

Prostitution in India: A Marxist Analysis of Kamathipura

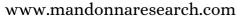
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ABSTRACT

Like most commercial transactions under capitalism, prostitution is based on the sale and purchase of a commodity. In common parlance, a prostitute "sells her body". With capitalism penetrating every aspect of human life, prostitution as a phenomenon also needs to be understood in the erstwhile socio-economic context. Hence, this paper seeks to understand prostitution through a Marxist framework to lay bare the hidden relations of labour and capital. This is established through a case study of Kamathipura, the largest red-light district of Mumbai. The paper further delves into a Marxist analysis of the existing policies and laws by the Indian state to regulate prostitution. This is followed by policy suggestions and recommendations to empower and emancipate prostitutes. This paper grapples with questions like how is prostitution conceptualised within the Marxist framework? How do the power dynamics in the act of prostitution reflect broader social inequalities in capitalist and patriarchal societies? How can a Marxist theory of prostitution be applied to the sex work industry in Kamathipura? How does the intersection of gender, caste and class in Kamathipura impact the nexus of exploitation and the experiences of the workers?

KEY WORDS:

Prostitution, Marxist Framework, Marxist Analysis, Kamathipura, Brothel, Sex work, Red-light district

INTRODUCTION

Prostitution, as a social phenomenon, involves a complex intersection of social, economic, cultural, and political contexts and forces. A highly contentious topic, prostitution has attracted theorisation from multiple disciplines and perspectives ranging from legalist to feminist analyses. However, the contemporary debate on prostitution is characterized by the predominance and polarization of two camps, both originating from Western feminist discourse – radical and libertarian feminism. The Marxist school of thought has been marginalized in the debate since the collapse of the Soviet Union and the subsequent decline of Marxist thought.

The classical Marxist perspective views prostitution as a "specific expression of the general prostitution of labour" (Marx, 1884). The act of prostitution is subsumed under the general category of wage labour and is viewed as a simple manifestation of capitalist exploitation and commodification. An analysis of prostitution within the Marxist paradigm is thus essential to identify the capitalist economic structures underlying the phenomenon and to understand the processes of commodification and exploitation under capitalism. However, this perspective does not address the gendered nature of prostitution and the patriarchal structures at work - in other words, it does not acknowledge the difference between the sale of human labour and the sale of the female body for sexual use. The Marxist tradition also participates in the vilification of prostitution, with scholars such as Kollontai arguing that prostitutes were "labour deserters" with "unearned income". The primary Marxist criticism of prostitution is based on the argument that the capitalist market should not commodify the areas of life which are closely tied to our "personhood". These arguments seem regressive in the contemporary discourse characterized by sex positivity and validation of prostitution.

As a result of these two shortcomings, the Marxist perspective on prostitution has fallen out of favour since the 1990s. The central aim of this paper is to revive the analysis of prostitution through a Marxist framework and to overcome the limitations of the classical perspective. This paper seeks to avoid any metanarratives as to the nature of sex work and to develop a Marxist theory of prostitution which is cognizant of the interplay of economic, social, cultural, and political factors and the unique nature of prostitution. The second section of the paper will attempt to apply this theory to the Indian context through a case study of one of the largest red-light areas in Asia, Kamathipura in Mumbai. The final section of the paper aims to formulate policy recommendations within a Marxist framework to create an emancipatory, humane and sensitive policy programme for the sex work industry in India.

• Research Questions

- 1. How is prostitution conceptualised within the Marxist framework?
- 2. What are the existing policies and state interventions with respect to sex work in India and how have these shaped the lives of sex workers?
- 3. How can a Marxist analysis of prostitution be used to develop durable policy solutions against exploitation and towards emancipation for sex workers in India?

• Sub-Research Questions

- 1. How do the power dynamics in the act of prostitution reflect broader social inequalities in capitalist and patriarchal societies?
- 2. How can a Marxist theory of prostitution be applied to the sex work industry in Kamathipura?
- 3. How does the intersection of gender, caste and class in Kamathipura impact the nexus of exploitation and the experiences of the workers?

METHODOLOGY

This research aims to utilise a Marxist theoretical framework for the analysis of prostitution in 21st-century India. This is done through a systematic analysis of the case study of Kamathipura.

