

Background of the Consultation:

Marginal communities, particularly sex workers and transgender groups face social as well as systemic hurdles in accessing their entitlements and citizenship rights. While the need to mainstream them and bring about a shift from their exclusion to inclusion in society stands well recognized, concrete measures are yet evolving. It is also very clear that the initiatives that are being implemented on the ground and at the programmatic level are not engaging with the structural, institutional and deep seated attitudinal barriers that have perpetrated and fuelled the social exclusion of these communities. Hence, any design for social inclusion must work towards building bridges between the mainstream programmes and the communities and should be strongly located in the framework of empowerment and community involvement.

Keeping this in focus, the National Mission for Empowerment of Women (NMEW) in technical collaboration with the Centre for Advocacy and Research and its partners embarked on an initiative to create a pilot project for *Assessing and Designing a Social Inclusion Plan for Socially Marginalized and Excluded Populations* such as women trafficked into sex work and transgendered women in the three States of Andhra Pradesh, Karnataka and Maharashtra.

A state level consultation was planned to launch the pilot cum demo project in Maharashtra and to collectively deliberate with every stakeholder that mattered - from government departments and ministries to civil society and community groups - on the specifics involved in designing a social inclusion plan for these marginalized groups. The State Consultation was organised by the State Women and Child Development Department, State Women's Commission in collaboration with the National Mission for Empowerment of Women (NMEW), Ministry of Women and Child, Government of India (GoI), and the Centre for Advocacy and Research (CFAR).

The Consultation which was held on 29th November 2012, in Mumbai, strove to:

- Develop a consensus on the design of a plan for the social inclusion of sex workers and transgender women that would factor in all the learning and lessons from programmes implemented by state, civil society and community in empowering the community, building leadership and strengthening their participation and ownership of it.
- Facilitate experts drawn from state, civil society and community to collectively review the challenges and barriers experienced by sex workers and transgender women in advancing their rights, empowerment and access to social development programmes.
- Evolve a broad framework on the schemes and programmes that need to be brought together to strengthen the process of convergence and delivery while recognizing the unique needs and challenges faced by the community.

The participants included representatives of key departments such as Women and Child Development, Health, Education, Social Welfare, Municipal Administration, Women's Commis-

sion, CID, NRHM, AIDS Control, NGOs and community groups working on these issues and experts drawn from academic and think tank bodies like TISS.

The day long Consultation was divided into three major sessions – on social entitlements, anti-trafficking and crisis faced by these communities and on strengthening access to rights and justice.

Evidence from the Ground :

The Consultation focused largely on exploring and understanding what was being done to strengthen the inclusion, protection, welfare and amelioration of marginalized groups.

At the outset, CFAR presented emerging evidences that indicated the extent of inclusion from diverse districts such as Parbhani, Mumbai, Pune, Solapur and Kolhapur on how community collectives were actively claiming entitlements.

The presentation clearly highlighted the rich experience and leadership of community groups, NGOs and service providers who engaged with, stood up for and advanced the concerns of sex workers and transgendered women in Maharashtra.

In terms of the work done in Maharashtra by the major agencies and institutions, the numbers spoke for themselves:

Entitlements	Number of Beneficiaries				
	MSACS	Family Health International	Pathfinder International	KHPT	Total
<i>Ration cards</i>	3,135	7,481	2,195*	1,869	14,680
<i>Aadhar Cards</i>		215	2,797	1,058	4,070
<i>Bank accounts, Insurance policies</i>		6,751	2,433		9,184
<i>Voter IDs, Pan Cards</i>		1,915	3,550	1,781	7,246
<i>Proof of age, residence, domicile</i>		590	798	435	1,823
<i>Vocational training, government schemes</i>	22,736	859	2,436	84	26,115

A case in point which CFAR highlighted was the convergence that has taken place in Parbhani because of the collective efforts and stakes from the community and the government departments facilitating access to welfare schemes and programmes.

- As many as 6500 beneficiaries were found to be accessing 15 major government schemes in Parbhani
- The efforts provide significant learning about principles and strategies of partnership and inter sectoral and inter departmental collaboration – government, community and civil society.
- The impact of strengthening the social protection cover was visibly seen in the HIV programme as HIV and STI rates started declining in Parbhani.
- This example serves as a model for showcasing the gradual empowerment of the community through inclusive programming.

Persisting Concerns and Challenges:

A valid concern that was flagged during this opening reality check and around which the deliberations were posed was that at the end of the day, all such efforts run the risk of being piecemeal and fragmented due to the absence of an institutionalized engagement with the structural barriers and hindrances faced by the community.

