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INVISIBLE LIVES: MALE SEX WORKERS IN INDIA

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Abstract

The paper sheds light on the invisible lives of male sex workers in India, from antiquity to the present day. It explores the historical and modern context of male prostitution in India, highlighting the challenges faced by male sex workers, particularly in the face of the HIV/AIDS epidemic and legal implications. The narrative delves into the various forms of male sex work, including gay sex work, masseurs, and traditional male dancers, offering insights into their vulnerabilities, exploitation, and violence they encounter. The paper also discusses the legal status of prostitution in India, Supreme Court judgements, and the need for recognition and support for male sex workers in the country.

Keywords: Male Sex Workers, India, Prostitution, LGBTQI, Supreme Court, Exploitation

Antiquity to the Present

Male prostitution has been found in almost all ancient and modern societies. In male-dominated ancient India, there is evidence in literary works of females and eunuchs exchanging sexual services for goods (Bhattacharji, 1987). Some nobles practiced sodomy, and eunuchs (or hijras) were notorious for this practice (Basham, 2007, p. 172). Male prostitution in modern times became visible in the Indian public sphere in the mid-1980s, as HIV/AIDS was spreading rapidly on a global scale. Sexual minorities were highly stigmatized and criminalized because of this silent threat. As time went by, the Indian state began folding these "high-risk groups" into national HIV/AIDS to effectively respond to the epidemic (Jain & Stephens, 2008). Despite the decriminalization of homosexuality in 2018 (Lakkimsetti, 2020), and the fact that prostitution per se is not illegal in India, male sex work is still carried out in secret.

Commercialized gay sex work runs rampant in Indian metropolises. For instance, in Connaught Place, Delhi, gay sex workers are quite easily available after 8:00 p.m., and they agree to payments as low as INR 300, which is roughly the equivalent to EUR 2.25 (Bains, 2017). Gym instructors, call center agents, and direct sales agents, e.g., are among thousands of professional men offering sexual services to supplement their incomes to live decently in Mumbai and other metropolises. Unlike female sex workers, most of them are educated gay men who do not walk the streets but operate entirely through social networking websites (Ghosh, 2009). Given the clandestine nature of these activities, most gay sex workers in India are tagged as criminals (Bains, 2017).

Most gay masseurs in India reject the designation "prostitute," and sexual activity is euphemized as a "massage" (Sarma & Rao, 2009). In recent years, the number of massage parlours in Indian metropolises has soared (Naik, 2017, p. 129). Such places have been referred to as "fronts for organized prostitution rackets" (EQUATIONS, 2003, p. 43). Gay masseurs are exceedingly illiterate or semi-literate and arrive in Mumbai from rural areas, especially those in the northern states of Bihar and Uttar Pradesh. They come from marginalized families and communities, and have most likely been victims of discrimination, violence, and abuse. While agricultural jobs might earn as little as INR 150 per day, or the equivalent of EUR 1.69, a male masseur in Mumbai can pocket up to INR 2,000, roughly equivalent to EUR 22.00, after performing a sexual activity. Most of these men are heterosexually married and have families. Some of them do not identify as gay (Ortiz, 2013). Young boys from poor areas with little educational opportunities are also exploited as masseurs. Male escorts offering direct sex, as opposed to "massage services," are usually literate and cater to high-profile clients.

Certain Indian traditions even perpetuate the male sex trade. According to a study conducted by the PLUS organisation, Kolkata, entitled "Dancing Boys: Traditional Prostitution of Young Males in India," boys between the ages of 15–25 with a feminine demeanor regularly migrate to Bihar and Uttar Pradesh during the peak marriage seasons from various states to perform what is called the Launda naach, which can be translated roughly as the "dance of the young boys" (Lahiri & Kar, 2007). Launda dancers, also known as the dancing boys of India, are predominantly effeminate men dressed in women's attire who are hired by poor families to perform at marriage ceremonies because they cannot afford the "pricier" women dancers. The dancers mainly belong to the lower middle-class and poor families of West Bengal, Bihar, Uttar Pradesh, and Maharashtra, and others are migrants from Nepal and Bangladesh.

