



A Study on the Sex Workers' Movement: Looking beyond Indian Legislation

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Abstract

Sex work, involving the provision of sexual services in exchange for payment, is a prevalent practice in India. Despite being a signatory to numerous global agreements on women's rights and having legislation prohibiting gender discrimination and abuse, India has failed to adequately safeguard the human rights of females, particularly those engaged in sex work. This paper explores the diverse nature of sex work in India, examining three distinct urban zones and challenging the inaccurate stereotype that portrays sex workers solely as oppressed victims. The paper delves into the legal landscape surrounding sex work in India, analysing the rights of sex workers and detailing the various legal provisions applicable to them. Historically, sex workers and their children have been among the most marginalized and neglected groups in society. However, recent attention from the Supreme Court has shed light on their plight, offering them the much-needed recognition they deserve. This article aims to illuminate the status of prostitution in India by scrutinizing pivotal judicial decisions that have shaped the legal framework surrounding sex work over time.

Keywords: *Sex work, prostitution, legal rights, exploitation, women's rights.*

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Introduction

India has a long history of prostitution, with references to sex workers found in various Hindu mythological narratives. These women were unconventional figures excelling in traditional arts such as dance and music. However, the advent of colonialism introduced a system of oppression and exploitation. The British transformed concepts of sexual freedom, femininity, art, and philosophy into notions like devoutness and bhakti to impose social limitations on these women. Even after colonialism ended and feudalism declined, these women continued to face abuses from temple priests, contributing to their vulnerability to sexual exploitation and deprivation-an early form of prostitution in India.

Traditionally, sex workers in India have been stigmatized as a class perceived a threat to society. They were categorized as a group undermining communal values. Despite certain sex workers engaging in their profession willingly, societal perspectives often target them with pressure and shame¹. The Immoral Trafficking (Prevention) Act, 1956 (ITPA), an Indian law regulating sex work, encapsulates this approach. While numerous misconceptions prevail, one being the illegality of prostitution in India, a recent ruling by the Supreme Court sheds light on the occupation and its potential impact on industry dynamics. Clarifying the legal status aims to dispel myths and improve the well-being of individuals involved in sex work.

Definition of Sex Work

Prostitution is having sexual families with other people in the agreement for money. A prostitute is someone who works in this industry. It takes place in a diversity of settings, and then its permissible position diverges from state to state and region to region within a country. It can be legalized or unregulated, or it can

¹ GeetanjaliMisra, Ajay Mahal& Rima Shah, 'Protecting the Rights of Sex Workers: The Indian Experience' (Harvard College 2000) 88-115

be prohibited. Along with pornography and other forms of sexual entertainment, it is one part of the sexuality orientated businesses. Places specifically dedicated to prostitution are called brothels. Various perspectives on the state of prostitution and the law vary widely throughout the world. Prostitution is viewed by some as a procedure of strength in contradiction of women and families that contributes toward the new crime of human trafficking.

“Oxford Dictionary” defines sex work as, “remunerated service in the sex manufacturing, including prostitution and pornography”. The period is second-hand to highlight the similarities amid this industry’s exertion then additional old-style professions.

Carol Leigh came up with the term “sex work” toward jumping an undertaking to change how individuals thought about sex work. It had sex work as a job instead of a status. They forbade the term “prostitution” because the situation implied delinquency, which prevented them from receiving health, legal, and social services from the state. Adults who regularly or occasionally consent to provide sexual facilities in conversation for currency otherwise properties are denoted towards by way of “sex workers”

The Indian Experience with “Rescue and Rehabilitation”

The “rescue and rehabilitation” approach claims that sex workers’ social and economic conditions can be better quality through compulsorily “rescuing” sex workers through brothels and red-light zones, introducing them to “safe homelands,” then providing them with “reputable” service. This method has obvious repercussions in the form of entry-restrictive measures like banning the hiring of consenting individuals for prostitution². Certain assumptions regarding sex work are made in the “rescue and rehabilitation” method: One, “immoral” sex work; two, sex work is intrinsically

² Mishra, G., *Protecting the Rights of Sex Workers: The Indian Experience*, Mishra, G. and Chandramani, R *Sexuality, Gender, and Rights* (New Delhi, Sage Publishers, 2005), 89, 96.

