

## SC Directions on Sex Workers

### Why in news?

A long-standing demand of sex workers that their work be decriminalised has been partially fulfilled with the Supreme Court.

### What was the case about?

- In 2010, an appeal was filed in the SC against a 2007 order of the Calcutta High Court which upheld the life imprisonment imposed on a man named Budhadev Karmaskar, found guilty of murdering a sex worker in Kolkata's red light area in September 1999.
- The court suo motu converted the case into a PIL to address the problems of sex workers.
- The court held that the Central and the State Governments should prepare schemes for rehabilitation for physically and sexually abused women commonly known as prostitutes through Social Welfare Boards.
- The Court had ruled in *Budhadev Karmaskar (2011)*, that sex workers are also entitled to a "life of dignity" under Article 21 of the Constitution
- The SC also appointed a panel to make suitable suggestions on prevention of trafficking and rehabilitation of sex workers who wish to leave sex work.

### What did the panel say in its report?

- In its final report submitted in 2016, the panel noted that sex workers
  - Found it difficult to acquire proofs of identity such as ration cards or voter cards because they lacked a proof of residence
  - District authorities did not recognise the identities of sex workers and their children
  - No access to schemes meant for their rehabilitation
  - No access to credit offered by states, because the lack of documents prevented them from opening bank accounts
- The committee recommended that amendments should be made to The Immoral Traffic (Prevention) Act, 1956.
- **Centre's response-** In 2020, the government informed the SC that a Group of Ministers has been constituted to examine the two draft legislations and the SC panel report shall be taken into consideration by the Group of Ministers.

### What is the recent court ruling?

- In 2020, the SC directed States and Union Territories to provide dry rations to sex workers identified by National Aids Control Organisation (NACO) without insisting on proof of identity.
- Recently, the court noted that despite its assurances, the Centre was still to bring a law on the subject.
- The court used its extraordinary powers under Article 142 and directed that the recommendations in respect of sex workers and other connected issues be implemented by states and UTs.

- **Recommendations to be implemented-** The order listed 10 recommendations of the panel, and directed that six of them should be implemented.
  - provision for immediate medical assistance for any sex worker who is a victim of sexual assault
  - direction to states to do a survey of all Immoral Trafficking (Prevention) Act Protective Homes
  - sensitising police and other law enforcement agencies to the rights of sex workers and to ensure that police treat them with dignity and should not abuse them verbally and physically
  - ask the Press Council of India to issue appropriate guidelines for the media to take utmost care not to reveal the identities of sex workers
  - measures that sex workers employ for their health and safety must neither be construed as offences nor seen as evidence of commission of an offence
- The Additional Solicitor General had conveyed that the Government has certain reservations on some of the panel's recommendations.

*Article 142 enables the court to pass orders necessary to do complete justice in a pending matter.*

## How significant is the court order?

- By holding that basic protection of human decency and dignity extends to sex workers and their children, the Court has struck a blow for the rights of an exploited, vulnerable section.
- The court's order comedown heavily on the brutal and violent attitude of the police toward sex workers.
- It has asked State governments to do a survey of protective homes to review the cases of adult women detained there and process their release in a time-bound manner.
- The Court's observations shall help sensitise the police, media and society toward sex workers.

## References

1. <https://www.thehindu.com/opinion/editorial/the-hindu-editorial-on-sex-as-work/article65467592.ece>
2. <https://indianexpress.com/article/explained/sc-directions-on-sex-workers-history-of-the-case-and-where-it-stands-now-7940364/>