OF SEX WORKERS, FESTIVALS, AND RIGHTS: A STORY OF AN AFFIRMATIVE SABOTAGE

Debolina Dutta

I. Only Rights Can Stop the Wrongs

In 2012, when the International AIDS Conference was organized in Washington DC, visa restrictions imposed by the US government did not allow many sex workers, especially from locations in the Global South, to travel to the United States for attending the event. This happened despite sex workers being globally recognized as a group that is highly vulnerable to HIV/AIDS, and also as a community whose advocacy efforts have led to transforming policy and securing rights for HIV+ people.

In response to this, Durbar Mahila Samanwaya Committee (DMSC), the Kolkata-based Indian sex workers’ collective, and the Global Network of Sex Work Projects, an international platform connecting sex worker rights groups from around the world, organized an alternative international AIDS conference. The event was held in the city of Kolkata and was called the Sex Worker Freedom Festival. Among other things, sex worker activists and allies envisaged it as a place for protesting such exclusionary practices authorized by

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1 I use the term sex worker to refer to women who sell sexual services to earn a livelihood. It is also the preferred term of identification by the sex workers’ movement globally. The term prostitute appears in reference to its use by the statute in India that regulates sex work.
the United States government which violated sex workers’ right to participate in matters concerning their own lives. The message that was sent out to this global order by sex workers and allies who had gathered in Kolkata was loud and clear—only rights can stop the wrongs.

This message, however, was not a newfound one. For many years, it has been a recurring slogan for the global sex workers’ rights movement and is thus an expression of a shared belief held by sex workers and their allies across the globe. In the Indian context, in particular, the slogan has been the organizing principle on the basis of which sex workers have collectivized themselves. It is also a guiding force behind activist practices that are carried out by sex workers on a daily basis.

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5 Women’s rights groups from the city that have been advocating for the abolition of sex work gathered around the venue one afternoon with placards and banners protesting the organization of this festival by sex workers. The organizers were somehow able to peacefully disperse the crowd. I was present at the Sex Worker Freedom Festival when this incident took place.

6 For a list of regional sex workers’ collectives who have come together to form the National Network of Sex Workers, see <http://nnswindia.org/> (last visited: July 3, 2017). For another pan-India network called the All India Network of Sex Workers, see <http://ainsw.org> (last visited: July 3, 2017).
The slogan was introduced into the popular sex worker rights discourse in India through its usage by DMSC in 2001. This was when the collective made it the theme of their Millennium Mela (Fig. 1), a national-level public festival convened for sex workers from all over the country to meet and discuss issues concerning their lives and livelihood.

At the time, DMSC was not even a decade old. The group had originated as a collective of only a handful of sex workers in the mid-1990s in Sonagachi, the historic red-light area located in the older parts of the city in the north of Kolkata. As stories go, the place was earlier known as Sonagaji after a Muslim preacher, Gazi Sonaullah Shah Chisti Rahamatullah, who had come from Iran and settled there sometime before the 19th century. His tomb still exists in the locality which hosts both residential and commercial habitats of sex workers. Within these busy and narrow lanes of present-day Sonagachi, on Nilmoni Mitra Street, the office of DMSC is also located and is constantly abuzz with activity. For sex workers, the slogan serves as the rallying call through which they organize themselves within and beyond this space to carry out their activism. The motivation being to take charge over their own lives, and to claim dignity as sex workers.

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8 Poster on file with author.
9 Feminist scholar and filmmaker, Shohini Ghosh visually documented DMSC’s activism and the organization of the Millennium Mela in her documentary film, *Tales of the Night Fairies*. The film was funded in part by Centre for Feminist Legal Research, an organization in Delhi started by post-colonial feminist legal scholar, Ratna Kapur. DMSC’s activism, from its very start, has drawn the attention of feminists for its contribution to queer and sex-positive feminist praxis and politics. See Shohini Ghosh, *Tales of the Night Fairies*, New Delhi: Mediastorm Collective (2002) [documentary film].
12 This assertion of rights as sex workers is the thrust of almost all sex worker-led collectives in India and elsewhere, but it takes on a distinct form and articulation through the varied practices of different organizations. Some of these collectives in other parts of the world include: Sex Worker Education and Advocacy Taskforce (SWEAT) in South Africa; the New Zealand Prostitutes Collective (NZPC) in New Zealand; Call Off Your Old Tired Ethics (COYOTE) in the United States; the Network of Sex Work Projects (NSWP), United Kingdom;
In order to secure rights for themselves as sex workers, the thrust of DMSC’s activism has not only been directed at achieving the rights of sex workers, but also the interdependent right to sex work.\(^\text{13}\) This is because without the acceptance of sex work as a legitimate form of work, they argue, the social stigma around the activity cannot be challenged and the human rights of those who engage in it as a livelihood option cannot be fully realized. In other words, sex workers’ lives and livelihood cannot be detached from criminality—both legally and socially—unless the stigma and negativity around the practice of sex work is undone. It is in this context of forging the de-criminalization of sex work along with securing the recognition of the practice as a form of labor right that the organization of public festivals has been a crucial aspect of DMSC’s rights-based activism since the early days of its formation.\(^\text{14}\)

DMSC members articulate the rationale behind their practice thus: as a popular form of social life, the celebratory mode of interaction at festivals make an effective backdrop for a public engagement in which ordinary people, including sex workers themselves, can partake with pleasure.\(^\text{15}\) The form of interaction at such an event is an effective way in which sex workers are able to secure social space for challenging the myths that exist in people’s minds about sex work and their lives.\(^\text{16}\) In short, it allows sex workers to authorize

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\(^\text{13}\) The right to sex work is what sets sex worker-led collectives apart from some abolitionist groups that also advocate sex workers’ rights and deploy a human rights framework to talk about sex work. For abolitionist groups, sex work is a form of violence, therefore ‘prostitution’ and not a form of ‘sexual labour’, and the goal is to work towards the eradication of ‘prostitution’. They claim to be pro-sex workers, but anti sex work. The work of the abolitionist organization Apne Aap Worldwide is a case in point. See <www.apneaap.org> (last visited: July 3, 2017).


\(^\text{16}\) Interview with Bharati Dey, January 14, 2015, Nilmoni Mitra Street, Kolkata, 2 pm; Purnima Chatterjee, October 10, 2014, Nilmoni Mitra Street, Kolkata, 3 pm.
social ties—patterns of relationships—that are different from the ones ordained by the state and society.

The idea of a festival, thus, for DMSC, is both an open political invitation, as well as an invitation to politics. In other words, a demonstration of how political interactions may be enabled across differences and dividing lines, and how the enabling of interactions, is in itself, a political act. Holding on to such openness has been a means for sex workers to challenge criminalizing efforts by the state that, according to them, push the profession underground and make working conditions more vulnerable for them.

For sex workers to inhabit the space of a festival along with the general public is also a means to demystify the lives of sex workers as well as act against the commonsense of fear and stigma associated with them. Of course, curating and crafting a festival in this fashion, especially when it is being organized and run by sex workers, openly in the heart of the city, is easier said than done. Opposition comes, not just from the state (especially the police), but also abolitionist feminists. But to maintain fidelity to the idea of openness requires that the festival also invites its detractors and makes space for a non-adversarial engagement with them. This openness, especially in the case of the annual festivals that DMSC has been organizing in Kolkata, has also attempted to

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18 In 2012, a collective of sex worker organizations and allies submitted a report, which I co-authored, during the Universal Periodic Review of India at the Human Rights Council, Geneva. It explicitly stated how criminalization of sex work tends to do more harm than good by making it conducive for the trade to be controlled by agents, the police, and local goons which pushes the trade underground and outside the purview of rights-based legal redressal. The report is available at: <http://www.sexualrightinitiative.com/wp-content/uploads/India-UPR-13-CREA.pdf> (last visited: July 3, 2017).

19 Abolitionists also talk about sex workers’ rights in a way that appears to be a close twin of the narrative of raid-rescue-rehabilitation as rights used by the state. It is through their approaches to sex work that this branch of feminism provides an alibi for the state to criminalize sex workers and their families in the name of rights. For an example of an influential abolitionist feminist position on sex work, see Catharine McKinnon, “Trafficking, Prostitution and Inequality,” *Harvard Civil Rights-Civil Liberties Law Review* 46 (2011), pp. 271-309. For a counter-position see Jo Doezema, *Sex Slaves and Discourse Masters: The Construction of Trafficking*, London: Zed Books (2010).
inaugurate conversations between the detractors along with an eclectic group of supporters which include labor unions, feminists, sex workers’ permanent clients,\textsuperscript{20} and their children.\textsuperscript{21} What lessons does the practice of extending hospitality, particularly to your detractors, or to ideas that you are opposed to, offer feminism? \textsuperscript{22}

This paper embarks on a storytelling journey that is interested in exploring this activist imagination of DMSC and looks specifically at another public festival that the collective had organized in Kolkata in 2013: the Hindu festival of Durga Puja, the largest public festival in West Bengal that celebrates the power of the female goddess Durga.\textsuperscript{23} My decision to learn from DMSC’s organization of a religious festival, instead of the apparently more political non-religious ones it organizes, is because of the fact that a religious and cultural festival being organized by sex workers offers a particularly significant provocation for post-colonial feminist thought. This is because it brings together sexuality and

\textsuperscript{20}Saathi Sangathan is a collective of sex workers’ permanent clients, which was formed in 2004. \textit{See <http://durbar.org/html/associates.aspx>} (last visited: July 3, 2017).