“exploitative³ as a result, the strategy entails legal limitations on scheduled sex work as well as release then reintegration procedures for sex workers. It typically involves the State “compulsorily moving sex labourers and providing them with the “chance toward be contained behindhand hooked chain in a previous children’s home-based toward study handicrafts, counting candle-making, in addition, needlework,” or NGOs “working with the resident forces toward pledge attacks, release lasses, then capture brothel guards in red-light regions.⁴ITPA, which codifies the “rescue and rehabilitation” strategy, has served as the foundation for hard work towards recovery circumstances for Indian sex labours. As the following discussion will demonstrate, this strategy has not improved the conditions of sex workers.⁵

Police regularly engages in harassment of sex workers. Even though the ITPA does not specifically prohibit sex work, it places sex work in the legal grey area, resulting in police harassment of sex workers. The ITPA also prohibits all accompanying acts required to perform sex work.⁶ The sex workers are typically arrested for this kind of harassments under the ITPA on one or more charges and later released in exchange for money.⁷

In her research on Bombay’s sex workers, sociologist Jean D’Cunha originates that between 1980 and 1987, as numerous as 9000 sex labours were arrested, which was significantly more than the number of pimps, buyers, and brothel wardens. According to a new study the growth of the cases were filed in Karnataka under

³ Durbar MahilaSamanwaya, *National Conference of Sex Workers organized by Committee*, Calcutta, 14-16th Nov. 1997

⁴ Raids, ‘Rescue and Unseen Realities’, <<http://www.vampnews.org/nov05/raids.html>> accessed on 03 March 2023.

⁵ India: Eviction of Sex Workers Boosts HIV Risk’ (2004)<[http://hrw.org/english/docs\(2004\)j07j06jindia9010.htm](http://hrw.org/english/docs(2004)j07j06jindia9010.htm)> accessed on 3 March 2023.

⁶ Durbar MahilaSamanwaya Committee, ‘*Sex Workers’ Right to Self Determination in Proceedings of West Bengal State Conference*’, April 29-30, DMSC, Kolkata.

⁷ Kotiswaran, P., ‘Preparing for Civil Disobedience: The Indian Sex Workers and the Law’ <http://www.bc.edu/jbc_org/javpjlawwschf.journals/bctwjj21_2jOI_FMS.htm> accessed on 04 March 2023.

the ITPA between 2001 and 2005, and most of them were marched in contradiction of separate sex workforces rather than brothel landlords or guards.

The review indicated that seventy percent of the female sex workers in thirteen regions of Tamil Nadu were subjected to severe physical assault involving being beaten with a stick and wooden materials and violently kicked by the police where many had their limbs broken and sexually assaulted. Other social evils that hit the sex workers included rape, harassment by not only the police but also pimps, brothel owners, and thugs. Gender labourers are frequently watched as “courses in the feast of AIDS virus” and then by way of a “risk to public health” due to the feast of HIV/AIDS. As a result, they are subjected to discrimination and exploitation in the healthcare area.⁸In the circumstances of gender labourers, who are frequently exposed to challenges deprived of their agreement, it is evident that the National Aids Policy of 1997, which stipulates that no separation must be involuntary towards feel compulsory challenging, is unnoticed. It is also common for hospitals to deny treatment and admission to sexual activity workforces because they are AIDS haulers. Sex labourers additionally deal with the issue of the general absence of admittance to medical care.⁹

Experience demonstrates that the Government’s rehabilitation initiatives have failed. “Subhuman circumstances with plain limitations on their autonomy” and “similar criminals will the farthest option of existence reformed” are the conditions subject to which the sex workers in the homes established under ITPA undergoing rehabilitation. However, apart from release and restoration through the State, there is the intriguing lack of employ of sex labourers, but no effort is made to provide for substitute income of service since there are no

⁸ Kotiswaran, P., “Preparing for Civil Disobedience: The Indian Sex Workers and the Law”, <http://www.bc.edu/ejbcorgiavpawjlwsch/journalsjbetwjj21_2/01_FMS.htm>, 04 March 2023