They are remarkably vulnerable to physical, sexual, and emotional assault. They are often bitten or stabbed by spectators. The report states, "A group of 10 to 15 men could physically carry a dancer to a field and gang-rape him. And this is a very common trend. Resistance only leads to greater torture and sometimes even death" (Lahiri & Kar, 2007).

In India, the Immoral Traffic (Prevention) Act, 1956, originally titled "Suppression of Immoral Traffic in Women and Girls Act," gives police officers special powers to deal with trafficking and forced prostitution. Prostitution as such is not illegal; voluntary prostitution is only illegal when committed or solicited in public spaces. The Act empowers police and governmental and non- governmental organizations to conduct raid and rescue operations. Magistrates are authorized to close brothels and expel persons from premises where sex work is being carried out, including evicting them from their residence, 11 irrespective of age and consent. 22 Clients of sex workers are also criminalized under the Indian Penal Code.³3 Although the Act was changed to reflect gender neutrality, it is women and girls who are "rescued" by police officers, rehabilitated, and reoriented in society. Notwithstanding the well-known types of male prostitutes, e.g., escorts, gigolos, rent boys, hustlers, models, or masseurs, there is a misconception that male sex work doesn't exist because when there is a police raid, only the female sex workers get framed while the men go scot-free. The beneficial provisions are consequently denied males. Male sex workers are subject to the heteronormative thinking of police officers, who overlook their unfavorable circumstances and fail to protect or rehabilitate them in the way females are, which amounts to gross human rights violations (Pagadala, 2014; UNAIDS, 2002). Even gay males themselves perceive their situation through the cultural lens of masculinity, which causes them to feel guilt and shame about the violence waged on them. They rarely report harmful incidences to authorities because they fear officials will express disapproval, rejection, or homophobia; many police officers indeed believe that men should be able to "fight equally," making intervention unnecessary (Rolle et al., 2018).

The Neglected Issue: Protecting Male Sex Workers in India

According to an Annual Report by the National Aids Control Organisation, there are an estimated 12,000,000 sex workers in India, though the figure is well over that because it, for instance, excludes gay sex workers. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) asked states to report on the measures to protect women in sex work from violence and the effectiveness of these measures (specific recommendation 24 [h]). The report claims that a sex worker's unlawful status makes her vulnerable to violence, so that she requires the equal protection of laws against rape and other forms of violence (Article 6 [15]). It recommends the need for measures to prevent discrimination against sex workers and to guarantee their right to safe working conditions.⁴ Nothing similar exists for male sex workers. Most of the available statistics, laws, and

¹ Section 18, 20 of the Immoral Traffic Prevention Act.

² Section 13, 15 of the Immoral Traffic Prevention Act.

³ Section 370 A (2) of the Indian Penal Code states: "Whoever, knowingly by or having to reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine."

⁴ CEDAW, Concluding Observations on the combined seventh and eight periodic reports: Hungary, 26 March 2013, CEDAW/C/HUN/CO/7-8.

protective recommendations pertaining to prostitution only include women and children. Another example would be the organization Sampada Grameen Mahila Sanstha, which works to protect the rights of rural women and has reported violations faced by female sex workers in India. There is not a great deal of accurate data on male prostitution in India, so it is undeniably more difficult to protect gay sex workers from violence. Male prostitution, both forced and voluntary, is all too often forgotten in the discourse on gender rights.

The UN Secretary-General's database "Violence against Women" includes reports submitted by each of the 192 member states of the United Nations on documented cases of violence against women, including statistics for opposite-sex domestic violence (Serra, 2013). No such database exists documenting violence between men in any of these states. In other words, sexual violence against gay males is not taken seriously and stereotypically viewed as something that they were "asking for" (Stempel, 2009).