It is in this context that the Maharashtra Consultation strove to:

- Achieve a unanimous consensus and will to protect and safeguard the rights of sex workers and transgendered women
- Realize the need for a coordinated and institutionalized response to ensure basic social protection and welfare schemes for community groups,
- Strengthen access to social entitlements such as education, skill development, health care, social justice, legal rights and aid; and last but not least,
- Ensuring sustained and coordinated convergence of and linkages between service providers, government departments and agencies and the community.

Social Inclusion and the State Response :

In the light of this introductory presentation, the Opening Address by Member Secretary of the State Women’s Commission, Ms Shomita Biswas focused on the significant efforts being made by the State government to reach out to the marginalized community groups and enhance their social protection. Ms Shomita also laid out certain recommendations to strengthen the inclusive framework for the community of sex workers and transgendered women.

Shomita Biswas

Member Secretary, State Commission for Women

Ms Shomita Biswas, in her opening presentation said that the work done by the Women's Commission and the WCD was guided by the Supreme Court order on the prevention of trafficking, rehabilitation of sex workers willing to leave sex work and providing a life of dignity to those who want to continue with the profession.

She stated that much of the work done by the Commission was concerned with the rehabilitation of sex workers willing to opt out of sex work and that the Commission perceives rehabilitation as a means for moving away from the sex trade and living a life of dignity, respect, opportunity and equality, social and financial security not just for themselves but also their children.

She also highlighted recommendations from the various issue based consultations and workshops held with community groups and civil society leaders. These included:

- Training and sensitization of railway staff and the police on community concerns
- Strengthening anti-trafficking measures at the district level and identifying source areas
- Sensitizing gram panchayat leaders on trafficking issues and making them vigilantes.
- Setting guidelines and rescue operation protocols for the police which clearly state the manner in which they should treat community women.
- Studying trends in trafficking (fake marriages, false job promises, etc.) and source areas (specific places and locations) and devising appropriate strategies and measures for prevention of trafficking of women and minor girls.
- Starting an anti – trafficking helpline for women in distress.
- Initiating special support schemes for those rescued in anti-trafficking operations
- Ensuring appropriate shelter to the rescued and increasing the capacities of shelter homes
- Exploring the possibilities of housing for sex workers and pension for those above 40 years of age
- Facilitating the access and provision of documents such as age certificates, ration cards and other evidence of citizenship
- Supporting the community in opening individual bank accounts
- Providing counseling for de-addiction

- Providing educational opportunities and support to community groups and their children
- Providing nutritional support and night shelter homes for children of sex workers in red light areas
- Strengthening child protection norms to prevent child labor, child sexual abuse and child trafficking.
- Provide legal support to the community if required
- Addressing the health concerns of the community
- Providing vocational and entrepreneurship opportunities (including financial support) to community women, linking them to skill development and labor departments.

Community speak on rehabilitation

“It has been nationally proven that sewing machines do not solve the problem. You must abolish such schemes. If I earn Rs.30, 000/- a month as a sex worker how am I going to support my family with meager earnings from stitching? I would have to again stand at night for sex work”. – Laxmi Tripathi, Transgender Rights Activist, Mumbai

“A group of over 100 sex workers were willing to undergo training in tailoring. But on the day the training started they were asked to sign a form which said that once the course was completed they would have to stop doing sex work. Unsure about the business the training would generate women protested against such a condition in a programme that was meant to benefit them. More than fifty percent of women backed out of the training.” –

Envisioning a Social Inclusion Plan for MARPs: Moving from a nascent to more systemic inclusion

The introductory presentation showed that both, the government and community groups and NGOs, had established some shared practices and processes. To take this forward, the Consultation delved into ways and strategies of creating institutionalized mechanisms for more effective inclusion.

The Consultation was formally inaugurated and presided by **Varsha Gaikwad**, Minister for Women and Child, Government of Maharashtra and saw the presence and participation of esteemed officials which included **K. Ratna Prabha**, Additional Secretary, Mission Director, NMEW, **T F Thekkekara**, Additional Chief Secretary, Minorities Development, **Rashmi Singh**, Executive Director, National Resource Center for Women, NMEW, **Shomita Biswas**, Member Secretary, State Commission for Women, **Ujjwal Ukey** and Principal Secretary, Women and

Child Development and **Laxmi Tripathi**, Community representative and Transgender Rights Activist.

The inaugural session recognized the need for effective engagement with communities and commitment towards change were made by the policy makers present on the dais.