Case Study Method

The case study method involves an intensive investigation of one or a small set of cases while focusing on many details within each case and the context (Singh, 1986). They help to create a meaningful link between the actions of individuals and those of large structures or processes.

This research focuses on the case study method since it is one of the most effective research methodologies to understand niche communities, like sex workers in India. Since the community is surrounded by many myths and stereotypes, it is useful to understand their unique conditions within their context and then try to place their concerns in the wider social framework. The study uses the case study method to identify the key problems in the sex work industry in India, with an aim to provide relevant policy interventions for the community.

Kamathipura, a populous red-light district located in the heart of Mumbai, is chosen as the relevant case study for this project. A qualitative analysis of various features of Kamathipura is undertaken to provide better policies regarding prostitution in the Indian context. Kamathipura is Mumbai's biggest red-light area with a history spanning centuries. First established by the British in 1795 for soldiers, it still serves as the epicentre of sex work in the metropolitan city. Given such a rich history of sex work in Kamathipura, the authors believe that this particular red-light district will make for a representative case study to understand and analyse prostitution in India.

• Marxist Analysis

The Marxist framework of analysis was first developed by G.A. Cohen in 1978 in his seminal work "Karl Marx's Theory of History: A Defence". Since then, Marxism as a framework of analysis has been adopted in a number of academic disciplines ranging from media studies to sociology, politics and history to economics. It is a critical form of analysis which involves the thorough examination of a number of categories like class structures, material conditions, historical trajectories as well as humanist and socialist categories.

The authors of this paper believe that the Marxist framework of analysis provides a holistic rigour to debates on prostitution. This is claimed mainly on two accounts. Firstly, Marxism doesn't see sex work as a moral issue and secondly, it doesn't see prostitution in isolation but rather situates it in a socio-economic context (Erickson, 1980). Numerous authors have utilised a Marxist framework for the analysis of sex work in the past. This includes Ward (2006), Van der Veen (2010) and Bhattacharya (2016). The authors wish to expand and contribute to this existing scholarship.

• Secondary Data

The research uses several sources of secondary data including scholarly articles, papers and books. For the case study, the report uses interview transcripts from research conducted previously in Kamathipura. In particular, the primary research in Kamathipura undertaken by Karandikari (2009, 2010, 2012, 2014), Nair (2005) and Shah (2006) are used.

LITERATURE REVIEW: MARXIST UNDERSTANDING OF PROSTITUTION

The Marxist position on prostitution forms a part and parcel of their opposition to capitalism and the property and family relations created by it. Such relations were established by both Marx and

Engels early on in their work. Marx defined prostitution as "only a particular expression of the universal prostitution of the worker" (Marx, 1844) which shows how straightforward the issue is for socialists. For Engels, harlotry is an offspring of class society, "is based on private property and falls with it" (Rowbotham, 1974). One of the most refreshing features of the Marxist analysis of prostitution is that it is conventionally free of moralism on the one hand and places the phenomenon of prostitution in a socioeconomic context on the other hand (Erickson, 1980).

Alexandra Kollontai, another prominent Marxist theoretician and the first Soviet woman ambassador understood prostitution was "a social phenomenon with its roots in economics" that thrived in the epoch dominated by capital and private property. In her view, sex workers were those women who sold their bodies for material benefit. Close parallels are drawn between wage labour and prostitution. Hence, Kollontai quips that "bargaining over the female body is closely related to bargaining over female working power. Prostitution can only disappear when wage labour does" (Kollontai, 1909).

The Marxist lens to understand prostitution has been criticised by authors like Erickson (1980), Rowbotham (1974), and Dale, et al. (2010), who have established that the Marxist depiction of prostitution with a "poor, working-class female and a lascivious middle-class male constitutes too gross an oversimplification" (Erickson, 1980). They also criticise the "condescending" approach and argue that "not all sex work is wage labour and, like many jobs, it can occupy a variety of positions within society's class structure". Many are entrepreneurs who run private "massage parlours" which in itself is very different from "street prostitution" and let alone "sex slavery" (Gale, 2010). It is precisely because of these charges that the Marxist framework to analyse harlotry fell from favour.