The Independent Commission on AIDS in Asia; UN Special Rapporteur on Right to Health; Global Commission on HIV and the Law; and the United Nations Development Programme (UNDP) in Asia and the Pacific have recommended the decriminalization of sex work involving consenting adults. The International Labour Organization and the UNDP have emphasized the need for sex workers to have access to legally enforceable rights to occupational health and safety and the right to participate in the process of developing workplace health and safety standards (Sampada, 2016).

Addressing the Gap: Male Sexual Abuse in International Human Rights

The general awareness of sexual abuse among adult men is a recent development in the medical, health care, psychological and sociological literature. Most of the early literature is focused on male children rather than adults. According to the National Crime Victimization Survey by the United States Bureau of Justice Statistics, 11% of total sexual assault victims are male. England and Wales reported that male rape comprises 7.5% of all rape reported to criminal authorities (Tewksbury, 2007). While several databases exist to record the documented cases of violence against women (e.g., The UN Secretary-General's database "Violence against Women"), no such database exists documenting violence against men. Lara Stemple captures the situation concisely, "Despite the grave and widespread nature of sexual violence against men and boys, the current international human rights framework is inadequate for addressing this problem . . . The international instruments that contain the most comprehensive and meaningful definitions of sexual violence exclude men on their face, reflecting and embedding the assumption that sexual violence is a phenomenon relevant only to women and girls" (2009).

Evolving Perspectives on Gender and Sexuality in India

Until the early 2000s, most gendered studies in India were confined to men who have sex with men, hijras (transgender persons), and other gender identities. The papers were written from a health perspective and emphasized the significance of safe sex practices to prevent the spread of HIV infection (Joseph, 2005; Seabrook, 1999). The focus was by and large males whose lives were affected by HIV/AIDS (Khan, 2008; Menon, 2007). The anthology Law Like Love: Queer Perspectives on Law in India (Gupta & Narrain, 2011) presents a collection of essays written from multiple perspectives on the history of queer life and law in India. It was published on the second anniversary of the NAZ Foundation v. Union of India, Delhi High Court, 2009, which decriminalized homosexual sex in the privacy of one's home. Of course, some essays

are excellent, but the book only gives an enumeration of cases, incidents, and general arguments on homosexuality, marriage, and family; it does not offer any concrete solutions, recommendations, or suggestions. The more recent ethnographic study is titled Legalizing Sex: Sexual Minorities, AIDS, and Citizenship in India (Lakkimsetti, 2020). It explores the relationship between the HIV/AIDS epidemic and the rights-based struggles of sexual minorities in contemporary India. Lakkimsetti argues that over time the crisis of HIV/AIDS effectively transformed the relationship between sexual minorities and the state from one that was focused on juridical exclusion to one of inclusion.

The new relationship has enabled such groups to demand rights and citizenship that had been previously unimaginable. By illuminating such tactics as mobilizing against a colonial era antisodomy law, petitioning the courts for the recognition of gender identity, and stalling attempts to criminalize sexual labor, it brings together the struggles of sex workers, transgender people, and gay groups.

Violence against female sex workers in India is well reported and researched (Dasgupta, 2020), and violence against male sex workers is reported as an HIV/AIDS prevention campaign (Azhar et al., 2020), but there is less research on violence against gay sex workers (Lahiri & Kar, 2007). The current discourse does shed light on the diversity of sex work in India: Under the umbrella of sex work, there are unique subgroups of sex workers whose voices become lost in a monolithic and reductionist narrative of sex work (Azhar et al., 2020). Since the decriminalization of homosexuality, we have found that cases of violence against gay men, especially violence against gay sex workers, is most often reported by print media and news channels. There have been reports on the commercialized sex trade by masseurs running rampant across the country (Ortiz, 2013). However, academic research on violence against male prostitutes is scarce, and there seems to be no research specifically focusing on gay sex workers. Because most studies have been conducted by non-governmental organizations without much governmental support, they represent a smaller population and limited regions or groups in smaller surveys. The main reason for the limited studies is due to the criminalization of homosexuality until 2017–2018 (decriminalized in September 2018).

