an end to the scheme.

Discussion

Incomplete understanding of the diversity of sex workers

The majority of the population employed in the unorganized sector, including the female sex workers, indulge in multiple occupations. According to a survey of 3,000 sex workers across 14 states, 66.8% of women sex workers have experience in informal labour activities other than sex work, indicating a careful economic transition based on sex workers' experience with low-paying jobs, difficult working conditions, and no job security (Sahni & Shankar, 2013).

The varying nature of their employment makes it difficult to establish the primary occupations of most non-brothel-based or "flying" sex workers, who form the majority of sex workers in India. The stigma surrounding the profession leads many women to choose not to disclose their occupation to their family members, thus making them extremely inaccessible to state support. These sex workers, in many cases, are comfortable revealing their hidden identities only to CBOs like Saheli. These organizations play a crucial role in bridging the gap between institutional aid and the targeted beneficiaries- the sex workers, due to their direct contact with both brothel and non-brothel-based individuals, who rely on them for confidentiality and aid.

However, the sex workers' list drawn for support relief relied on the one provided by the Maharashtra State Aid Control Societies (MSACS), which is the state arm meant for HIV control. This list, which is prepared by only those NGOs that are under the funding of the MSAC, was bound to be a truncated one and with significant omissions as it covered only a fraction of the brothel-based sex workers and none of the flying ones. This is because these lists, once prepared, are rarely ever upgraded by these NGOs. Hence, it does not consider factors like the death of the beneficiary, migration to hometowns, or the newcomers in the area.

In such cases, the circulated list tends to have more names than the number of women available in the area to receive the support and may exclude women who reside in the area but need it.

In India, the Immoral Traffic (Prevention) Act, 1956, governs the legal framework for sex work. The act prohibits running a brothel, living on the earnings of sex work, procuring, prostitution within 200 meters of a public place, and soliciting ("All India Network of Sex Workers", 2019). While paid sex is not illegal, a range of allied activities is, highlighting the contradicting nature of the law. Resultantly, law enforcement authorities fail to differentiate between a consenting sex worker and the one who is trafficked or solicited. Therefore, sex workers' workplace is raided in the name of 'rescuing' the victims of trafficking. Upon detaining the workers, they are asked to provide a 'verbal 'undertaking' to leave sex work. It clearly highlights the complex and incomplete nature of the law, which does not have the victim at the centre. Therefore, sex workers live under the continuous fear of being 'raided' or questioned as they are often physically and sexually harassed by police, which further prevents them from coming out and seeking state relief.

Inconsistency in Documentation

The fear, stigma and contradictory laws surrounding prostitution also result in various practical issues like the lack of documentation for many sex workers. They often lack necessary documents like voters' ID cards, Aadhaar numbers, caste certificates or ration cards caused by either the individual's reluctance to seek them or technical difficulties like the inability to provide proof of residence or ancestral documents.

Even those who do have these documents often have many irregularities regarding personal details like name, phone number, and address, as they are often under different aliases to disguise their identity. The name on Adhaar cards often does not match the name on Pan Card or their voter IDs, which proves to be a massive hindrance in accessing relief through government channels.

Furthermore, since a large portion of the sex worker population are migrants, i.e., they move to escape identification by family; it became challenging for them to seek routine relief work from governments during the pandemic that required ration cards and address proof as they do not have ration cards

belonging to the state, they were found in. Therefore, they are refused rations and any other aid due to the lack of the demanded documents.

