

SC Guidelines on Sex Work

Mains: *GS I - Social Issues*

Why in News?

*Recently, the Supreme Court, delivered a judgment in **Prajwala v. Union of India**, addressing trafficking for commercial sexual exploitation (CSE) and victim rehabilitation.*

Who are Sex Workers?

- **Sex Workers** - They are adult who receives money or goods in exchange for consensual sexual services, erotic performances, or adult entertainment.
- **India's demographic share** - National AIDS Control Organisation (NACO) identified approximately 800,000 sex workers through its tracking programs.
- Non-governmental organizations and UN-affiliated groups estimate the total population to be between 2 million and 3 million individuals.



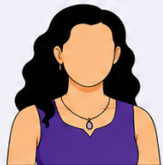
Population Estimates and Demographics



FEMALE SEX WORKERS:

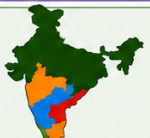
868,000

NACO estimates approximately 868,000 women.



TRANSGENDER SEX WORKERS:

Mapping exercises across selected states indicate that roughly **62%** of surveyed transgender individuals engage in sex work.



GEOGRAPHIC CONCENTRATION:

States such as **Andhra Pradesh, Karnataka, and Telangana** account for **over one-third** of the recorded population.



HIDDEN SEX WORK:

Studies note that up to **70%** of participants operate in non-brothel or hidden environments, raising safety and stigma risks.



NOTE:

These estimates highlight the need for inclusive policies, targeted outreach and data-driven interventions.

What are the key challenges faced by sex workers?

- **Forced Rescue** - The Supreme Court observed that anti-trafficking raids often result in forced rescue, placement in protective homes, and indefinite confinement, which undermines genuine rehabilitation.
- **Criminalisation and stigma** - The Supreme Court observed that sex workers experience moral stigma, police harassment, social exclusion, and discrimination, all of which impede their access to justice and public institutions.
- **Separation from Children** - SC noted that rescue operations often cause traumatic separation of women from their children, causing insecurity and distress.
- **Institutional Accountability** - The Supreme Court cautioned that protective homes may become spaces of control if residents are
 - Denied legal aid,
 - Subjected to excessive restrictions,

- Have their preferences disregarded, or experience inadequate monitoring.
- **Economic Vulnerability** - SC recognized that poverty, few job opportunities, and limited social support reduce choices, increasing sex workers' dependence and insecurity.
- **Caste Discrimination** - The SC noted that caste and socioeconomic marginalisation push people into sex work.
- These factors also shape how police, courts, and bureaucracy treat them.

What are the key guidelines issued by Supreme Court?

- **Voluntary vs. Trafficking** - The Supreme Court distinguished voluntary adult sex work from trafficking, recognising that consensual sex work is not exploitative and affirms adult agency.
- **Consent & Autonomy** - SC held that rehabilitation must be guided by consent and individual autonomy, affirming sex workers' agency.
- **Constitutional Rights** - The SC affirmed that Articles 21 and 23 apply to sex workers, ensuring their rights to life, liberty, and protection from forced labour remain intact despite social disapproval.
- **No Forcible Rescue** - SC ruled that voluntary adult sex workers cannot be subjected to forced rescue or detention, and any intervention must first establish consent.
- **Victim Protection Plan** - SC issued a detailed plan under Articles 32 & 142, covering all stages includes pre-rescue, rescue, post-rescue, rehabilitation, and reintegration.
- SC shifted from paternalistic rescue-rehabilitation to a rights-based, dignity, autonomy, and consent framework, recognising sex workers as citizens with agency.

What are the four stages covered under Supreme Court guidelines?

- **Pre-Rescue** - Ensure Anti-Human Trafficking Units (AHTUs) are adequately trained, employ victim-sensitive methods, avoid mass raids, include female personnel, and maintain sensitivity to HIV-related issues.

- **Rescue** - Treat victims as individuals in need of assistance rather than as criminals, ensure their separation from traffickers, recover identification documents, provide protection for children, and enforce penalties for police misconduct.
- **Post-Rescue** - Provide humane living conditions, ensure access to sanitation facilities, offer translation services, guarantee legal aid, maintain confidentiality, and facilitate early transfer to protective homes.
- **Rehabilitation and Reintegration** - Recognize rehabilitation as a constitutional right, ensure all processes are guided by informed consent, prohibit forced rehabilitation, and avoid mechanical placement in homes or families.

What are the limitation in SC guidelines?

- **Gap Between Rights and Implementation** - Court recognition of rights does not necessarily lead to changes in police or bureaucratic behavior.
- **Risk of Institutional Bias** - Police, magistrates, and shelter authorities may continue to view sex workers from a moralistic or paternalistic perspective.
- **Anti-Trafficking-Rescue Complex** - A key concern is that institutions involved in anti-trafficking operations may prioritize rescue and confinement instead of autonomy and rehabilitation.
- **Marginalised Communities** - Caste, class, and gender inequalities can affect how effectively individuals exercise their legally recognized rights.
- **Participation Deficit** - Implementation should be developed in consultation with sex workers, rather than without their involvement.
- Affected communities and their collectives should play a meaningful role in developing guidelines, monitoring shelters, and evaluating police practices.

What lies ahead?

- **Inclusion of Collectives** - It prioritize the inclusion of sex worker collectives in policymaking and monitoring processes.
- **Strengthen AHTUs** - It enhances Anti-Human Trafficking Units (AHTUs) through specialized training, increased sensitivity, and strengthened accountability.

- **Operationalize Consent** - It ensures that consent is operationalized as informed, freely given, voluntary, and continuous.
- **Reform Shelter Homes** - By instituting regular monitoring, providing legal aid, establishing grievance redressal mechanisms, and upholding the dignity of residents.
- **Address Structural Causes** - By improving access to livelihoods, housing, education, healthcare, and social security.
- **NGO Accountability** - It promotes through transparent funding practices, regular audits, and accessible grievance mechanisms.
- **Leverage Welfare Schemes** - Sex workers should be granted access to existing social programmes as rights-holders rather than as recipients of charity.

Reference

[The Hindu | Supreme Court's Judgment on Sex Work](#)