\textsuperscript{21} Children of sex worker activists who are part of DMSC, taking inspiration from their mothers, formed their own collective called Amra Padatik in 2006. \textit{See Oishik Sircar and Debolina Dutta, “Beyond Compassion: Children of Sex Workers in Kolkata’s Sonagachi,” \textit{Childhood} 18: 3 (August 2011), pp. 333-349; Debolina Dutta and Oishik Sircar, \textit{We are Foot Soldiers}, New Delhi: PSBT (2011) [documentary film], available at: <https://www.youtube.com/watch?v=Bfm06qBo4c4>} (last visited: July 3, 2017).

\textsuperscript{22} \textit{See generally Maurice Hamington, “Toward a Theory of Feminist Hospitality,” \textit{Feminist Formations} 22:1 (Spring 2010), pp. 21-38.}

\textsuperscript{23} Storytelling as a genre carries significance within feminist traditions of knowledge productions both in terms of its form and content. Within Australian indigenous feminist writings, in particular, storytelling has been understood to be a political form of articulating aboriginal women’s experiences by themselves. Drawing on their traditional forms of narration about land and nature, it has been used by aboriginal feminists to articulate their particular life experiences that have often remained invisible within dominant feminist accounts and, as they point out, have caused a silencing of their voices. Similarly, within Critical Race Theory, through the works of feminist legal scholars such as Patricia Williams, Kimberley Crenshaw and others, the storytelling form has been put to political usage for an articulation of Black American women’s daily experiences of oppression and exclusion. \textit{See generally Larissa Behrendt, “Aboriginal Women and the White Lies of the Feminist Movement: Implications for Aboriginal women in Rights Discourse,” \textit{Australian Feminist Law Journal} 1:1 (1993), pp. 27-44; Larissa Behrendt, “Home: The Importance of Place to the Dispossessed,” \textit{South Atlantic Quarterly} 108:1 (Winter 2009), pp. 71-85; Lois Leveen, “Pitiful Strategies: Richard Delgado’s Legal Storytelling and the Politics of Racial Representation,” in Paola Boi and Sabine Broeck (eds.), \textit{CrossRoutes: The Meanings of “Race” for the 21st Century}, Hamburg: Transaction Publishers (2003), pp.149-160; Joan W. Scott, “Storytelling,” \textit{History and Theory} 50: 2 (May 2011), pp. 203-209.}
religion, working out the relationships between which has been a particularly troubled terrain for feminisms in India.24

Historically, the rise of Hindu religious nationalism in India has been accompanied by a rise of conservative sexual morality.25 For this reason, feminists have remained cautious of religious authorities and of using religious practices as a site for progressive feminist politics, even when it concerns women from minority religions.26 DMSC’s organization of the Durga Puja provides counter-intuitive insights into this feminist problematic.27 This is because here, we see a community of women, likely to be especially stigmatized because of the Hindu Right’s conservative sexual morality, celebrating a Hindu festival in order to articulate and claim their sexual autonomy. On the face of it, this might look like a classic case of the sex worker rights agenda, which ought to be secular by such feminist logic, being co-opted into religious agenda that has conventionally been disadvantageous for a feminist project. When the sex workers should have resisted a religious agenda detrimental to feminism, they were doing what might appear to be co-option.

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27 An anxiety with the rise of the Hindu Right/ Hindutva in contemporary India, although not directly addressed in the paper, serves as a peripheral concern for engaging in a feminist exploration of DMSC’s use of a Hindu religious festival in the advancement of their political goals. Hindutva is a fascist ideology that believes India to be the historical holy land of the Hindus and advocates the use of violence against non-Hindus (especially, Christians and Muslims) to establish India as a Hindu Rashtra (Nation). Given this context, DMSC’s organization of the festival, to me, appears to be a double bind and of particular significance for a critical feminist politics. It could be an endorsement of a fundamentalist Hindu religious climate, and/or an act of challenge to the dominance of Right-leaning positions on religious narratives. By virtue of having the potential to be both, it poses a complex question for feminism that it may not be able to easily make sense of, or resolve. See generally Brenda Cossman and Ratna Kapur, Secularism’s Last Sigh? Hindutva and the (Mis)Rule of Law, New Delhi: Oxford University Press (1999).
However, as I see it, they were, in fact, entering a feminist discourse hitherto characterized as a troubled terrain and showing a way of working with the uneasy co-relation between sexuality and religion. But the use of a resistance/co-option framework of feminism, generally put to the task of making sense of such activist practices, isn’t sufficient for understanding this particular practice of the organization of a religious festival by sex workers in Kolkata, on its own merits. For me, the difficulty with ‘resistance’ is that it is circumscribed by its binary opposite ‘co-option.’ Whatever doesn’t seem to be resisting a source of dominant power tends to go into the co-option basket, or at best, shares space within both categories. Although a useful lens in many cases, it can foreclose the possibility of knowing and understanding practices that maybe invested in changing the course and prevalence of power. Not only that, it hinders a recognition, appreciation, and understanding of the political potential of practical activities, such as the one in question, in the context of their own histories. It also does injustice to practices that do not easily sit within either of the two abovementioned baskets, or for that matter doesn’t intend to resist, but do something altogether different and yet politically potent.

As my telling of DMSC’s activism will show, in taking on a role for themselves as activists—who want to both protest and pray—sex workers do something that is more complex than resisting oppressive power structures. They authorize and practice the relationships they inhabit, differently. Indeed, they re-work and re-order their ties with institutions, such as the state, and with other people, in order to experience life on their own terms. I understand DMSC’s activism of re-ordering relational patterns to be another form of political practice which post-colonial feminist literary thinker, Gayatri Chakravorty Spivak has called ‘affirmative sabotage.’ Re-ordering for me, is

28 On the question of fears of co-option expressed by women’s movements in South Asia when religion is invoked, Spivak noted: ‘That’s no argument. This is the criticism of the resentful. Of course, anything can be co-opted. That’s no reason not to invoke it. But recall that I said it must be made from a position of strength. If you don’t already have that position of strength, then you cannot do it.’ Nazish Brohi, “Herald Exclusive: In Conversation with Gayatri Spivak,” Dawn (December 23, 2014), <https://www.dawn.com/news/1152482> (last visited: July 3, 2017).

distinct from *resistance* in so far as the former is actively invested in acknowledging and re-configuring relational ties, even those that appear oppositional, rather than a severance of ties.\textsuperscript{30} For instance, as you will see in my narration a little later, during their preparation for organizing the Durga Puja, DMSC makes active efforts to engage with the state and involve its officials, such as the police, who oppress them on a daily basis.\textsuperscript{31}

My story is thus an invitation to the reader to engage in a conversation about another kind of practice, which I think, can provide rich nourishment to the staple intellectual diet that sustains a post-colonial feminist tradition. It’s thrust, therefore, is not a narration of how a conception of rights motivate a form of sex worker activism that is directed at articulating claims within law, or crafting ways to work against an oppressive state machinery, or, for that matter, developing mechanisms through which power may be seized. This story is thus *not* meant to be about how a group of sex workers, through their rights activism, resist marginality by opposing the workings of oppressive institutions and unequal power relations. Rather, the story I will narrate seeks to orient attention to how a conception of rights informs the ways in which a particular group of sex workers envision their lives and determine how to

\textsuperscript{30} My objective is not to deny that there are similarities between ‘resistance’ and ‘re-ordering,’ but to highlight what I see is distinctive to the latter and, to me, seem very useful.