Issues, Concerns, and Challenges

In contrast to mainstream prostitution, gay prostitution as a subculture is an urban phenomenon and mainly takes place in cities. Gay sex workers find customers both in real life and in virtual reality. Internet forums provide safe channels to reach out to subcultures and subpopulations like these (Cunningham & Kendall, 2011). Digital revolution has led to unprecedented and profound changes in how the gay sex industry operates. Technology helps gay men connect or buy sex through the medium of the Internet: "Society talks about the sex industry mainly through the discourse of popular culture and commonly through the archetypes of women as sellers and men as buyers or vice-versa. Yet, Internet technologies have made one thing very clear: there is a sizeable section of the sex industry where men are the sellers" (Minichiello et al., 2015). Male prostitution is not a new phenomenon (Kaye, 2003), but sex work has moved beyond traditional gender stereotypes due to the influence of changing lifestyles and sexual diversity. Our knowledge of it can no longer depend on the popular female-orientated prostitution culture.

It is interesting to understand how the gay community and gay men perceive the gay sex industry. Gay sex work is organized and operated through gay bars, pubs, gay saunas, gay

cinemas, darkrooms, cruising places, and online (Cheng, n.d.). The Internet provides a high degree of anonymity and has made gay pornography much more accessible. The connection between gay sex work and pornography is complex and under-researched. Pornography and the sex industry are argued to be exploitative to women; this could also be argued for gay men working in the sex industry: Gay men working as porn stars indulge in condom-less sex porn films and perform in online sex shows (Minichiello et al., 2015). Sex tourism exists in the gay world. Escort services, clubs, private homes, parks, and internet chat rooms all serve as places to meet and negotiate a transaction.

We do know that online male escorts and the number of male sex workers worldwide has greatly increased in recent decades, which is mostly due to the digital revolution. Street work has even declined in Western contexts. European research shows that an increasing number of escorts use online advertising, accounting for anywhere from 40% to 60% of their business. Escort profiles are more visible and largest in number in countries where sex work is legal. Apart from this, online sex work also takes place in other less-structured settings, such as classified ads, sex and dating websites and apps designed for non-commercial encounters, and other general forms of social media. The situation is no different in India. Men offer services through gay websites on the internet (Parussini, 2015).

In addition to the long-term effects of the Internet on prostitution, the Covid-19 pandemic threatened the situation of prostitutes and other sex workers. Brothels and porn production studios were closed, and body services were banned. Many sex workers became homeless or lived in acute poverty (Döring, 2020). The pandemic was exploited to criminalize prostitution with smear campaigns by the anti-prostitution movement. It was not a "great equalizer" for India's queer population. Various genders and sexual minorities were among those who were exposed to precarity in ways they often did not talk about. There is little discourse on the impact of these spaces on LGBTQI individuals, many of whom were subject to increased supervision and regulation (Sengupta, 2021).

In Europe, the International Committee on the Rights of Sex Workers in Europe (ICRSE) described the dire situation of sex workers in the following words, "Sex workers of all genders have been amongst the hardest hit by the COVID-19 pandemic in Europe and Central Asia. Lockdowns, self- isolation, and travel restrictions have put us out of work, pressing some onto the streets and into destitution, where the risks are heightened by the pandemic. As sex work is criminalized to varying degrees in all countries of the region, most of us have been unable to access the safeguards provided for many other workers, such as sick pay and social benefits" (Dettmer, 2020).

The International Lesbian, Gay, Bisexual, Trans, and Intersex Association Europe (ILGA Europe) released its rapid assessment report on the pandemic's impacts on LGBTQI communities in Europe and Central Asia (ILGA Europe, 2020). The report includes information on impacts in specific areas, e.g., health and hardships faced by sex workers when trying to access health care, public relief programs, including housing, food, and subsistence. They were denied access to justice, registration, and other legal processes. LGBTQI organizations were unable to do advocacy and engage with policy makers. The community was exposed to hate speech by political and religious leaders and domestic violence had increased (SWAN & ICRSE, 2020). The pandemic thus highlighted the lack of social protection for sex workers.