Setting the Perspective

Smt. K. Ratna Prabha

Additional Secretary, Mission Director, NMEW

Smt. **K. Ratna Prabha**, Additional Secretary, Mission Director, NMEW spoke of the vision needed for directing the social inclusion process.

"The Mission seeks to strengthen convergence of all policies and programmes from the State and Central Government to advance gender equality and equity."

"Empowerment is a broad-based goal; however, we realize that the weakest and the most vulnerable should form the focus of our programmes."

She expressed great concern over the exclusion of sex workers and transgender groups in development programming.

"They being citizens of this country should have full access to their rights and entitlements."

She suggested that programmes should be designed to support economic development and the social integration of these marginalized groups.

While there are myriad issues that need to be addressed in the context of sex workers and their entitlements, she flagged the issue of the recognition of transgenders as requiring immediate attention. She called upon the WCD to take appropriate policy reform steps to include transgender groups in the development framework.

Lauding the Centre's initiative to roll out cash transfers, she opined that it was necessary to prioritize the enrolment of marginalized groups for Aadhar cards.

Concerned over the rising violence against women in vulnerable situations, she suggested forming a band of "Ahimsa Messengers" who would spread the message of non violence and spread awareness about domestic violence.

"Sex workers face multiple forms of violence at the hands of goons and even their partners. We will constitute a group of 20 sex workers in each district who will be trained to become Ahimsa Messengers and work towards dealing with the violence and crisis experienced by the community."

On the way forward, Ms Ratna Prabha suggested that a small package of programmes should be designed and an action plan prepared by concerned departments on the issues of health, education, housing, rural sanitation, children and senior citizen.



Community calls for attitudinal change

Sex work is an age old profession. Though the government is aware of our existence why has it not taken any steps proactively to improve our situation? As a minimum necessary step towards inclusion, the government machinery should treat them with non-discrimination and respect like human beings.”

- Manda Chavan, Varangana Sakhi Sanghatan, Kolhapur



Rashmi Singh, Executive Director, National Resource Center for Women, NMEW, explained the Mission’s mandate, in her presentation:

“The Mission intends to work on a social inclusion plan for marginalized communities by facilitating their empowerment and evolving a convergence platform. Thus empowerment is the bigger mandate, while convergence is a tool to achieve it. In order to achieve its goals the Mission team seeks to work in coordination with the Central Government and the State Governments to reach out to needy women.”

She said that as part of its strategy, the Mission works at three levels - policy, programme and the community level to ensure their participation and engagement.

Citing convergence as the need of the hour, she opined that any agenda on social inclusion cannot be pursued alone by a single department. It necessitates all departments coming together and working towards a comprehensive social protection framework.

She suggested that the Consultation should identify major problem areas in terms of community access to social entitlements so as to guide the formulation of appropriate strategies.

“If we could locate the problem areas, it would be easier for us to decide solutions, fix responsibilities and decide at what level it can be taken up.”

Towards the end of the day, she was keen that a set of guiding principles and operational framework should emerge.

Her specific recommendations were:

- Identify issues of community access to schemes and programmes.
- Formulate appropriate strategies and devise State specific solutions.
- Have micro level activity guidelines to simplify tasks for government departments at various levels.

Recognizing the Need for Change-Policy and Mindset

Ms. Varsha Gaikwad

Minister, Women and Child, Maharashtra

In her Presidential speech, Ms Varsha Gaikwad, Minister, Women and Child, Maharashtra cited deep rooted prejudices and biases towards the community as the biggest hurdles in mainstreaming MARPs.

“As the first step towards inclusion we should change our mindset, get over prejudices and consider sex worker and transgender groups as human beings,” stated Ms. **Varsha Gaikwad**.

Speaking about the State Women’s Policy, the Minister said that a committee of MLAs, MPs and NGOs has been formed to recommend and shape policy that is committed to giving due recognition and space to the development issues of sex workers and transgendered women within it.

She also called for an expansion of the drafting committee to include three representatives from the transgendered and sex worker communities so that their concerns are reflected in the policy document.

Taking a cue from the concern highlighted by Ms K Ratna Prabha in her presentation on the need to recognize the transgender community, the Minister said that the Department of Women and Child Development is also willing to address the concerns of transgendered persons and ensure their integration in all social development programmes and schemes.

Engagement of transgendered groups will also help the Government to devise eligibility criteria for this section, which is lacking at the moment for want of a better understanding of community, she further added.

Speaking of her past initiatives, she said that as a State Minister, she had taken steps to include transgenders in the Sanjay Gandhi Niradhar Yojana. But the effort was not successful because of a lack of clarity on the certification and documentary evidences for becoming a beneficiary. She hoped that the deliberations at the Consultation would shed some light on such issues.