Institutional Omissions

It was recommended by the SC not to ask for any documents of verification from the sex workers, but since the funds were given via bank transfers, this recommendation was not followed. The irregularities and often the absence of the required documents led to many women not even being considered for the scheme. The protocol also suggested that CBOs and sex workers collectives be a part of the decision-making committees that the district collector headed. However, this protocol was also not followed. Nobody from CBOs working actively in favour of the beneficiaries was invited to represent the sex workers, at least in Pune and were thus, completely unaware of the process and the decisions made by the committee. This omission had several repercussions:

First, this omission was similar to previous sex worker-state interactions. In the past, as witnessed during the HIV/AIDS pandemic, the nature of state interventions for supporting sex workers was based on state-drawn objectives. The support did not strive for any sex worker awareness or participation. The state's unfulfilled promise of the inclusion of a sex worker representative as a committee member led to the involvement of only the targeted intervention projects funded under the state aid control societies, whose reach was minimal as compared to the CBOs, leading to the exclusion of many sex workers from the scheme.

Second, the committee ended up working only with those organizations whose activities were based on HIV and targeted interventions. These organizations, by their very nature, are dependent on state support for their activities and may not uphold sex 'workers' interests. The funding of the NGOs for providing relief assistance is tied to a predetermined target of the number of women assisted, which poses as an incentive to inflate the number of sex workers. Given the limited numbers of women available, they would have to expand the numbers by including those who are not sex workers themselves or by adding fictitious names. Both these forms of fraud are possible. Thus, the fraud is nothing but a further, messy outcome of this approach of not trusting the CBOs.

Third, the essence of the problem is that after declaring the scheme, the state did not see through the execution. There were multiple lapses on the 'state's front; no checks were made to see if the targeted beneficiaries received money, and no stakeholder was held accountable for the fraud.

Conclusion

The "victim imagery" of female sex workers continues to remain prevalent which fails to portray a very real aspect of the occupation, which is consent. In a highly stigmatized world, a female sex worker who indulges in the trade willingly in order to support her family is far from the victim that she is often depicted to be.

However, the complex nature of their identities, the various institutional limitations, and the legally "grey" zone that their trade exists in, restrict these women from seeking out state support when it is offered.

The thesis analyses the failure of the first of its kind relief scheme that was announced by the Supreme Court on 21st September 2020, as an outcome of lack of understanding of the complexity of the trade,

lack of trust in the Community Based Organizations and various limitations of the state that were highlighted by the implementation of the scheme.

Additionally, the myriad lapses from the Government's end to see through the impact assessment of the scheme was also emphasized in the thesis as necessary checks and feedback were not implemented to ensure maximum benefit to the stakeholders. Despite being proactive and supportive on paper, the scheme failed in execution, emphasizing the significance of community engagement in policy implementation from planning to impact evaluation.

Future scope

This paper gives an in-depth analysis of the planning, implementation, and limitations of the concerned policy in the Pune district. However, it would be interesting to understand the same for other districts of Maharashtra along with other states like West Bengal and Karnataka, where the scheme was also executed. A study with a wider sample would help highlight various other flaws and limitations with policy implementation in the informal labour market that might not have been a hindrance in Pune but may have been in other districts or states.

A review of the different sex-worker specific schemes that got introduced in India in the aftermath of the Covid-19 outbreak and the outcomes of these different schemes would be a possible future scope of this study.

Furthermore, it was found that in the absence of clarity on how to access state support, sex workers had to fend for themselves. They had to create their own channels of financing and supporting sex workers through food and other requirements based on their own assessments. Thus, parallel channels of support were created. The formal state channels became redundant while large scale private interventions had to be mobilized by various CBOs across the country through the NNSW networks. Thus, another point of origin for future study in this field could be the analysis of how CBOs mobilized the required support for tiding over the humanitarian crisis resulting from Covid, even when the funding from the state remained inaccessible.