However, such limitations were overcome by scholars inspired by the neo-Marxist school, like Ward (2006), Van der Veen (2010) and Bhattacharya (2016), who have emphasised the human aspect of prostitution as well as have tried to reconcile the Marxist thought with feminist understandings.

KAMATHIPURA: A CASE STUDY

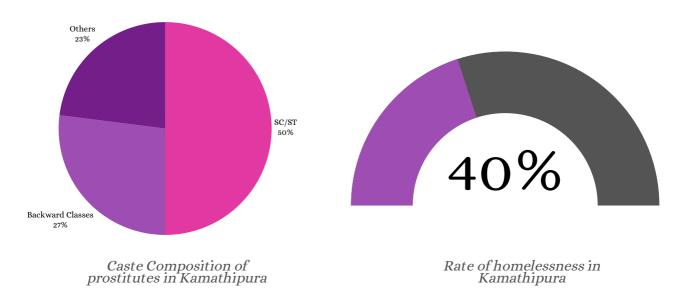
Sex work as one of the oldest professions in the world has emerged through a complex process of different identities, individuals and institutions merging. A fitting example of the nuances of this process is **Kamathipura**, the biggest red-light area in the metropolitan city of Mumbai which has been historically associated with brothels and sex workers.

• Intersectional Composition

The composition of the sex workers in Kamathipura reflects the broader patterns of socio-economic inequalities in the country. According to a survey conducted by the Institute of Social Sciences, approximately 50% of the prostitutes belong to Scheduled Castes and Scheduled Tribes, and 12 to 27% belong to other backward classes (Nair 2005). Tambe (2009) corroborates this by noting that most of the prostitutes in Kamathipura belonged to lower castes such as Kunbis, Mahars, Dheds, Kalavantins, Bhavins, and so on. These women migrated from the rural areas surrounding Maharashtra - where they were either landless agricultural labourers or engaged as temple dancers, singers, and entertainers – to escape systems of caste-based violence and economic deprivation (Shah 2014). Thus, the data on the social composition of Kamathipura presents an inextricable link between caste oppression and sex work in India.

The area is characterized by widespread homelessness, with over 40% of the sex workers being homeless and operating as street-based sex workers, which further exposes them to violence and exploitation.

The living conditions for brothel-based sex workers are equally poor with small rooms separated by thin curtains which are rented on an hourly basis. The sex workers do not have access to basic amenities such as food, shelter, and healthcare. These conditions of impoverishment are further exacerbated for the sex workers by the internal dynamics of economic exploitation and dependence within Kamathipura. (Karandikar and Prospero 2009)



• Prostitution as a Nexus

The brothels of Kamathipura are majorly run by men who act as pimps for bringing in new women into sex work. The access to sex work, the control over the earnings of the women and clients are managed by brothel owners and pimps (Shah, 2006; Karandikar & Gezinski, 2012; Karandikar et al., 2014).

While poverty (Karandikar & Gezinski, 2012) and patriarchy, along with lack of control over earnings (Karandikar & Prospero, 2010) forces women into sex work, a complex network of politicians, police and traffickers also ensures that they remain there.

A sex worker in Kamathipura reported while talking about her intimate partner:

"He forced me to have sex in the daytime and did not give me any money that I earned. He had become my pimp" (Karandikar et al., 2014).

By exploiting the victim's existing social and economic vulnerabilities, coercing them sexually and economically and enforcing their threats through the perpetration of violence, the pimps, or intimate partners appropriate complete control over the process of labour. The pimps "manage" their business, often coercing them into non-consensual acts of sex with clients and the pimps themselves, encouraging them to stray away from safe-sex practices to bring in greater profits.

Karandikar (2010) analyses the process through which the clients of sex workers transition into their pimps and intimate partners and establish greater control over the worker through this process. The pimps in Kamathipura often established intimate relationships with the workers on the pretext of helping them escape from the red-light area, but once they had attained a position of control, they became part of the nexus confining the sex worker within the brothel, with many of the pimps believing that they were corrupted and could not be integrated into mainstream society.

Kamathipura workers run into dead ends even when they seek police help. A 35-year-old sex worker, who described herself as being beyond the age of being considered desirable, reported that:

"Police rule this place and if you are young and attractive the police also spare you and don't catch you" (Karandikar et al., 2014).