Talking about providing vocational training opportunities for sex workers, she said that there was need to first look at the impact of such ongoing efforts on the women and then suggest the way forward and a more practical approach for finding solutions rather than merely imposing programmes.

The Minister also spoke on rescue and rehabilitation measures and problems therein and a dialogue with NGOs to evolve effective procedures.

Stressing the need for a practical approach and handy solutions, the Minister recommended:

- Imparting more need based appropriate skills through vocational training courses for rescued women.

- Inclusion of representatives of sex workers and transgender groups on the Expert Committee formulating Women's Policy in Maharashtra
- Creating inter governmental cooperation for rehabilitation / relocation of rescued girls, especially in the context of those hailing from Bangladesh.

...when we look at them we also think differently about them. We need to change our perspective. Unless we change our perspective we won't be able to consider them as part of the society. Only when we do so will we would be able to work with them.- Ms Varsha Gaikwad.

Whatever suggestions and recommendations you give, I assure you that the government will take it up. - Ms Varsha Gaikwad

Advocating for Community Perspective:

Laxmi Tripathi

Transgender Rights Activist

It is highly encouraging to see that the WCD is drafting a Women's Policy and is considering incorporating the issues and concerns of sex workers. However, while doing so we should also understand that there are transgenders and male sex workers who too need to be made part of the inclusion process. Hence, a gendered and not a women centred approach should be adopted while framing the policies.

Welcoming the step to recognize the concerns of the transgender community **Ms. Laxmi Tripathi**, Transgender Rights Activist, said that policy makers should have a sensitive understanding of the transgender community which is diverse in nature.

Ms. Laxmi also highlighted the problems faced by the community such as absence of valid documentary proofs related to identity and citizenship.

"Many of us are forced to leave our respective families once our gender identity gets known. Therefore we do not have our identification documents with us. Further some of us change our names to suit our renewed gender identity. Because of such social isolation most often we do not have any identification documents."

Ms Laxmi called for an immediate attention to the problem of housing and shelter while citing it as yet another major concern which the community faces.

"Due to their distinct identities they are unable to get homes on rent. Most have no alternative but to take shelter in slums where they have to put up with problems of sanitation and socialization."

She felt that unless the system becomes sensitive of these issues, inclusion of transgender people will remain a distant dream.

Ms. Laxmi recommended:

- Simplification of procedures of verification and validating to enable easier access to entitlements and social benefits.
- Clarity by the Central Government and Planning Commission on including transgender community under the appropriate department.

Shaping evidence on exclusion for enhancing inclusion

Smt. T F Thekkekara, Additional Chief Secretary, Minorities Development

Describing the State Consultation as one of paramount significance, **Smt. T F Thekkekara**, Additional Chief Secretary, Minorities Development, in her Keynote Address maintained that exclusion is an outcome of lack of awareness and lack of empathy concerning the situation of sex workers and the transgender community in our society.

She illustrated her point with her own experience while she was Member Secretary, State Women's Commission, Maharashtra, when her proposal to include these groups in the Women's Policy was shot down. However, this time round she saw some hope and felt that the communities will get their due in the upcoming policy.

She asserted that the process of social inclusion should be absolutely non-judgmental and called for introspection of ideas, policies and programmes so as to create a more realistic design for inclusion.

She felt security, health, education and housing are immediate concerns that need to be addressed in the context of these communities.

She also felt that inter sectoral convergence of policies, programmes and departments would facilitate the process of social inclusion much better.

Her recommendations were:

- Look at these communities in a sensitive manner and shed our biases, prejudices towards them.
- Have concrete and detailed evidence about the needs of the community of sex workers and transgendered women.
- Collate data about the community and create specific plans about women in sex work and their children.

Setting norms of inclusion:

Ujjwal Ukey

Principal Secretary, Women and Child

Taking forward the points raised by Ms. Laxmi Tripathi, **Ujjwal Ukey**, Principal Secretary, Women and Child Department, stressed on the need to get rid of 'entry barriers' for marginalized groups. This, he felt, can be done only through a change in attitudes and mindset.

"As responsible citizens it is our responsibility to see that all sections of society develop inclusively."

He stressed on the significance of dialoguing to "build sensitive perspectives" among policy makers and opined that while framing government rules, the changes taking place in society need to be considered.

Mr Ukey also raised the issue of the need to recognize the transgender community and said that the government must prioritize this issue and take concrete steps to establish the identity of transgender and other marginalized groups.