\textsuperscript{31} My conceptualization of DMSC’s activism as a relational engagement draws insights and inspiration from jurisprudential writings by Australian legal scholars, Ann Genovese, Shaun McVeigh and Shaunnagh Dorsett. Genovese, McVeigh and Dorsett, talk about the doing of jurisprudence as a ‘conduct of lawful relations.’ Broadly speaking, they use the idea as a particular form of jurisprudence: a way of thinking about and practicing law in which attention is paid to an ethical formation of law’s relations with life. In their conception, jurisprudence is a practice of organizing oneself and one’s intimate and official relations with others, indeed the daily conduct of life and relations in general, as much as it is about the theorizations of law-life relations. Thus, within their jurisprudential thinking, law-life relations cannot be thought of separately from one’s embodied self and how one conducts his/her everyday relations with others. Although they speak particularly in the context of jurisprudence, for me, their articulation becomes a methodological guide. They directed my attention to how the conduct of sex workers’ political activism takes the form of a transformative relational practice of everyday ethics: of how a marginalized group of people practice and craft a vision of life through co-relations; how sex workers co-relate themselves with others (both human beings and public institutions) and practice life-formation. See Ann Genovese, “On Australian Feminist Tradition: Three notes on conduct, inheritance, and the relations of historiography and jurisprudence,” *Journal of Australian Studies* 38: 4 (2014), pp. 430-444; Shaunnagh Dorsett and Shaun McVeigh, *Jurisdiction*, London: Routledge (2012).
conduct themselves, and re-order the relationships they inhabit with those who are opposed to their interests. It is through such re-ordering that sex workers put discriminatory relations to a different use, give new meaning to their lives and their experiences.

The story I will tell is not one about sex workers’ activism as a practice of resistance; nor about sex workers’ subaltern-ity. Calling DMSC a subaltern group would be both theoretically incorrect and a misnomer in my narration. The term subaltern refers to a social group that is severed from structures of power, such as the state. It is a group whose subaltern status is predicated upon their lack of accessibility to social mobility, and the structural non-representation of their interests and desires.32 But over a number of years, sex workers who collectivized and formed their own organizations, such as DMSC, have worked against exactly that, their own subaltern-ity, and in that sense, have set themselves apart from a generalizable group of sex workers. They did this by re-grouping themselves as activists, getting their collectives officially registered under state authorized laws, and by regularly engaging the state to take sex workers’ interests seriously.33

For the purposes of my narration, to tell how sex workers of DMSC were re-ordering relations and communicating their own interests through the organization of a religious festival, my story must be preceded by a recognition that DMSC is no longer a subaltern group in terms of its strict definition. In this sense, my narrative learns from and yet marks a departure from a rich repertoire of existing critical post-colonial feminist scholarship on sex work/

33 In 2011, DMSC became a part of an official panel that was constituted, on the basis of a recommendation by the Supreme Court of India, to assist and advise the central government of India and all state governments. The panel’s task was to recommend schemes for the rehabilitation of sex workers. See <http://www.lawyerscollective.org/news/archived-news-a-articles/170-budhadev-karmaskar-v-state-of-west-bengal-criminal-appeal-no-135-of-2010-in-the-supreme-court-of-india> (Last visited: July 4, 2017).
sex workers’ rights in India that has characterized sex workers as a subaltern group, and narrated how their activism has resisted systemic violence.\textsuperscript{34}

I have woven my narrative account about sex workers’ re-ordering of dominant relational patterns in two ways: first, by reading activist texts, such as posters, pamphlets, newsletters, petitions and so on, published by DMSC; and second, through interviews with DMSC members about said texts. For an analysis of the texts, I have paid serious attention to how sex workers intended their activist documents to be read and understood. For this, I relied on sex workers’ own explanations, which emerged through my conversations with them.\textsuperscript{35} The rationale for following this method, rather than using an \textit{a priori} explanatory framework, is to work against a prevalent scholarly practice where the authority of meaning-making lies with a scholar/ researcher only while marginal groups primarily play the role of providing the data necessary for the productions of scholarly accounts. This hierarchy of the researcher-researched relationship does not merely originate from the differences in scholarly training. Such hierarchy is also entrenched in the structures of caste, class, gender, education, language and sexuality.\textsuperscript{36} These not only mediate hierarchical researcher-researched relationships, in this case, my relationship

\begin{itemize}
  \item \textsuperscript{35} This paper draws on materials from my PhD research that I had collected between August 2014 and January 2015 during my fieldwork in Kolkata and Sangli where I did extensive individual and group interviews with sex worker activists and non-sex worker staff at DMSC and VAMP. I received ethics approval for this from the University of Melbourne, Australia.
  \item \textsuperscript{36} It is now an established fact that the order of knowledge productions and circulations--feminist, and otherwise--have a mutual interdependent relationship with everyday social, political, economic and cultural hierarchical orders. From a post-colonial feminist perspective, this was well articulated by Gayatri Chakravorty Spivak, back in the 1980s in her essay ‘Can the Subaltern Speak?’ In the essay, Spivak demonstrated that it is, in fact, due to the presence of certain dominant interpretive knowledge structures about Third World women’s lives, and not a lack of them, that a Third World woman fails to communicate herself, on her own terms. Spivak had argued: this failure was not predicated on a Third World woman’s incapability to represent herself, but because her \textit{speaking} was not recognized as what she intended it to be. Gayatri Chakravorty Spivak, “Can the Subaltern Speak?” in Cary Nelson and Lawrence Grossberg (eds.), \textit{Marxism and the Interpretation of Culture}, Urbana: University of Illinois Press (1988), pp. 271-313.
\end{itemize}
with sex workers, but also perpetuate them. In attempting to authorize a practice of meaning-making about sex workers’ activism in which sex workers themselves partake in a theorization of their practices, I have tried to remain attentive to the researcher-researched hierarchies, while at the same time not claiming to have been able to re-configure or surpass them.

My narration unfolds through the paper in the following manner: in section II (Law and Order), I offer a brief historical context for understanding how the legal regulation of sex work has ordered sex workers’ relations with the Indian state, and also their social relations more generally. This is not to suggest that law is the primary/only source of sex workers’ marginalization. It is but one of the sources, although an authoritative one. My attention to law in this section is meant to provide a setting for delineating my story about how DMSC’s activism works at a re-configuration of some of the relations that are affirmed by law. It is also meant to foreshadow that the organization of Durga puja is a way of staking a claim to another kind of publicness that is different from what the state ascribes to sex workers’ lives.

Section III (Affirmative Sabotage) is a meditation on the idea of affirmative sabotage that, in my view, becomes useful for making sense of DMSC’s activist practices, with particular regard to their organization of the Durga Puja. Here, I explain how my reading of their activism has led me to understand it as a form of affirmative sabotage.

In section IV (The Goddess and the Sex Worker), I offer a detailed discussion of the activist imagination at work in organizing the Durga Puja, and the specific ways in which DMSC engaged with a range of actors like the state, the police, the judiciary, and the local public, to re-order relationships of hierarchy.

37 Although not definitive of my subject position, my hierarchical status in relation to the sex worker participants stem from my affiliations with the following categories: middle class; upper caste; Hindu; English educated; non-sex worker woman in a heterosexual partnership.

38 For an illustration of a feminist project that engages with this concern, see Sangtin Writers and Richa Nagar, Playing with Fire: Feminist Thought and Activism Through Seven Lives in India, Minneapolis: University of Minnesota Press (2006).
In section V (Rival Relations), I tell another story of the Durga Puja that is in a rival relationship to the activist imaginations of DMSC and works to point at its limitations. 39 This story enables a discursive co-relation between the practices of sex worker activists of DMSC and another group of marginalized people. For this other group, consisting of Dalits40 and adivasis41 from another part of West Bengal, the Durga Puja is rooted in a history of caste and racial domination/subordination. The reason for including this rival account of the Durga puja in an account of DMSC’s activism is that it serves to provide an important feminist lesson on the need for a recognition of the situatedness of political practices at a place and time, and also the limitedness of the same. I close this paper with section VI (In lieu of a conclusion) by making a provisional gesture towards thinking away from a feminist practice of resistance, even if momentarily, for an understanding and appreciation of a relational feminist practice of re-ordering.

II. Law and Order

In India, sex workers’ social relationships—with partners, family members, neighbors, clients, co-workers—are primarily ordered by the state through The Immoral Traffic (Prevention) Act, 1956 (ITPA),42 a piece of criminal law.43

39 Rivalry is a method for seeing how a versus b leads to the creation of x, where a and b are parts that make x, the whole complete. Recognizing rivalry is not an attempt at activating a conscious contest between two accounts where one, or the other, is considered wrong/right. Rather, it is a mode of understanding how two otherwise incompatible imaginations of something, although perceived to be self-contained, is able to create fuller knowledge of that something only when the two oppositional imaginations are considered together. I draw on Sundhya Pahuja’s work for this articulation. See Sundhya Pahuja, “Letters from Bandung: Encounters With Another International Law,” in Luis Eslava, Michael Fakhri and Vasuki Nesaiah (eds.) Bandung, Global History and International Law: Critical Pasts and Pending Futures, Cambridge: Cambridge University Press (September 2017, forthcoming). Available at: <https://www.academia.edu/23390614/Letters_from_Bandung_Encounters_with_Another_Inter-National_Law> (last visited July 3, 2017) [see specifically: fn 18 on p. 4].