There is abundant evidence through various first-hand reports which shows that the state facilitates the work of these pimps and plays an active role in making sure women stay in the system. In fact, one of the pimps from Kamathipura had even suggested that:

"The good ones are beautiful, even the police will want them" (Karandikar & Gezinski, 2012).

Most government and police interventions have tried to provide HIV awareness with no focus on violence and interpersonal relationships (Karandikar et al., 2014). Even within the purview of HIV interventions

schemes do not consider that partners and regular clients determine condom use and client resistance to it are barriers to HIV risk reduction (Pauw & Brener, 2003). Thus, these interventions are often carried out without the appraisal of the situation of the sex workers and their unique conditions. Their consent for these interventions, including HIV tests, is also rarely considered.

• Sex Work as a Necessary Condition of Capitalist Society

The sex work industry presents a unique problem unlike other socially unequal institutions fuelled by patriarchy. There is a paradox within sex work, as conceptualised by a pimp -

"Women have to come here and sell sex. It's the easiest thing to do and sex work is important because if it's not there women in good families will [run the] risk of being raped" (Karandikar & Gezinski, 2012).

This understanding allows men to conveniently empathise and exploit women. The truth in this statement brings forth the ugly side of capitalism which was also emphasised by Engels in his book Origin of Family, Private Property and State (1884), that prostitution developed as the other side of the coin of monogamy which exists to defend private property, and that sexual relations cannot be fully separated from economic relationships in class society.

• Sexual & Economic Relations of Prostitution

The capitalist process of prostitution involves a third party purchasing the sexual labour of the sex worker, consuming it to provide a service to the client and appropriating the surplus of the labour (Van Der Veen 2001). This appropriation of surplus in Kamathipura takes place through complex systems of income sharing such as Chukri, Adhiya, and Batai.

• In the **Chukri system**, minor girls are purchased by brothel owners and the income generated by them is completely appropriated by the owners.

- The **Batai system** is a reference to sharecropping, in which earnings are divided disproportionately between the sex worker and the owner in favour of the latter.
- The **Adhiya** or "half share system" involved the brothel owner appropriating half of the sex worker's earnings (Agrawal 2018).

According to case studies conducted by the ISS, the sex workers were paid less than 10% of the income generated by them, with the majority of it being seized by pimps, police, and goondas. (ISS, n.d.). Van der Veen (2001) has likened these relations of exploitation to sexual slavery.

The exploitation of the sex workers engendered by these relations of production gives rise to at least three forms of alienation. The commodification and objectification of the body in the act of prostitution is an example because sexual labour contributes towards the satisfaction of a need external to the worker (Diaz, 2014). The sex worker is also estranged from the labour process through a loss of agency with respect to their labour. This ghettoization of the sex worker within the brothel leads to their alienation from human society as a whole. (Karandikar and Prospero 2009)

• The Humanist Aspect

Sex workers are often reduced to "objects of desire and pleasure" by their 'employers' who do not view them as full human beings (Karandikar & Gezinksi, 2012). Sexual coercion by male partners, clients, pimps, and the police toward female sex workers is a manifestation of the social construction of masculine sexuality, which focuses on the performance, penetration, conquest, and control of a woman (Jenkins, 2006). They are often infantilised, with their partners believing "She is like a small child, I have to teach her." Their methods of ensuring obedience involve physical, emotional and sexual violence. Outside of the unequal world of Kamathipura, the rest of the society also imposes its opinions on the denizens who perhaps need the most help.

Several local dialectics of stigma and honour run in the Indian society which also fuel the anger and shame around sex work (Shah, 2006). The stigma places sex workers and anyone associated with them in a dark corner of society where they are attributed the characteristics of questionable morality, danger and/or social degeneration. These beliefs further translate to viewing sex workers as criminals, with notions of them spreading HIV and other STDs. These perceptions are also in line with popular media representations of sex workers as 'other' in congruence with the dominant hetero-patriarchal norms (Hubbard, 1998). This view of sex workers gets translated into the legal framework, with the state criminalising the most visible aspects of sexual commerce using the ITPA (Shah, 2006). While the laws do not directly criminalise sex work, the local community around them does. As a result, law enforcers also treat sex workers as criminals which makes them vulnerable to violence. Further, crimes against them are hardly reported to the police due to the fear of being arrested (Jana et al., 2004). With sex workers often reporting that the police blame them rather than help them (Karandikar et al., 2014), it is hard for women deceptively dragged into the business to ever find a way out of the maze of power, politics and patriarchy.