He gave the assurance that his department will take all necessary steps to include transgenders in the policy framework.

"I will definitely take it up at my level. We will pilot this process."

He recommended the following points with a commitment to take them further:

- Framing procedural guidelines to establish the identity of transgender people
- Formulation of norms for inclusion of transgender groups in all programmes.

Converging Programs and Delivery of Social Entitlements to Marginal Communities – Panel I

Following the inaugural deliberations, the rest of the day saw thematic panel discussions on housing, health, education and law enforcement. Government representatives from these departments spoke about their policies and programmes and the community shared their real life experiences, gave recommendations and presented their demands.

The sessions were basically aimed at understanding where and how an interface can be built between the government, civil society and the community.

These Sessions were moderated by **Dr Vijay Raghavan** from the Tata Institute of Social Sciences, **Dr. Sanjeevani Kulkarni**, from Prayas and Ms. **Laxmi Narayan Tripathi** from Astitva.

Right to Housing:

Mr Debashish Chakraborty

Principal Secretary, Housing Development Authority

Mr Debashish Chakraborty, Principal Secretary, Housing Development Authority, said that, neither mapping nor any kind of need assessment had yet been done for sex workers and transgender groups. Thus the housing sector does not have necessary data to include them in the planning. He appealed to everyone present to share any info / data / studies done on the community to the Housing Department so that suitable policy changes could be initiated.

Speaking of his past initiatives as the Chief Election Officer, he said that he had taken steps to get the transgender community included in the voters list. His team had also conducted special drives in Thane to mobilize and enroll transgenders in the voting list.

He said that because of this some kind of data on the community has been generated and it could be used by the government for planning. But the same cannot be said about the entire transgender and sex worker community. Hence mapping of these populations is a necessary first step for a need assessment of their housing needs.

At this juncture, Darshana Vyas, Project Director Pathfinder International, stated that the Maharashtra State AIDS Control Society and its partners had data about the community which could be used by the department. Mr Debashish welcomed this suggestion.

In his presentation, he recommended:

- Initiating suitable policy changes based on concrete data and evidences about the community
- Giving due space and consideration to their genuine demands in the redeveloped housing colonies that are being set up.

Community sharing:

Responding to the presentation made by Mr Debashish Chakraborty, **Mandatai Chavan**, from Varangana Sakhi Sanghata, Kolhapur, said that having a house will solve many of the community issues. She suggested that as a first step towards this, it was necessary that the norms of documentation required for seeking a shelter – whether as a house on rent or for accessing the benefit of Gharkul Yojana – be made flexible for the community.

“Due to social stigma women find it hard to get a room on rent. They cannot access benefit of Gharkul Yojana as they have no land plots in their names nor proper residence proof.”

She also stated that the issue of housing is quite critical in the context of HIV positive sex workers.

Shakuntala Pawar from Saheli said that in the absence of proper shelter HIV positive women neglect their health, therefore the government should have well equipped shelter homes for them.

Shabana Patel, NMP+ also reiterated the need for shelter and said the assurance of shelter will help the mainstreaming of the community. Raising the concerns of PLHIVs she said we demand that the government provide housing and social benefits to PLHIVS, however they should not be segregated colonies as it would mar the purpose of inclusion and mainstreaming.

Another concern raised by **Vasanti Pednekar** from Aastha Darpan CBO, about housing related schemes, was that allotment of houses through redevelopment or other projects, would only benefit Gharwalis and not the girls working for her.

Specific recommendations by Community representatives and NGOs were:

- Curtail the lengthy list of required documents, simplify procedure and keep the welfare measures free of conditionality
- More systematic mapping and housing need assessment must be done for sex workers and transgender groups
- Inter departmental coordination to overcome handicaps due to unavailability of data. MSACS and health department can share data with other departments.

Community speak on Housing:

“We live on rent. For a place that is normally rented for Rs.1000/- we are charged Rs.2000/. Apart from paying more, we have to live with the constant fear of being thrown out if anyone comes to know about our occupation. – Vasanti Pednekar, Aastha Parivaar, Mumbai

“We keep on shifting places. Hence our children suffer the most. We find rooms in far off places and spend more on travel. We end up spending more hence our workload increases. If we get houses several of our issues would be tackled. We would not have to pay the rent and our children could go to one school close to the house. It would also enable us to cook our own food and save money on the food we eat in outside. So we request you consider housing on a priority basis. It does not matter if it is a small room. But it must be a place that we rightfully own. This would give us a much needed sense of security.” – Usha Desai, SETU, Parbhani

Access to Education:

R. R. Pawar

Deputy Director Education, Maharashtra

R. R. Pawar, Deputy Director Education, Maharashtra, explained the various educational schemes and said that the government is effectively enforcing the RTE Act which guarantees that all children get compulsory education.