40 The most oppressed caste outside the four-fold Hindu caste hierarchy.

41 The original inhabitants, or indigenous people.


Historical accounts of sex work have traced the origin of its mode of ordering to colonial India by pointing out how, in the mid-nineteenth century, ‘prostitution’ became a part of official discourses in a form that resonates with the contemporary moment. Among other things, the resonance also lies in how the state takes on the role of a high-handed penal force and attempts to segregate sex workers from others—earlier it was the British soldiers, now it is pretty much everybody else. Although the Indian state has changed its form—colonial to post-colonial—this focus on prostitution as exceptional has remained intact. From disease control under colonialism, the postcolonial state’s attention has now shifted to trafficking, a framework through which the conduct of life as sex workers has been prescribed and proscribed. In short, ordered.

The person of the ‘common prostitute’ entered the legal vocabulary of the state with the identification of a subject whose sexual relations with British soldiers needed to be regulated in order to control the spread of venereal diseases among British populations. The scare of venereal diseases thus prompted the colonial administration to pass the Cantonment Act, 1864 (CA) and the Contagious Diseases Acts of the 1860s-1880s (CDA) with the intention of regulating prostitution in India, taking a cue from the CDAs passed in England.

While the CA specifically targeted a certain section of women who practiced prostitution within the jurisdiction of the cantonment areas, the CDAs covered ‘common prostitutes.’ These women were left outside of the CA because they were ordinary working-class women who resided outside the cantonment areas and were not desirable sexual partners for British soldiers. But these women broke the rules of official desirability and mingled with soldiers and therefore rendered ‘disease control’ through the regulation of prostitution under the CA impossible. It is to bring such practices of prostitution under

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the regulation of the administration that the CDAs were enacted with stricter provisions compared to their British predecessors. Indian prostitutes were thus required to compulsorily register themselves with the administration, undergo regular medical checkups, were prohibited from entering certain specified areas, and could even be incarcerated if found infected with venereal diseases.\(^46\)

With the passing of these laws, however, prostitution not only became the subject matter of colonial governance, certain forms of prostitution, by virtue of being regulated also became legalized in India. Meanwhile, in England, a campaign had started for the repeal of these legislations as stories of discriminations and violations meted out to prostitutes under these laws traveled overseas.\(^47\) The period of regulation of prostitution in India gave way to a call for its abolition due to the rise of a global discourse around white slavery: ‘white women bonded in prostitution.’\(^48\) This resulted in the League of Nations passing its conventions on trafficking in the 1920s, to which India became a signatory after its independence in 1947.\(^49\) Taking forward this legacy, in 1949, the UN General Assembly adopted the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others. The government of India, which was now a free and sovereign state, ratified this international convention in 1953 and enacted the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA).\(^50\) Its name was later changed from SITA to the present day ITPA through an amendment in 1986.

Through this same amendment, ‘woman’ was replaced with the word ‘person’ in order for the law to be more responsive to non-female sex workers who were

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\(^{46}\) Id., p. 67.
\(^{47}\) A campaign was started by British feminist Josephine Butler to repeal the CDA on the ground that it violated a woman’s personal liberty. Id., p. 70.
\(^{49}\) Tambe, Ibid.
also identified as victims of prostitution.51 And simultaneously, masculine pronouns replaced all references to feminine pronouns. However, this linguistic gender neutrality—apparently, a progressive move—continues to sustain the patriarchal logic with which this law was enacted. For instance, the sections which pertain to the ‘rescue of person’ from prostitution and outline the mode in which victims may be given back into the safe hands of ‘parents,’ ‘guardian,’ or ‘husband’52 suggests how it is founded on a false presumption of a public/private divide. A change of hand in safe-keeping from state to parental authority is prescribed by completely undermining the will of the so-called victim subject, an adult, and is understood to be a remedy for the wrong of prostitution. The state thus attempts to relegate victims to the fictive idea of a safe private sphere by paternalistically removing them, in the name of rescue, from the public sphere.

Needless to say, sex workers’ presence, and interactions with others, in the public sphere from where they ought to be removed, is also already ordered by the state. The ITPA criminalizes ‘[p]rostitution in or in the vicinity of public place’53 and also assigns culpability onto ‘[a]ny person who carries on prostitution and [even] the person with whom such prostitution is carried on.’54 In this context, public place is understood to be ‘any place intended for use by, or accessible to, the public and includes any public conveyance.’55 As place, it is further clarified that it includes an ‘educational institution,’ a ‘hospital,’ a ‘nursing home,’ ‘any place of public religious worship,’ and also any area that is within a ‘two hundred meters’ distance of such places.56 In effect, these provisions thus work to sever sex workers’ being and belonging from the public sphere almost in its entirety.

51 Shukla, ibid.
52 ITPA, Sec 16 and 17h.
53 ITPA, Sec. 7.
54 ITPA, Sec. 7 (1).
55 ITPA, Sec. 2 (h).
56 ITPA, Sec. 7 (1b).
A sex worker’s non-commercial familial relationships, likewise, are also ordered: anybody, including a husband, ‘living with, or to be habitually in the company of, a prostitute,’ is a trafficker;\(^{57}\) sex workers’ children, if he or she is a ‘person over the age of eighteen years who knowingly lives […]’ on her earnings, is also a trafficker.\(^{58}\) Thus, the state through the *ITPA* renders almost all aspects of a sex worker’s life the subject matter of a criminal legislation, therefore public law. Interestingly, such characterization by the state resonates with the popular and patriarchal descriptions of the sex worker as *rasta-r meye* (woman of the streets), *bajari meye*, and *bazaru aurat*\(^{59}\) (woman of the market); both street and market being the subject matters that a public sphere is commonly understood to be constituted of.

It is evident from the *ITPA*, a piece of criminal law, that by enacting it the state was seeking to establish its role in sex workers’ lives as a superior and paternalistic penal force opposed to their choice of life and livelihood. The state machinery—in the role of an overzealous guardian—vests itself with the power to ‘raid’ brothels (that double up as sex workers’ homes), carry out the removal of sex workers from their job to ‘rescue’ them and facilitate their ‘rehabilitation.’\(^{60}\) It is the removal of sex workers from sex work that the state, through the criminalization of all manifestations of sex work, considers to be a means to protect their rights.

The notion of rights that the state works with is in sharp contrast to the way sex worker activists of DMSC imagine rights to be. For them, the state’s way of criminalizing sex work is the wrong that their rights claims—like the right to sex work—seek to undo. However, despite being the wrong-doer, within DMSC’s rights discourse, the state is considered to be a valuable resource for undoing

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\(^{57}\) *ITPA*, Sec. 4 (2a).

\(^{58}\) *ITPA*, Sec. 4 (1).

\(^{59}\) These are everyday terms for referring to sex workers in the vernacular. *Zinda Laash* (Living Corpse), a documentary film has collated the Hindi language popular terms used in Bollywood cinema to refer to sex workers. Bishakha Datta, Jyotika Jain and Shakti Maslja, *Zinda Laash*, Mumbai: Point of View (2009) [documentary film].

the very harm that the state inflicts. But for that to happen, according to DMSC, the state needs to be actively engaged with and not only resisted. That is because if the role of the state in sex workers’ lives is to be altered in reality, the state must not be left to its own devices to work out its relationship with sex workers. For DMSC, the state is an important institution that can administer structural changes with greater reach and impact on sex workers’ lives, which is not possible to do only through small-scale interventions. It is also considered to be an important catalyst for undoing social stigma faced by sex workers, provided sex workers themselves take the responsibility to create new methods for using the institution to their own advantage.61

This position about the state held by DMSC members is distinct from how, for example, the members of Veshya Anyay Mukti Parishad (VAMP), another sex worker-led collective based in Sangli, Maharashtra, view the state entity.62 For VAMP members, the state is primarily a patriarchal institution whose presence in sex workers’ lives will only cause further discrimination and disadvantage. They see the state as inherently lacking in both will and capacity to represent the interests of sex workers, and which is what manifests into their demand for the de-criminalization of sex work and opposition to its legalization: 63 demanding the repeal of ITPA and refusing any new legislation that imposes state-regulation on sex work.64 DMSC, on the other hand, demands the repeal of the ITPA and also the legalization of sex work through the application of labor rights standards–minimum wages, proper working conditions etc.–to sex work.