An interesting aspect of this criminalisation is that economic independence, although rare among sex workers, is also not enough for them to be considered worthy of any dignity (Shah, 2006). Despite sex workers' ability to support entire families in the city, and to send much-needed remittances to their villages as well, the stigma of prostitution as a threat to individual and family honour precludes its open acknowledgement. Thus, it points to the larger problem of social inequality which goes beyond capitalism - it points to differential treatment attributed arbitrarily to certain individuals, a problem widely critiqued by Marxists. While in the entire country, sex work is banned and is considered a criminal offence, in small pockets like Kamathipura, it is prevalent and flourishing (Karandikar & Prospero, 2010). It is a secluded world of its own, where the poor are shamed and

encouraged at the same time to survive by any means necessary, while others profit from their exploitation.

PROSTITUTION LAWS IN INDIA: REVIEW AND SUGGESTIONS

Analysing Existing Policies

The policies and laws concerning prostitution in India have emerged as a significant reflection of contemporary public morality. De (2018) classifies the historical evolution of prostitution laws in India into three phases:

- 1. Regulationist
- 2. Anti-trafficking
- 3. Abolitionist.

Following the colonial transfer of power, Article 23 of Part III of the of would India enshrine independent commitment to prohibit trafficking. However, it was only with the introduction of the Suppression of Immoral Traffic in Women and Girls Act (popularly referred to as SITA) in 1956 that such a commitment would come into effect with respect to prostitutes. Although SITA did not criminalise prostitution per se, it penalised significant aspects of it, such as brothel-keeping, living off earnings gained via prostitution, soliciting for sex in or near public places, trafficking for prostitution, etc. With an approach emphasising rescue and rehabilitation of prostitutes, the act prescribed the detention of persons convicted under its provisions in state-run shelters for a period of two to five years (De, 2018).

The act was criticised widely, however, for being based on assumptions of male sexuality as aggressive and uncontainable (D'Cunha, 1987) and ultimately failing to curb the practice of trafficking for prostitution (Srivastava and Majhi, 2022). D'Cunha (1987) also

brought out the failure of the rehabilitative aspect of the act, as it led to the setting up of a mere 3 protective homes in the state of Maharashtra. These too were grossly underutilised, understaffed, and underfunded (D'Cunha, 1987). SITA would be amended twice, first in 1978 and more prominently in 1986 when it was also renamed the Immoral Traffic (Prevention) Act and came to be popularly referred to as ITPA.

ITPA marked a significant shift of focus from "suppression (of prostitution) to prevention" (Gangoli, 2006). It adopted gender-neutral language, recognised male prostitution, and enhanced punitive measures in relation to the prostitution of children and minors. ITPA has since remained the primary national law on prostitution.

However, a review of the act by the Centre for Policy Research reveals its inner inconsistencies and loopholes, such as the lack of a definition of trafficking, a witness protection programme, a specified mention of the rights of the victims, or any reference to traditional forms of prostitution such as the devadasi system. Indeed, the 1986 Act left many caveats and continued to propagate norms of women's sexual morality through terminology such as "corrective homes" (Bhatty, 2017). Moreover, it created ambiguity on the legal status of prostitution, as aspects of it were penalised without abolishing the practice as a whole, thus creating room for wide discretionary powers and exploitation of prostitutes by the police (Kotiswaran, 2018). The phenomenon of police raids also heightened in the case of transgender prostitutes, who were criminalised under both ITPA and Section 377 of the IPC until 2018 (Sahu, 2019).

State-level bills such as the 1994 Maharashtra Protection of Commercial Sex Workers Bill reflect the "legislative bent regarding this issue", such as the penalization of women prostitutes themselves and the violation of their human rights through mandatory HIV testing. This aspect has been especially criticised for a state-

sanctioned violation of the sex workers' human rights and bodily autonomy (Gangoli, 2006), while simultaneously missing out on the importance of targeting contraceptive usage by clients.