Dr Pawar also shared information on scholarships and residential schools set up by the government.

He said that the Sarva Shiksha Abhiyaan has provided an opportunity for the State to strengthen the schooling system. He stated that around 2100 schools in both urban and rural areas are equipped with all necessary amenities for providing quality education to children. Free text books, school uniforms and mid day meals ensure that there is minimum drop out and scholarships are given to motivate intelligent and deserving students to pursue higher education. Those who have dropped out are also located and efforts are made to provide them education through learning centers and learning camps at their respective sites.

Dr Pawar also indicated that to rule out exclusion of vulnerable children (such as children with disabilities, etc.), special trainings is given to school teachers and school authorities. At the school level medical and emergency support services are also made available for such children.

Community sharing:

In her response, **Usha Desai, Parbhani** spoke on the community’s desire to educate their children and her collectives’ experience of accessing these schemes. She cited a lack of documents such as age proof, residence proof as major hindrances in accessing education for their children.

“We want to send our children to schools, but we are unable to produce documents like residence proof, father’s name, and ration card asked by school authorities. Hence the children are deprived of educational facilities offered by the government.”

Kashibai Jadhav and **Kamalabai Pani**, representatives from Solapur and Sangli respectively, added that they were not able to get caste certificates and hence find it difficult to get admission to schools.

Darshana Vyas, Project Director from Pathfinder International, raised concern over incidents of stigma and discrimination with children of sex workers and children affected and infected by HIV. She said that the Department of Education should consider such instances and take necessary steps to prevent their recurrence.

Specific recommendations by the Community representatives and NGOs were:

- Ensure access to scholarships and residential schools set up by the government to children sex workers and transgender women through the effective implementation of RTE norms.
- Assign a nodal officer to sort the documentation related problems in an amicable manner
- Addressing problems in accessing caste certificates for the children of sex workers.
- Better convergence of the departments of Education, Health and MSACS to ensure the children infected and affected by HIV and those of community members are not discriminated and excluded from schooling.
- In order to address the problem of accessing necessary documents organize camps in taluka and districts with the help of concerned district and local authorities and hand over certificates to people.

Community speak on documentation for Education

“Now we can have the mothers’ name in the child’s birth certificate. This is certainly a positive step, but this document does not suffice for getting a caste certificate. For this we have to submit father’s caste certificate, which we do not possess. We face difficulties in getting caste certificates and avail of educational schemes for our children.” – Jayshree Sangle, Kranti Mahila Sangha, Solapur

Building Community Ownership and forging Government-Civil Society Partnership – Panel II

Right to Health:

Balkrishna Adsule, Additional Programme Director, MDACS, Avsharan Kaur JD-TI, Maharashtra State AIDS Control Society, K D Anpat, WCD, Dr. Kulkarni, Dep Director, Department of Family and Child Welfare

Balkrishna Adsule, Additional Programme director, MDACS, spoke of some of the good practices established for the benefit of PLHIV visiting the hospital. These include, visit by appointment to save patient's time and energy, reinstating treatment through proper tracking of patients who discontinue suddenly and involvement of local organisations and faith based organisation to minimize stigma and discrimination.

Avsharan Kaur JD-TI, Maharashtra State AIDS Control Society said that convergence and inter-departmental coordination is needed for effective implementation of schemes and programmes. Calling the social inclusion work done in Parbhani as a model, she suggested that it can be replicated in other districts.

She also spoke of the efforts by community collectives in seeking social entitlements in places like Akola and Thane. In Akola, the DAPCU office has served as the facilitation centre for schemes and programmes, while in Thane the camp based approach under the leadership of the District Collector had shown good results.

Ms. Kaur wanted the State to facilitate the process for ensuring access to schemes and entitlements and said that simple procedural changes would help community. For instance, the ART card of children with HIV should suffice for his/her enrollment for Balsangopan Yojana.

She also proposed to appoint a nodal officer at DAPCU to facilitate documentation and related processes.

“We ensure inclusion through effective implementation” said **M. S. Kalshetty**, Deputy Secretary, Rural Development Department. He informed participants about various schemes meant for women empowerment and the welfare of the poor and marginalized.

K D Anpat, WCD, admitted Government and NGO partnership was important as the latter are effective in reaching out to the community. “The Department has introduced schemes like group marriages, a Cell for protection against domestic violence, vocational training for sex workers etc. with the help of NGOs working with respective groups.”