61 Interview with, Bharati Dey, January 14, 2015, Nilmoni Mitra Street, Kolkata, 2 pm; Bishakha Nashkar, January 21, 2015, Kalighat, Kolkata 3 pm.
62 VAMP is a sex workers’ collective based in Sangli, Maharashtra. It came together through an HIV intervention program. In 1998, VAMP, which was earlier known as Veshya AIDS Muqabla Parishad, changed its name to Veshya Anyay Mukti Parishad as the organizational agenda moved from fighting HIV/ AIDS to a more comprehensive struggle against oppression and injustice.
63 Interview with Kiran Deshmukh, VAMP, December 12, 2014, Balajinagar, Sangli, 3.30 pm.
These differing approaches to the state are two kinds of activist wisdom related to DMSC’s and VAMP’s particular experiences of collective-formation, and one approach is not necessarily right, or better, than the other. For instance, due to an existing anti-caste movement in Maharashtra which has historically given rise to a particular formation of everyday life and politics, VAMP’s relationship with both the state and other community members take on a different form than that of DMSC’s.65 To give an example, a few years back, when sex worker activists at VAMP wanted to take out a procession for celebrating Ambedkar Jayanti on B. R. Ambedkar’s birth anniversary, local Dalit activist groups raised strong objections. They even used violence to stop the sex workers’ rally in Miraj that was proceeding to pay homage to Ambedkar’s statue. This was done on the basis of the assumption that sex workers perpetuate caste-based discriminations through their demands for a right to sex work and therefore have no right to associate themselves with the anti-caste politics of which, for them, Babasaheb Ambedkar was the foremost proponent.66 Their accusation rose from the belief that sex work is a caste-based practice, so by demanding the de-criminalization of sex work VAMP upholds the caste system, causing a setback to the anti-caste Dalit movement.67

This understanding held by local Dalit activist groups, VAMP members explain, relates to a state-authorized discourse around the devadasi practice that shrouds the lives of sex workers at VAMP.68 In the states of Maharashtra and

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65 This is not to say that a caste-based ordering of life is not present in Kolkata, rather, that a conversation around the issue is not present in popular discourses in a similarly visible way.
67 Interview with Kiran Deshmukh, VAMP, December 12, 2014, Balajinagar, Sangli, 3.30 pm; with ten members of VAMP in a group discussion, December 4, 2014, in Miraj, Sangli, 2.30 pm.
68 The term devadasi refers to the hereditary practice of dedicating young girls to the service of god for the rest of her life. The dedication is a marriage-like practice, and once a devadasi, the woman cannot marry a mortal. Traditionally, devadasis were also trained in classical Indian music and dance forms and held the status of artistes. VAMP’s account of the devadasi practice is one where they see it, in the contemporary form in which it is practiced by sex workers, as enabling sex workers’ rights rather than going against their interests. This is another instance of a religious practice being used by sex workers to re-order social relations at a particular historical location. See generally Lucinda Ramberg, Given to the Goddess: South Indian Devadasis and the Sexuality of Religion, Durham: Duke University Press (2014); Laxmi Murthy and Meena Seshu (eds.) The Business of Sex, New Delhi: Zubaan Books (2013).
Karnataka where VAMP’s sex workers live, the *devadasi* system as well as its practitioners, have been criminalized under the *Maharashtra Devdasi System (Abolition) Act, 2005* and *The Karnataka Devadasis (Prohibition of Dedication) Act, 1982.* Unlike the sex workers of DMSC, the sex workers of VAMP who live in these two states, and many of whom are *devadasis*, have therefore attained dual criminality under one of these laws as well as the *ITPA*, the statute regulating sex work in India. It is the coming together of these dominant forms of anti-trafficking/ anti-sex work and anti-caste/ anti-devadasi discourses that enable a kind of state interference into the lives of sex workers that is distinct from what is experienced by the members of DMSC.

Sex workers at DMSC, right from the start, have experienced a kind of relationship with the state entity that is not of a singularly oppressive nature. The Sonagachi Project which gave impetus to sex workers in Kolkata to form DMSC, was started by the All India Institute of Hygiene and Public Health (AIHIMPH), a state-run institution. The AIHIMPH recruited sex workers and officially appointed them as peer educators, or outreach workers, to work for the state-administered Sonagachi Project. In effect, work as an official representative of the state. After recruitment, each peer educator was made to go through a training programme, which equipped them with knowledge of sexual health and HIV/ AIDS. It is through this process that sex workers in Sonagachi acquired awareness about HIV/AIDS, got to interact with each

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69 These legislations also have a strong connection with the consolidation of an anti-caste Dalit feminist discourse that came about in the region in the 1990s through Dalit women’s writings and organizing. Dalit and labor rights activist, Ruth Manorama, founded the National Federation of Dalit Women (NFDW) in 1993 in Maharashtra; around the same time, in 1995, another Dalit women’s organization called The Dalit Mahila Sanghatna was also formed in Maharashtra. Ruth Manorama was involved in organizing a public hearing on Violence Against Dalit Women in 1993 in Bangalore; the Maharashtra Dalit Women’s Conference was organized in Pune in 1995; the public hearing on Violence Against Dalit Women was organized in Bangalore in 1993. In Delhi, The All India Democratic Women’s Association Convention Against Untouchability and Dalit Women’s Oppression was also held during this time, in 1998. *See generally* Gopal Guru, “Dalit Women Talk Differently,” *30 Economic and Political Weekly* 41/ 42, (Oct. 14-21, 1995), pp. 2548-2550; Urmila Pawar and Meenakshi Moon, *We Also Made History: Women in the Ambedkarite Movement* (tr. Wandana Sonalkar), New Delhi: Zubaan (2014).

other and reflect upon their common experiences of discrimination, which then motivated them to form DMSC. Throughout the process of the registration of DMSC as an organization, many of the official representatives of the AIHHP were involved in guiding and assisting with advice and financial support. Dr. Smarajit Jana, an epidemiologist at the AIHHP, under whose initiative and leadership the Sonagachi Project came into being, still remains DMSC’s closest friend, confidante, and mentor.

For sex workers at DMSC, their relationship and proximity with the state as an institutional form is thus understandably a complex one. On the one hand, there are the daily experiences of social exploitation and stigma which the state machinery, through the police, abet and perpetuate. On the other hand, it is also the formation of DMSC’s collective political consciousness which was enabled through direct assistance from the state and its representatives. Even though the state’s intentions may not have been to politically consolidate a marginalized group of sex workers, it is the actions of its representatives that had become instruments in such process and actually enabled it. Thus, while the state’s motives for partaking in the process must be questioned, criticized, and debated, it is important to be mindful of the fact that the state had a direct role to play in the formation of DMSC’s politics other than only through the oppression of sex workers. And given this context, DMSC’s investment in re-ordering the state-sex worker relationship, and the fact that they see it essentially as a useful public institution that can be advantageous for sex workers rather than only act against them, attains a productive political meaning. It appears not as a naïve faith in the state machinery, but a practice of making useful this public institution to which sex workers have a rightful belonging by virtue of being a constitutive part of the public.

Interview with Smarajit Jana, Chief Advisor, DMSC, January 30, 2015, Girish Park, Kolkata, 12.30 pm.
III. Affirmative Sabotage

The act of re-ordering discriminatory relations hold significance as a particular kind of ethical political engagement.\(^{72}\) Reordering relations, as a practice, entails a recognition that one’s self is embedded in the power relations that one is opposed to, critical of, and seeks to transform. What forms the thrust of this political endeavor is an acknowledgement that one’s self and the other/ the object of critique/ the enemy are interrelated with one another. And then, a taking on of the responsibility to transform such relations.

My account of sex workers’ practices of re-ordering relations through rights activism is akin to what Spivak calls an act of ‘affirmative sabotage.’\(^{73}\) Reflecting on the role of a critical thinker in the contemporary globalized world, Spivak contemplates how her intellectual labor might become an instrument for undoing a discriminatory global order when she is herself a part of it, or located within it. How would she, as a critical thinker, engage with such global order with which she is in a relationship of complicity? For Spivak, complicity, however, is not a ‘conspiratorial’ act. It is a state of being in which the critic and her subject of criticism are ‘folded together.’\(^{74}\) In other words, what one is opposed to one is also intimately conected with, which calls for a more nuanced understanding of the complexities of contemporary problems and the formulations of responses to them. Taking on an adversarial or oppositional approach between, say, a feminist self and an other that she is critical of, say, a

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\(^{72}\) For me, ethics denotes the formation of co-relations between a self and other(s), and that the imaginations of a self always come to be through relationships with others. On relationality and ethics in the context of law and feminism, see Jennifer Nedelsky, *Law’s Relations: A Relational Theory of Self, Autonomy, and Law*, New York: Oxford University Press (2011).


state entity, in the existence of a complicit relationship between them, may not suffice. To give an example, here feminists’ complicity refers to not an affirmation of violence inflicted by a state on its citizens, but, say, complicity through voting which elects the government, the life-blood of said violent state.