Addressing the Legal Status of Prostitution: Insights from Indian Supreme Court Judgments

The constitutionality of the Immoral Traffic (Prevention) Act was challenged in the landmark judgment of The State of Uttar Pradesh v. Kaushalya, AIR 1963 All 71. The Supreme Court of India has held various positions on prostitution over the years. In a landmark judgment Budhadev Karmaskar v. State of West Bengal, the Supreme Court held that prostitution per se is not a criminal offense, but activities related to it such as running brothels, soliciting in public, and trafficking are criminal offenses. The court also emphasized the need to protect the rights of sex workers and ensure they have access to healthcare and other basic amenities. In 2009, the Supreme Court observed that prostitution should be legalized and convened a panel to consider amending the law. In 2011, it held that the "right to live with dignity" is a constitutional right and issued an order relating to "creating conditions conducive for sex workers to work with dignity" (Singh, 2011). However, in 2012, the Central Government made a plea to the Supreme Court, arguing that sex workers should not be allowed to pursue their trade under the constitutional "right to live with dignity." The Supreme Court agreed to examine the plea to regulate prostitution. The Court has obviously changed its position in these judgments. It should also be noted that these judgments and debates relate to issues concerning female prostitutes (Singh, 2011).

Some important judgments related to prostitution in India include:

- 1. Budhadev Karmaskar v. State of West Bengal (2011) In this case, the Supreme Court recognized the right of sex workers to live with dignity and access healthcare services, and directed the government to take steps to ensure their rights are protected.
- 2. Vishal Jeet v. Union of India (2011) The Supreme Court issued guidelines for the rehabilitation of sex workers and emphasized the need to eradicate human trafficking for prostitution.
- 3. Kamlesh Vaswani v. Union of India (2014) In this case, the Supreme Court upheld the constitutional validity of Section 370 of the Indian Penal Code, which criminalizes trafficking for commercial sexual exploitation.

The Supreme Court has not specifically addressed the issue of male prostitution in any landmark judgments. However, the principles laid down in cases related to female prostitution would likely apply to male sex workers as well. The court's focus on protecting the rights and dignity of sex workers would extend to all individuals involved in the sex trade, regardless of gender.

The Need for Recognition and Support

Lawmakers often neglect the fact that sex work is a multi-gendered phenomenon. Sex workers are male, female, and non-binary, LGBTQI, and might have a migration or asylum background (ICRSE, 2015). LGBTQI sex workers experience discrimination, violence, rape, beating, extortion, police maltreatment, forced eviction, and deportation, as well as exclusion from health services (NSWP & MPact, 2018). The intersections of LGBTQI sex workers have not been addressed sufficiently by LGBTQI and sex work organisations. There is very limited research and data available on LGBTQI sex workers' engagement in the sex industry. Most available data is about female street- based sex workers belonging to the popular culture. This

lack creates a limited understanding of the problems of LGBTQI sex workers. For instance, female sex workers in studies are usually not asked about their sexual orientation, which leads to the common presumption that they all identify as heterosexual. LGBTQI sex workers are rarely addressed by service providers and policy makers (ICRSE, 2015). Gay sex workers experience extreme physical, sexual, emotional, and economic violence in their neighbourhoods, homes, at work, and by law enforcement authorities. Many individuals face multiple forms of violence, including abuse, rape, arbitrary detention, beatings, humiliation, and public shaming (Lahiri & Kar, 2007). The Supreme Court of India has recommended legalizing prostitution if it cannot be curbed. The Government ought to think in terms of regulating the trade in the best interest of the sex workers, so that they are entitled to regulated working hours, remuneration, health care, and education.

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