Dr. Kulkarni, Deputy Director, Department of Family and Child Welfare gave information on various schemes and health benefits for pregnant women, such as pre and post natal support and Janani Suraksha, which have flexible criteria to ensure inclusion.

Community sharing:

Minakshi, representative from VAMP, Sangli shared that free access for poor patients to services such as X ray and sonography in the rural hospital had been curtailed because these services were being outsourced. Community members also do not get any medicine other than ART in civil hospitals, she said.

Padma Devasthali, from CEHAT, Mumbai spoke on the nature of services available and the attitude of service providers and asked for a sea change at both levels. She said the health issues of community women and transgender groups go beyond HIV, hence all kinds of services should be accessible to them. She informed that a Charter published by Jan Swasthya Abhiyan provides for a comprehensive approach towards health issues of the marginalized and it needs to be referred to for appropriate changes required at the policy level.

Specific recommendations by the Community representatives and NGOs were:

- Service providers should be sensitized for attitudinal change towards MARPs
- A nodal officer at DAPCU to facilitate documentation and related community issues.
- Possessing ART card should facilitate access to child specific schemes such as Bal Sangopan Yojana.

Enhancing Social Inclusion: Beyond Raids & Rescue to Social Integration and Community Empowerment – Panel III

Panel comprising of ACP, Mumbai, Firoz Patel, Women’s rights activist Flavia Agnes, Transgender rights activist Laxmi Tripathi and Project Director, Pathfinder International, Darshana Vyas

Panelists in this session deliberated on the community’s concern over the human rights violations during raids and arrest operations by the police.

At the outset, Laxmi Tripathi spoke of the manner in which transgenders were harassed, arrested and beaten up by the police. She said that the community of bar girls and sex workers also face similar experiences almost on a daily basis.

Recounting several incidences of unjustified police action against transgender people, **Laxmi Tripathi**, said, “Police have detained our people without any due process.”

Talking about raids she said that while the government spends a lot on conducting raids, it does not have appropriate plans for resetting the rescued women.

“We are not against the Police but critical of policy that guides the course of such actions. Prejudice and bias is the main underlying reason for the violence perpetrated against transgender people by the police.”

She also raised concerns over the protection of community rights in the face of such police actions and appealed that the police be sensitive to ground realities.

Darshana Vyas, from Pathfinder International, questioned the manner in which the police conduct raids in brothel areas. She said that in many areas police excess has been witnessed and reported. She suggested that police should conduct such operations sensibly and with the right amount of sensitivity towards these communities.

“There has been a case where about 58 sex workers were beaten and kept in a police van without water for three hours. They were fainting in the police van. That is exactly what we are talking about. There are lot of things on which both the parties can work together and make things happen.”

Responding to these points, **ACP Firoz Patel** said, “Raids are conducted by the Police only after they receive a complaint. In that sense, the action is justified.” But he admitted that if the police are taking excessive action it should be reported to higher authorities. He agreed that community rights need to be respected and upheld by the police during anti-trafficking operations.

Women's Rights Activist **Flavia Agnes** opined that inclusion will remain a distant dream unless the government has a coherent policy on sex work and people involved in this work. Lack of valid identity and residence proofs makes the community vulnerable during raids and rescue operations.

She lamented the fact that the police has neither the infrastructure nor a policy guiding the course of action of raids. There is ample evidence to show that such raids prove detrimental to their intended cause of rescue and rehabilitation, she said.

Raising the issue of livelihood that gets lost in such operations, she questioned the action by the State Home Minister against bar dancers a few years ago which left the bar girls in a miserable conditions. Many girls who were dancing to earn for their family were also studying and attending colleges. However, later they were forced into prostitution, she said.

She suggested that as a first step, we need to have a coherent policy stating whether sex work is right or wrong. Once that is decided, the modalities can be worked out. She also opined that coordination between the various departments is needed.

ACP Patel while accepting the inadequacies within the system stated that sex work is a social issue and the police alone will not be able provide an answer. “However we are enjoined to treat all sex workers and transgender persons as “victims” and in need of support and not as perpetrators.”

Community sharing:

The participants raised a number of issues faced by the community in the wake of police anti-trafficking operations. They spoke in particular of indefinite detainment in the name of rehabilitation, sending the girls back to their native places, treating them as criminals, lack of access to medical and legal help, unlivable conditions of the shelter homes, the violence, abuse and insecurity within the shelter homes, etc.