Spivak suggests that in thinking relationally, it is important to consider relations as a ‘double-bind,’ in which case it becomes necessary to not understand them to be good/bad. Instead, it is more revelatory and beneficial for a feminist project when viewed as good-bad. Thinking with a double-bind, Spivak posits that it is no longer productive to choose a path in which one can just resist, criticize, obstruct, or sabotage unequal systems of relations so that they cannot be put to use any further. Rather, what might serve to be more productive is putting such relations to another use. That is, it is more effective to attempt at making relations, hitherto unproductive, more affirmative by trying to work against the overriding logic that caused the productions of such unequal relations. Because it is the perpetuation of such logic that provide sustenance for such relations to turn into an order and take on a systemic form, working at their alteration can yield more productive results in the long-run.

Spivak thus articulates affirmative sabotage as a practice of making relations more productive by turning them around, or putting them to another use that is able to work against the logic on which the power inequality within those relations are founded. For her, it is by ascribing them with a different use-value, therefore, that discriminatory relations may be transformed. Here, use-value

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76 This marks a philosophical departure in terms of Spivak’s earlier account of the role of the postcolonial feminist thinker in which her task was to learn to unlearn; now she must rather learn to use productively what has been learnt because she considers unlearning a practical impossibility. One’s class and caste privileges, for instance, cannot be shed but one can use such privilege to work against the logic on the basis of which caste and caste ascribe privileges onto some and disadvantages onto others. See Gayatri Spivak and Oscar Guardiola-Rivera, “Interview,” Naked Punch (August 28, 2009), available at: <http://www.nakedpunch.com/articles/21> (last visited: July 3, 2017).
denotes the value of a thing that cannot really be evaluated in terms of being a commodity that satisfies human wants (thus distinct from needs that may be more universal) in general terms. Its value lies in the fact that it is of use to the subject who works to bring it into existence to satisfy the specific wants of that subject. It is thus use-ful and of significance to the ones who make use of it in a particular way although it might be devoid of a general use-ability.77

The word sabotage means to ‘deliberately destroy, damage, or obstruct (something), especially for political or military advantage.’78 According to feminist philosopher Nikita Dhawan, the word has a particular fifteenth century origin when workers in Holland caused collective obstruction to the introduction of machines. Dhawan traces it to sabot, meaning wooden shoe, which workers threw at machines to disrupt their workings, ‘lest the automated machines render the human worker obsolete.’79 Spivak’s addition of the word affirmative as a prefix works to render an altogether different use to the act of sabotage by making it a creative enterprise, rather than a destructive one. Her articulation activates a practice in which those who were not intended to be the beneficiaries of a system do not merely resist its workings to render it useless by shutting it down; instead, they work at putting such machinery to an altogether different usage that proves to be more politically beneficial. For instance, it would be a situation in which the workers don’t just demand that the machinery that could render them jobless be thrown away, but use them as tools to negotiate their working hours.

Such practice thus performs an undoing of the motive that sustains unequal relations. Dhawan notes that Spivak’s use of the term is meant to be ‘a strategy in which the instruments of colonialism are turned into tools for transgression,

77 Gayatri Chakravorty Spivak, Readings, Kolkata: Seagull Books, (2014), p. 56 [“Affirmative sabotage is to change the instrument so that it can be used to undermine its felicitous end.”]
78 For a dictionary meaning of the word, see <https://en.oxforddictionaries.com/definition/sabotage> (last visited July 3, 2017).
poison turned into medicine.' In other words, what counts as productive activity, or affirmative, is not the destruction of the poisonous substance, but putting it to a different use, as medicine. Turning what was meant to be poison into medicine defeats the very motive that poison was meant to serve, thereby recasting its role as a healing substance.

As I understand, affirmative sabotage is therefore a practice of making life more meaningful through a reordering of patterns of relations—an enactment of the turning of poison into medicine. However, an important aspect of this practice of reordering, of working out a productive relationship, is that it calls for an attention to the specificity of life and the particular histories of relations; an ‘attention to detail,’ as Spivak explains, seems important, rather indispensable, ‘because everything that is medicine can turn to poison’ if it is not known ‘how much to use, when and how.’ By design, then, the practice of reordering comes with inherent limits that do not allow it to have a general applicability, or for it to be similarly useful, and thus productive, in all contexts. And the test of productivity of a practice lies in the work it does for reconfiguring, indeed re-ordering, particular experiences and making life more livable.

Thinking with Spivak, I am interested in looking at how discriminatory relations are re-ordered by sex worker activists of DMSC. My focus lies in how relations are lived in the here and the now, in ways that make them into something other than what they seem to predominantly exist as. What I am about to do in the next section, is zoom-in on the organization of the Hindu religious festival by sex workers in the red-light area of Sonagachi. The organization of this festival turned the state machinery into a duty bearer in relation to sex workers. It was compelled to shed its paternal role and perform the duty of safeguarding sex workers’ right to access public life and public place in an altogether different way from the discourse of raid, rescue and

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80 Dhawan, Ibid.
rehabilitation. The festival also worked to raise important questions about a caste-based patriarchal social order that people inhabit in Bengal, but which seldom finds articulation in popular discourses.

IV. The Goddess and the Sex Workers

In 2013, the DMSC tradition of organizing festivals as a facet of their activism for workers’ rights and the decriminalization of sex work was extended to the celebration of the Durga Puja, the biggest religious festival in Bengal. In popular understanding, this festival is regarded as a marker of the victory of good over evil and celebrates the mythological defeat of the half-man-half-buffalo demon, Mahishasura, by the goddess with ten hands, *dashabhuja* Durga, an epitome of positive female power.82

By virtue of being a Hindu festival, the celebration of the Durga Puja is interconnected with caste practices that are ordained by the religion.83 Durga’s four children, also worshipped along with her during the festival, represent the four tiered graded caste hierarchy within Hinduism.84 *Saraswati*, the goddess of learning, represents the Brahmins; *Kartikeya*, the god of power, represents the Kshatriyas; *Lakshmi*, the goddess of wealth, represents the Vaishyas; and *Ganesh*, the elephant god of labour, represents the Shudras.85 The meaning that may be read into this practice is rather telling: in the worship of the goddess

83 Some scholars have argued that the celebration of the festival in the city of Kolkata takes on an urban secular nature. However, through the festival’s caste connotations, its religious aspect very much lives on. This is not to argue against the secular nature of the festival in Bengal, but to assert that the creation of a binary opposition between religion and secularism is not helpful for understanding how ideas of religion and secularism may be more interrelated than distinct from each other. See generally Anjan Ghosh, “Spaces of Recognition: Puja and Power in Contemporary Calcutta,” *Journal of Southern African Studies* 26:2 (June 2000), pp. 289-299.
Durga, a religious figure, these four castes are thus made to stand united and form a harmonious social order which is what is then able to fight and defeat an outside, evil force.

As a matter of tradition, potters who make the idol of the goddess require punya mati, or sacred mud from a brothel, a sex worker’s house, to make it. A popular belief that sustains this age-old mud ritual is the idea that the threshold of a sex worker’s house is most pious because men who enter the place, shed all their virtues at this point, making the soil pure and sacred. 

Although there are competing stories originating from different sources that seek to explain this ritual, in DMSC’s narrative this practice is an inheritance of the caste order.

DMSC explains: in the past, in Bengal, the worship of the goddess’ children ensured that the four main castes into which a traditional Hindu society was divided were represented through the festival. However, there were still certain occupations practiced by people that were not represented through the chaturvarna, the four-fold caste system. But during the religious festival, these out-castes also had to be included in the social fold. This is what led to the practice of collecting clay from the houses of people who were otherwise kept outside of it: beshya (prostitute), dom (those who cremate dead bodies), muchi (cobbler), myathor (manual scavenger, sweeper), kamar (iron worker).

In the present, according to DMSC, this discriminatory practice is able to continue as a sacred one in the name of religious tradition with sex workers only. Because unlike in the others, sex workers’ segregation from the rest of the society is legitimized by the ITPA, which ascribes criminality onto all aspects of their life and occupation. With the aid of the criminal law, the

87 Pamphlet distributed by DMSC amongst its own members (on file will author).
88 Although, in theory, there may be some truth in this claim, in practice, the segregation of lower caste people from participating in the festival still continues. In 2010, a leading daily newspaper article in West Bengal reported an incident where 30 families living in Murshidabad belonging to the Muchi caste, were not allowed to take part in the Durga Puja celebrations in the village. Alamgir Hosain, “Caste Bar on puja festivity,” The Telegraph
practice thus continues to preserve discriminatory caste-based social relations and constructs the sex worker, because of her occupation, as inferior and less deserving compared to other people.

To re-configure this discriminatory order of sex workers’ segregation from public life, DMSC deploys a simple method. Almost all events organized by DMSC are open to the public. And for every such public event that sex workers organize, they obtain written permission from state authorities for the use of public space. It serves to generate among sex workers the knowledge of the procedures of official engagement through which they gain familiarity with the system and attain confidence for asserting their public presence. Simultaneously, the practice also serves the purpose of making a legitimate claim to public life, and for gaining documented official evidence that attest to the fact that sex workers are like other citizens. That is, sex workers are neither inferior to others, nor do they claim to be above the rules that every other ordinary citizen must follow.  