Most recently, the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill, 2018 has been introduced and passed in the Lok Sabha as an overarching anti-trafficking law for the country. With respect to trafficking for prostitution, it increases the penalty of imprisonment to 7-10 years and also provides for the setting up of protection homes and designated special courts for trafficking cases. However, it has been criticised by the survivor-led platform, the Indian Leadership Forum Against Trafficking (ILFAT), for institutionalised approach to rehabilitation rather than adopting a rehabilitation model. blanket community-based Additionally, criminalization and the heavy reliance on state apparatus such as the police remain relevant concerns.

• Policy Recommendations

Policy recommendations to protect sex workers from a socialist perspective are firmly rooted in the principles of workers' rights, social justice, and harm reduction. While the question of legalizing and regulating sex work remains contentious, a socialist approach emphasizes the decriminalization of sex work, treating it as a legitimate occupation and providing labour protections for sex workers. This entails ensuring fair wages, safe working conditions, education, healthcare and the right to unionize.

• Prostitution must be **decriminalised** and those who sell or buy sex should not be prosecuted. A report by Amnesty International (2016) recommends the same. This is not the same as legalising prostitution which is not designed to protect workers but to protect "polite society" from such workers. The authors oppose "sex worker" specific regulation as it gives the state the power to control sex workers. Forms of regulation designed to protect sex

workers from criminals, violence and so on, can and must be developed, as they have been in other industries, by unions representing sex workers once their work has been decriminalised. Within a decriminalised framework sex workers themselves can ensure under-age and vulnerable adolescents are not exploited.

- There must be no tolerance for exploiters and abusers. **Unions of sex workers** along with equal rights with other workers will allow sex workers to challenge their exploiters.
- Free movement of labour across borders should be controlled. This is the only way to undermine the power of the sex traffickers.
- We need **campaigns** against the hypocrisy surrounding sex work. Involving sex workers in general unions of the working class will make this easier, but we also need to tackle the vile position of the press and the state.
- We **reject the forced testing of sex workers** for HIV and other STDs, and the detention of sex workers found to be infected. For women, men and children who work as sex workers, HIV and other infections are an occupational risk, and they must not be punished.
- Any campaign for sex worker rights should be linked to improving
 the education and training of young prostitutes and providing
 decent jobs and wages. This may be done through funding state
 commissions on Human Rights to convene central and state
 officials to assess regional data and create action plans for
 addressing human rights issues, including a focus on ending
 violence against sex workers.
- In addition to **safe healthcare**, supporting **harm reduction programs**, such as providing access to clean needles and condoms reduce the risk of disease transmission and violence. It is imperative to guarantee that sex workers enjoy the same labour rights and safeguards as any other profession.
- It is crucial to acknowledge that sex workers often originate from marginalized and vulnerable communities, including LGBTQIA+ individuals, migrants, and people of colour. **Policies must be**

crafted with sensitivity to the unique needs of these populations, recognizing the intersectionality of their experiences. Engaging sex workers directly in the policymaking process can ensure this.

CONCLUSION

A Marxist analysis of prostitution in Kamathipura aptly reveals the pitfalls of sex work regulation, rehabilitation, and prevention laws in India. Apart from de jure limitations, there exists a vast gap between policy and practice, where the state and its institutions are not only complicit but active facilitators in the plight of prostitutes. Our analysis also reveals the complex intersection of patriarchy, castebased oppression, and class wars in the ostracization and exploitation of sex workers.

There is an urgent need to address the challenges of trafficking, sexually transmitted infections, police brutality, and violence against sex workers at the hands of pimps, intimate partners, and clients. Policy recommendations from a socialist standpoint emphasise the need to legitimise sex work in order to provide labour protection as an immediate relief measure and destignatize the profession in the long run.

However, this study suffered certain limitations, primarily pertaining to the ideological and methodological framework within which it operated. Using the case study method and the reliance on secondary data reduced our ability to obtain empirically meaningful and specific data attuned to the research questions of our study. This, along with the limitation of operating solely within a Marxist analytical framework, exacerbated the role of personal and ideological bias in forming conclusions.

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