Recognising Sex Work as Work

What is the issue?

- As many sections of the society, the pandemic has hit hard the adults who earn by providing sexual services.
- It is time to consider the demand of granting basic labour rights to sex workers.

Why do sex workers face double burden?

- Sex work is not recognised as “legitimate work.”
- They do not become eligible to benefit from the government’s relief programmes.
- Sex workers in India have been asking for decriminalisation of sex work and a guaranteed set of labour rights.
- COVID-19's impact has provided yet another reason to consider this long-pending demand.

What are the current legal provisions?

- The Suppression of Immoral Traffic in Women and Children Act was enacted in 1956.
- Subsequent amendments were made to the law.
- And the name of the Act was changed to Immoral Traffic (Prevention) Act.
- This is the legislation currently governing sex work in India.
- The legislation penalises acts such as
    i. keeping a brothel
    ii. soliciting in a public place
    iii. living off the earnings of sex work
    iv. living with or habitually being in the company of a sex worker

What are the concerns?

- **Legal** - The Act represents the archaic and regressive view that sex work is morally wrong.
- It perceives that the people involved in it, especially women, never consent to it voluntarily.
- As a consequence, it is believed that these women need to be “rescued” and “rehabilitated.”

- This is a valid argument for minor girls, but not for many consenting adult sex workers.
- **Social** - The Act's precept has led to the classification of ‘‘respectable women” and “non-respectable women.”
- It thus perpetuates the prejudice of viewing sex workers as morally devious.
- The Act, besides criminalising, has further stigmatised sex work.
- It thus leaves sex workers more prone to violence, discrimination and harassment.
- **Rights** - The Act denies an individual their right over their bodies.
- It imposes the will of the state over adults articulating their life choices.
- It gives no agency to the sex workers to fight against the traffickers.
- In fact, the Act has made them more susceptible to be harassed by the state officials.
- Evidence shows that many women choose to remain in sex work despite opportunities to leave after ‘rehabilitation’ by the government or NGOs.
- The Act fails to recognise this choice.
- There is a distinction between women who are trafficked for commercial sexual exploitation and adult, consenting women who are in sex work of their own volition.
- The Justice Verma Commission had also acknowledged this distinction.

What is the way forward?

- The Supreme Court, in Budhadev Karmaskar v. State of West Bengal (2011), opined that sex workers have a right to dignity.
- Parliament must also take a re-look at the existing legislation and do away with the ‘victim-rescue-rehabilitation’ narrative.
- The country must thus rethink sex work from a labour perspective and guarantee basic labour rights to sex workers.

Source: The Hindu

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