The Durga Puja was thus no exception. When DMSC members decided to organize the festival in the red-light area of Sonagachi, they made an application to the local police station seeking permission to use an area in the locality for constructing the pandal, a temporary shaded structure within which the goddess is placed. Before doing so, discussions were held amongst sex workers and staff on whether organizing the festival would be in conflict with DMSC’s politics, especially because they had earlier resisted the mud ritual as a way of protesting sex workers’ social segregation. But given that a majority of DMSC members had experienced exclusion from participating

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89 Interview with Bharati Dey, DMSC, January 14, 2015, Nilmoni Mitra Street, Kolkata, 2 pm; Mahashweta Mukherjee, DMSC, October 12, 2014, Girish Park, Kolkata, 12.30 pm.

90 Interview with Mahashweta Mukherjee, October 12, 2014, Girish Park, Kolkata, 12.30 pm.

freely in public celebrations of the festival, a decision was made to organize sex workers’ own festival. Never mind if sex workers couldn’t have access to the goddess’s doorstep to offer their prayers, she would be brought home for such offering.

However, even after repeated requests, the police refused to grant permission to DMSC stating that their refusal could only be overturned by a court order. In general, litigation is not considered to be a useful method of activism by sex workers. Being a process that is both resource and time intensive, for a group of people who are mostly poor it seldom yields results that are comparable to the resources that have to be invested. But, in this case DMSC decided to go to court because there was no other effective way of ensuring that sex workers would be able to organize the festival with the cooperation of the state and local residents of the area. A writ petition was thus filed in the Calcutta High Court ‘against the refusal […] [or] in-action on the part of the State Administration” for not allowing sex workers “to perform Durga puja, the annual festival of […] [the] State […]’.

Soon, with only a month in hand for the festival to begin, the court proceedings started. The police argued that their denial of permission to DMSC was based on a state policy that no new ‘public puja committee’ was going to be granted approval. But DMSC countered this statement by arguing that the denial of permission to sex workers was an exceptional situation and could not be treated as any other. Because sex workers are social ‘outcasts’ who are ‘not allowed to have free access to any Public Puja Pandal,’ the denial of permission attains a different meaning; it amounts to a violation of the

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92 Interview with Mahashweta Mukherjee, October 12, 2014, 12.30 pm, Kolkata.
93 Interview with Bharati Dey, January 14, 2015, Nilmuni Mitra Street, 2 pm, Kolkata.
95 Ibid.
Constitutional guarantee, which confers to every citizen of India the right ‘to profess, practice and propagate religion.’

As the matter was being discussed and debated in court, seven new contenders appeared. They claimed that they, too, had applied for permission to organize Durga Puja in that exact same place but were denied by the police. DMSC refuted such claims by stating that it was a fabrication on the part of the police for strengthening its own case and confusing the court. This was later proved right when these groups were unable to produce any funds for organizing the festival, which is a pretty expensive affair.

In the Calcutta High Court the matter was presided over by a two-judge bench that was caught by surprise at the fact that despite their marginalized status, the petitioners ‘did not feel shy to call themselves [...] sex workers.’ It is difficult to tell whether for the judges this surprise was a pleasant one, but it is evident from the judges’ order that they were not willing to assist sex workers in directly staking a claim to the right to sex work. The bench thus noted that it realized that the petitioners were ‘asking for their recognition [which] is a debatable issue’ and so it would be appropriate ‘for the legislature to give a thought over it,’ instead. However, because the case related to the rights of a historically marginalized group, the judges felt that it was a significant matter and ordered the formation of a joint committee consisting of all parties involved in the dispute to mutually find a solution to the problem. A committee was thus formed consisting of three lawyers appointed by the court, the sub-inspector of the local police station, representatives of DMSC and the other groups whose applications were also allegedly rejected by the police.

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97 Interview with Mahashweta Mukherjee, October 12, 2014, Girish Park, Kolkata, 12.30 pm.
99 Ibid.
100 In 2016, due to police harassment, DMSC couldn’t organize the festival. See PTI, “Kolkata: Sex workers complain about police harassment, stop holding Durga Puja,” *The Indian Express*
committee, after discussions, decided that the festival would be jointly organized, although a majority share of the expenses was going to be borne by DMSC and they would be in the lead.101

DMSC’s Durga Puja celebration was unique in many respects. Never before, anywhere in West Bengal, had this annual festival been officially and publicly celebrated by sex workers. The event was widely reported in the newspapers and many people visited the site just to witness this fact.102 At the festival, the idol of the goddess Durga, and the demon, Mahishasura, looked like any other ordinary idol. The goddess held the different weapons with her ten hands stabbing Mahishasura with a trident, and her four children stood next to her, two on each side. But, in a very subtle way, DMSC used the festival to publicize their political message regarding the statute that criminalizes sex workers’ lives.103

A placard was hung around the neck of Mahishasura with ‘ITPA’ written on it (see, Fig. 2 and 3),104 signifying the defeat of the demonic ITPA in the hands of the collective power of sex workers. By implication, it also symbolized the defeat of the exploitative police force that routinely abused its powers by using

104 Figure 2 is available at: < http://indiaopines.com/goddess-durga-red-light-area/> (last visited: July 3, 2017); Figure 3 is available at: <https://www.telegraphindia.com/1131023/jsp/opinion/story_17483745.jsp#.WFy8bLZ96Rs> (last visited: July 3, 2017).
the *ITPA* to harass, exploit, and extort from sex workers. In this case, because permission was sought from proper official sources the police were, in fact, made to work with sex workers and provide their full support towards a smooth organization of the event. The defeat of the police—those who abused sex workers and are opposed to them—lied in their having to cooperate and assist sex workers in doing what they decided to do, what they wanted. In effect, rather than being a move for getting state recognition, DMSC’s act of going to court with this matter seems to be a strategy for calling the state into another relation. This new relationship worked to counter the state dismissal of sex workers’ will and decision making capacity—that is done through the *ITPA*—regarding matters concerning their own lives.

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105 Interview with Mahashweta Mukherjee, October 12, 2014, Nilmoni Mitra Street, Kolkata, 12.30 pm.
As envisaged, on account of being organized by DMSC, sex workers were able to participate in all the rituals of the festival from which they used to be otherwise socially barred. This included the ritual of shidoor khela performed on the last day of the festival. As a rule, it is a ritual in which only married women with a living husband engage in a play with vermillion, a symbol of their married status, by smearing it on each other’s foreheads. At DMSC’s event, however, such rules didn’t apply and there were no restrictions on who could participate. Sex workers and non-sex workers—married, unmarried, widowed, male, female, transgender, young, old, and disabled—were all equally welcomed.

DMSC members explain that for them, the shidoor khela practiced during Durga Puja is not merely an endorsement of a religious tradition, or adherence to social norms. To sex workers, whose familial and marital ties lie shrouded in illegality, the ritual symbolizes a complex gesture devoid of a singular meaning. For some, this practice was, beyond doubt, a way of inhabiting a mainstream social life, albeit momentarily. For many others, the doing of this practice was an act of defiance towards the dominant notion of the family as a heterosexual, monogamous unit formed through marriage alone, and an assertion of other forms of families as legitimate. Or, a challenge to the institution of marriage that tends to work as a singular source of women’s social rights and responsibilities; a reclamation of a tradition that segregates sex workers from other women; and an experience of a larger community life as sex workers with others who are not, through a performance of the ritual and yet by also disrupting its traditional form.

106 Pamphlet distributed by DMSC (on file with author).
107 Interview with Mahashweta Mukherjee, October 12, 2014, Nilmoni Mitra Street, Kolkata, 12.30 pm.
108 Interviews with Purnima Chatterjee, October 10, 2014, Nilmoni Mitra Street, Kolkata 3 pm; Rama Debnath, October 18, 2014, Nilmoni Mitra Street, Kolkata, 3.30 pm; Bharati Dey, January 14, 2015, Nilmoni Mitra Street, Kolkata, 2 pm.
Some feminists in Kolkata regarded the doing of the ritual of shidoor khela by sex worker members of DMSC as a regressive activity. They saw it as a ritualistic embracing of the institution of marriage, which reinforces patriarchy and harms the feminist project.109 The organization of the festival or the shidoor khela in and of itself does not mean much, but when seen in the context of how DMSC articulates its specific use for sex workers, it becomes a whole new thing. The festival and the performance of this ritual seems to work as an antidote to the poisonous impact of traditions that continue to segregate sex workers from the larger network of social relations. Also, it seems to make it possible for sex workers to experience community life, and at the same time question the gender and caste-based logic of traditional sanctions that determine how social relations are to be formed. DMSC’s practice thus seems to articulate a politics that speak to sex workers’ particular historical relationship to social institutions such as marriage and family, and thus becomes an illustration of how sex workers perform a reordering of dominant rules of these oppressive institutions as they apply to them.