References

Azhar, S., Dasgupta, S., Sinha, S., & Karandikar, S. (2020). Diversity in Sex Work in India: Challenging Stereotypes Regarding Sex Workers. Sexuality & Culture, 24(6), 1774- 1797. DOI: 10.1007/s12119-020-09719-3

All India Network of Sex Workers. (2019). Retrieved 23rd April 2022, from https://www.nswp.org/featured/all-india-network-sex-workers-ainsw

Cornish, F. (2006). Challenging the stigma of sex work in India: material context and symbolic change. Journal Of Community & Applied Social Psychology, 16(6), 462-471. DOI: https://doi.org/10.1002/casp.894

Global Network of Sex Work Projects (NSWP) & Joint United Nations Programme on HIV/AIDS (UNAIDS) (2020) 'Joint Statement: Sex Workers Must Not Be Left behind in the Response to COVID-19', 8th April. Available online at: https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200408_sex-workers-covid-19

Goyal, Y. (2020). Response mobilization through regulatory intermediaries in informal markets: Examining the governance of prostitution in India. Regulation & Governance. DOI: 10.1111/rego.12298

Kumar, R. (2021). From debt to depression, the pandemic has hit India's sex workers hard. Retrieved 30th November 2021, from https://www.thehindu.com/society/from-debt-to-depression-the-pandemic-has-hit-indias-sex-workers-hard/article35113988.ece

Lam, E. (2020). Pandemic sex workers' resilience: COVID-19 crisis met with rapid responses by sex worker communities. International Social Work, 63(6), 777-781. DOI: 10.1177/0020872820962202

NHRC (2020): "Human Rights Advisory on Rights of Women in the Context of COVID-19," 7th October, https://nhrc.nic.in/sites/default/files/Advisory%20on%20Rights%20of%20Wo....

National Human Rights Commission [@India_NHRC]. (2020, 10th November). Modification in the 'Advisory on Rights of Women in the context of COVID-19 Pandemic'.

Pai, A., Seshu, M., Gupte, M., & VAMP. (2018). Status of sex workers in India. Sangli: Center for Advocacy on Stigma and Marginalization. Retrieved 10th December, 2018, from https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/Ind/INT_CEDAW_NGO_Ind_17395_E.pdf.

Pai, A., Seshu, M. S., & Murthy, L. (2018b). In its haste to rescue sex workers,"anti-trafficking" is increasing their vulnerability. Economic & Political Weekly, 53(28). Retrieved December 10, 2018, from https ://www.epw.in/engage e/artic le/raid-and-rescue-how- anti-trafficking-strategies -increase-sex-workers-vulne Rabil ity-to-explo itati ve- practices.

Patel, S., Mukherjee, S., Mahapatra, B., Battala, M., Jayaram, M., & Kumta, S. et al. (2019). Enhancing financial security of female sex workers through a community-led intervention in India: Evidence from a longitudinal survey. PLOS ONE, 14(10), e0223961. DOI: 10.1371/journal.pone.0223961

Prakash, R., Manthri, S., Tayyaba, S., Joy, A., Raj, S., Singh, D., & Agarwal, A. (2016). Effect of Physical Violence on Sexually Transmitted Infections and Treatment Seeking Behaviour among Female Sex Workers in Thane District, Maharashtra, India. PLOS ONE, 11(3), e0150347. DOI: 10.1371/journal.pone.0150347

Sahni, R., & Shankar, V. (2013). Sex Work and its Linkages with Informal Labour Markets in India: Findings from the First Pan-India Survey of Female Sex Workers. IDS Working Papers, 2013(416), 1-51. DOI: 10.1111/j.2040-0209.2013.00416.x

Seshu, M., Pai, A., Murthy, L. (2021). Locked Down: Sex Workers and Their Livelihoods. Economic and Political Weekly Engage.https://www.epw.in/engage/article/locked- down-sex-workers-and-their-livelihoods

UNDOC. (2021). Impact of the Covid-19 Pandemic on Trafficking in Persons.

UNDP. (2007). Push to open: An appraisal of sex workers' access to basic services. Retrieved December 10, 2018, from http://www.undp.org/content/dam/India/docs/push_to_open.pdf.

Vijayakumar, G., Panchanadeswaran, S., & Chacko, S. (2019). Sex Work, Marginalization, and Activism in India. Archives Of Sexual Behavior, 48(7), 1969-1972. DOI: 10.1007/s10508-018-1384-3