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

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