“It is essential to understand that a woman or anyone else who is involved in sex work has a say. She has the right to be in sex work with her consent. But that does not mean she does not have the right to protest against rape and sexual violence inflicted on her in shelter homes or elsewhere. They suffer the agony for rest of their lives.”- Vasanti Pednekar, Aastha Parivar, Mumbai

Specific recommendations during this panel were:

- Recognize and respect the right of the community members during raids and rescue operations
- Sensitize the police and take necessary steps for decriminalization of the profession
- Have coherent policy in place on measures such as raids and rehabilitation to ensure they don't add to the miseries and violence suffered by sex workers
- Inter departmental co-ordination and strategies need to be worked out to look at sex work and sex workers' issues in a holistic manner.

Participants List

Sr. No.	Name	Department / NGO Name	CBO/NGO/ GOVT.
1	Varsha Gaikwad	Minister - Women and Child Development Ministry - MH	Govt.
2	T F Thekkekara	Additional Chief Secretary, Minorities Development	Govt.
3	Ujjwal Uke	Principal Secretary - WCD	Govt.
4	Satish Tripathi	Ex- Secretary - MH	Govt.
5	Shomita Biswas	Member secretary Women's Commission - Mumbai	Govt.
6	Arjun Dangat	Women's Commission - Mumbai	Govt.
7	Manisha Nirbhavane	Women's Commission - Mumbai	Govt.
8	Debashish Chakraborty	Principal Secretary, Housing Development Authority`	Govt.
9	Dr. S J Kulkarni	State Family Welfare - Public Health Department	Govt.
10	Ujwala Ombase	MSACS - Mumbai	Govt.
11	Manisha Nirbhavane	MSACS - Mumbai	Govt.
12	Avsharan Kaur	MSACS - Mumbai	Govt.
13	Dr. Asha Hegade	MSACS - Mumbai	Govt.
14	S. M Shelar	WCD - Mumbai	Govt.
15	Dr, Nilima Mehata	Ex- chair Person Juvenile Justice Board - Mumbai	Govt.
16	Mankar Laxman S	MSCW - Mumbai	Govt.
17	Dr. Balkrushan Adsul	MDACS - Mumbai	Givt.
18	Ashwani Dighe	WCD - Mumbai	Govt.
19	P. R Pawar	M.P S. P. - Mumbai	Govt.
20	G. K. Bhagat	M. P S. P - Mumbai	Govt.
21	Feroz Patel	ACP - Enforcement - Mumbai	Govt
22	H G Anpat	WCD - Pune	Govt
23	Nandakishor Dhale	WCD - Pune	Govt.
24	R. R. Pawar	Deputy Director Education Primary Education	Govt.
25	Dr. Mallinath Kalshetti	Deputy Secretary Rural Development Department	Govt.

26	K. Ratna Prabha	Additional Secretary, Mission Director, NMEW	Govt.
27	Rashmi Singh	Executive Director, NMEW	Govt.
28	Dr. Deepa Ahluwalia	NMEW Delhi	Govt.
29	R. R. Pawar	Deputy Director Education, Maharashtra	Govt.
30	Dr. Sanjeevani Kulkarni	PRAYAS, Pune	NGO
31	Padma Deosthali	CEHAT, Mumbai	NGO
32	Rafiq-ul-Rahman	Setu Charitable Trust, Parbhani	NGO
33	Shabana Gaikwad	Setu Charitable Trust, Parbhani	NGO
34	Usha Desai	Setu Charitable Trust, Parbhani	NGO
35	Lata Deshmukh	Setu Charitable Trust, Parbhani	NGO
36	Shabana Patel	NMP Pune	NGO
37	Farida Lambay	Pratham	NGO
38	Dr. Sameer Kumta	BMGF -MH	INGO
39	Shantatai Kale	SANGRAM - Sangali	NGO
40	Kiran Deshmukh	VAMP -Sangali	CBO
41	Kamaltai Pani	VAMP - Sangali	CBO
42	Meenatai Kamble	VAMP - Sangali	CBO
44	Raju Naik	VAMP - Sangali	CBO
45	Mandakini D	SAHELI - Pune	CBO
46	Meena Koli	SAHELI - PUNE	CBO
47	Mahadevi Madar	SAHELI - Pune	CBO
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51	Dr. Hemalata Pisal	MASUM - Pune	NGO
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53	Seema R	ASTHA	CBO
54	Vasanti Pednekar	ASHA Darpan	CBO
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58	Suvarna Chatterjee	Varangana Sakhi Sangha - Kolhapur	CBO

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77	T K Jairajan	PI - Pune	INGO