However, that it is an act of reordering of discriminatory relations also means that it speaks to a particular account of discrimination, not a universal one, because it only attends to specific experiences and life conditions. But that something is not universal, becomes clear when we pay attention to a competing narrative born out of another particular set of life experiences. Most importantly, an attention to the particularities of life, in turn, shows not only that multiple accounts of a discriminatory order can co-exist, but also that these are related to one another. In the following concluding section, I am therefore going to end by narrating how the story of sex workers’ affirmative sabotage co-relates with another account of discrimination emerging from a group of

109 On social media, I witnessed a debate on this amongst my feminist Facebook friends. Two of them, who are both closely aware of DMSC’s activism, were engaged in a particularly interesting debate and ascribed opposing meanings onto DMSC’s practice. One of them, a PhD researcher, saw it as a reclamation of social space and therefore a resistance to dominant social rules; and the other person, an erstwhile funder of DMSC’s anti-trafficking work, saw it as an act of complicity with the dominant social order, which she found troubling because it was in contravention to DMSC’s otherwise radical politics.
adivasi and Dalit activists who reside in close proximity to the sex workers of DMSC; and how DMSC’s account, although politically potent, becomes a limited one when it encounters the adivasi and Dalit accounts.

V. Rival Relations

In 2013, when sex workers celebrated their Durga Puja in the red-light area of Sonagachi in Kolkata, in Purulia, a district in rural West Bengal, and the neighboring State of Jharkhand, Adivasis (original inhabitants) observed the Mahishasur Martyrdom Day. The Santhals, an Adivasi community, asserted that they belong to the Asur tribe and are descendants of Mahishasura, whose Santhal name was Hudur Durga. For them, the festival, in which the female Hindu goddess Durga is celebrated, symbolized Aryan victory over the original inhabitants of the land, which was achieved through acts of treachery and deceit. The popular story of the defeat of Mahishasura, or Hudur Durga their leader and ancestor (Fig. 4), thus depicts a long-standing history of oppression of the Santhals.

112 Figure 4 available at: <http://www.countercurrents.org/chanda151014.htm> (last visited: July 3, 2017).
Adivasis of Purulia point out that, in fact, all those who are depicted as demons in the Hindu religious scriptures—Vedas and Puranas—were actually native people who fought the Aryans to protect their land; and the symbolic defeat of Mahishasura every year during the Durga Puja is a celebration of the killing of the Asurs, a tribe that is still living in West Bengal.113 According to some researchers of adivasi literature, the reason why these alternate accounts of the festival have never appeared in the public sphere is because these mythologies have always been documented by people belonging to upper castes.114 For this reason, in Purulia, an organization called Shikhar Dishum Kherwal Veer Lokachar Committee was set up for researching and keeping alive these stories that form part of adivasi histories. The organization has also been reaching out to other adivasi communities to come to Purulia and join their mission.115

This alternate account of Durga Puja was not just heard amongst adivasis, but also amongst Shudras (the lowest in the four-fold Hindu caste hierarchy) who joined the adivasis in claiming that Mahishasur was also their ancestor. One of

115 Ibid.
the ways in which this ancestry was traced was through the name Mahishasur which was said to originate from Mahish, meaning buffalo, the animal that happens to be the main source of sustenance for Shudras. An important anti-caste web magazine, *Round Table India*, published the article, “Asur Utsav, not Durga Puja,” in which the authors went and documented how *Asur utsav* was celebrated jointly in the Malda district of West Bengal by a group of *adivasis*, Dalits and Other Backward Castes.

At one such event, in Purulia, the organisers of the utsav (festival) gave an account of their Durga Puja which intersects with that of the sex workers. They explained that Mahishasura, who couldn’t have otherwise been defeated by the Aryans, was stabbed to death while in his sleep by a ‘fallen woman’ who trapped him through seduction. This woman was none other than the female goddess Durga who was sent by the Aryans to kill Mahishasura. By their explanation, it is for this reason that mud from sex workers’ homes is still required for making the idol of the goddess. A similar narrative in which Durga herself was cast as a sex worker was also put forth by the All India Backward Students’ Forum, an anti-caste political group of student activists at the Jawaharlal Nehru University, Delhi. In a way, this narrative aligns with

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119 The pamphlets were circulated by All India Backward Students’ Forum based on articles published in a special issue of a bilingual magazine for Dalits, *adivasis* and OBCs called Forward Press (FP). The edition was called “When the Asuras were gods, devas: Demons: Mahishasura.” The publication of such ideas allegedly hurt the religious sentiments of members of a right-wing students group at the Jawaharlal National University called Akhil Bharthiya Vidyarthi Parishad. On the basis of a police complaint filed by them, the copies of this edition were confiscated, and four of their members were held in police custody. See Twish Mukherjee, “The ‘Myth’ in Mythology,” (November 11, 2012), *Round Table India*, <http://roundtableindia.co.in/index.php?option=com_content&view=article&id=5931:the-myth-in-mythology&catid=129&Itemid=195> (last visited: July 3, 2017); “A backward attack on Forward Press,” *Navayana*, <http://navayana.org/blog/2014/10/13/a-backward-attack-on-forward-press/> (last visited: July 3, 2017).
that of DMSC’s where Durga, in the form of the goddess, is imagined as a sex worker. But here, she herself is the wrong-doer, an embodiment of evil forces. In DMSC’s account, the sex worker, in taking on the place of the goddess, becomes a right-bearer and a right-doer.

Thus, what is understood as ‘wrong’ in the two narratives—that of the sex workers and the adivasis—come to hold very different meanings as they change places, which becomes clear only when they are co-related. In DMSC’s account of the Durga Puja, the Mahishasura is the enemy in a male, patriarchal form. He is made to remain a demon and is equated with the ITPA, the statute that authorizes and sustains sex workers’ segregation from society. Theirs is an account of gender and caste, but there is no extension of that to enquire into who this dark-skinned figure, outside of the four castes represented through Durga and her children, might be representing. On the other hand, in the accounts of the Asur utsav, race and caste somewhat trump gender by casting Durga, the evil force, as a sex worker. Durga is seen as symbolizing the subjugation of adivasis and others lying in the lower rungs of the four-fold caste system. Her worship, therefore, is understood to legitimize the authority of a caste-based discriminatory social order that perpetuates the oppression of adivasi and Dalit people in contemporary India. However, it is noteworthy that in this account the woman who performed the immoral task of assisting the Aryans in imposing racial superiority by defeating the adivasi leader, Asura, through treachery is also imagined to be a sex worker. Indeed, which other woman, but an ‘immoral’ seductress, would lend herself to such an evil task?

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120 In 2015, Pratyay Gender Trust, a trans* persons led human rights collective in Kolkata also organized the Durga puja. The organizers fashioned the Durga idol as the Ardhanarishvara, a half man-half woman androgynous deity. The aim was to articulate a form of resistance to Brahminical and patriarchal traditions but by remaining within the bounds of traditional practices itself. See Indrani Basu, “India’s first Transgender Durga Puja will be in a small neighborhood in Kolkata,” The Huffington Post (October 14, 2015), <http://www.huffingtonpost.in/2015/10/14/indias-first-transgender-durga-puja-will-be-in-a-small-neighborhood/> (last visited: July 3, 2017).

VI. In lieu of a conclusion

In the story of DMSC’s activism that I have narrated as an act of affirmative sabotage, my aim has been to frame their story of rights as a story about relations and the practices through which their re-ordering is performed. Because when rights practices are imagined as relational, their limitations can be simultaneously kept in view. This assists in guarding against the pitting of varied and competing accounts of discriminations against each other, and the casting of one as right and the other as wrong. A relational view of rights also makes way for an acknowledgement of the competing histories that are at the foundation of these contested imaginations of life. Simultaneously, it also works against an erasure of the particular ways in which lives are inhabited and experienced life, and against being collapsed into abstract categories within discourse. Indeed, it works to lift the weight of metanarratives, even if only a little, to make space for small stories about lives, and their daily reordering, to inhabit feminist discourses about rights.

The contestations between competing accounts of rights and their implications, in material terms, cannot however be wished away. Then what good does making space for these small stories do, apart from highlighting the historical differences between marginalized groups, one might ask? If rights are imagined as a set of relations, it fosters the shaping of a feminist discourse of rights that enables us to see not only how a particular idea of right is tied to its rival idea and that they co-exist, it also enables us to witness and tell stories about how a marginalized group reorders the terms on which a discriminatory set of relations are founded, in light of particular histories. Most importantly, it enables a non-adversarial feminist discourse of rights through which we can locate how the shifting lines of the web-like patterns of discriminations, and their foundational arrangements, are re-drawn in the everyday practical conduct of life and relations.