

Smt. Maneka Sanjay Gandhi

Union Minister of Women and Child

Government of India

9th July 2018

Smt. Maneka ji

We the members of the National Network of Sex Workers congratulate you on your efforts to strengthen India's response to the crimes of Trafficking through the proposed legislation Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018.

Today, sex workers face tremendous harassment and vilification at the hands of the law enforcement, rescue organisations who forcibly rescue and incarcerate us, separating us from our families (*for sometimes 2 to 3 years*). Though these laws are meant to help women who have been trafficked, they are often applied indiscriminately against us in complete violation of our agency and consent.

While we fully endorse the efforts to fight the menace of trafficking, we call on you to ***explicitly recognise the agency of adult women, men and trans people and remove adult consenting sex workers and their clients from the ambit of this proposed legislation.*** This is in keeping with the spirit and intent of Justice Verma Commission which drafted Section 370 of the Indian Penal Code, defining the offence of Trafficking.

“The members of the Committee wish to clarify that the thrust of their intention behind recommending the amendment to Section 370 was to protect women and children from being trafficked. The Committee has not intended to bring within the ambit of the amended Section 370 sex workers who practice of their own volition. It is also clarified that the recast Section 370 ought not be interpreted to permit law – enforcement agencies to harass sex workers who undertake activities of their own free will, and their clients.”

Following consultations that we have conducted with sex workers and other stakeholders (bonded labour, trade unions, freedom of expression, health activists, women's groups) in seven states in the past few months, we are bringing to you our concerns with the proposed legislation.

Attached are the following documents

- Collation of concerns of various stakeholders
- Suggested Amendments
- Endorsements from over 4000 people in sex work (seven states and 32 districts) and other groups across India after consultations.
- Justice Verma Commission communication on limiting scope of Section 370 of IPC.

In Solidarity

National Network of Sex Workers

MEENA SARASWATHI SESHU

ANJALI GOPALAN

AARTHI PAI