⁹ Seshu, M., ‘Collectivization: Combating Violence against Women in Prostitution’, <<http://www.vampnews.org/vol0Ino02/against.html>> accessed on 04 March 2023

labourers to supply sex labour with sought-after services. Slightly labourers are entirely in the direction of becoming prisoners free of their ‘supposed wickedness’ as in songs for education worshipful tunes. Sex workers in these homelands also suffer from physical violence, as through many of these hometowns, that are associated with “rape, bribery and prostitution” and are evident by “of evil places then other brothels”.¹⁰

Legal Provisions in India

The ITPA, initially enacted in 1956 and amended in 1986, targets individuals involved in the illicit trafficking of people for commercial sexual exploitation, specifically prostitution. It criminalizes activities such as brothel keeping, pimping, solicitation, and the detention of women or girls in places for commercial sexual exploitation, as well as deriving profit from prostitution. Discussion of sex work regulations in India invariably involves consideration of the ITPA¹¹.

However, India’s legal framework erroneously conflates sex work with sex trafficking, as evidenced by the provisions of the ITPA. Consequently, this legislation imposes criminal penalties on both sex workers and victims of sex trafficking¹². Such an approach not only stigmatizes sex workers through fines but also perpetuates the victimization of those ensnared in sex trafficking. The inherent bias in India’s laws, policies, and enforcement practices towards equating sex work with sex trafficking are evident in the ITPA’s failure to include an exemption for individuals willingly seeking customers.

Moreover, the ITPA impedes sex workers’ ability to provide for their adult children and other family members, as it prohibits adults from earning an income through prostitution. This restriction

¹⁰ Associations between sex work laws and sex worker’s health: A systematic review and meta analysis of quantitative and qualitative studies< <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6289426/>>accessed on 19 August 2024

¹¹ Immoral Traffic (Prevention) Act, No. 104 of 1956, INDIA CODE (1993) § 5(1)

¹² U.N. Office on Drugs & Crime, Toolkit to combat Trafficking in Persons, at 271, U.N. Sales No. E.06.V.11 (2008) (advocating for the decriminalization of trafficking)

hinders the capacity of sex workers to support their families and other dependents, depriving them of even minimal financial assistance from their earnings.

The UNCAT and its three protocols, including the UN Trading Procedure, were ratified by India in May 2011.¹³ India's approval of these global agreements is an important stage towards speaking the commonness of human trafficking. However, to fully comply with the UN Trafficking Protocol, existing rules and their application necessary to remain edited. One of the main impediments to obedience is the confusion between sex effort and human trading, created by the legislature and instilled in law enforcement. In India, most of the circumstances of human trafficking are internal and the aim of most of the trafficking is for labour than for intercourse.

The legal system is also plagued by similar misunderstandings. The SC of India erroneously stated in *Gaurav Jain v. Union of India* that "identify prostitution as a genuine income of living would be an exposed invite toward trading in females, which is avoided globally and in all the cultured states of the ecosphere."¹⁴ This was an incorrect statement. When unpaid sex work is confused through the corruption of sex trafficking, it has negative effects on sex workers' rights and needs. Eventually, neither the dealt casualty nor the sex labourer wins in a framework bewildered by such an irregular comprehension of the distinctions between dealing and sex work.

The Criminal Law (Amendment) Act of 2013 recognized both sex trafficking and labour trafficking, making it India's first complete nationwide meaning of human trafficking.¹⁵

¹³ G.A. Res. 55/25, 'United Nations Convention Against Transnational Organized Crime' (Nov. 15, 2000).

¹⁴ *SahyogMahilaMandal and Anr.v. State of Gujarat and Ors.* (2004) 2 GLR 1764 (India).

¹⁵ Criminal Law (Amendment) Act, 2013, No. 13 of 2013, Acts of Parliament, 2013 (India) § 8

The ITPA was India's primary anti-trafficking law previous to the Criminal Law (Amendment) Act. Until its entry, India missed the mark on the complete meaning of dealing. Because of this, state governments were unable to work together with the federal government and coordinate their legislative efforts.¹⁶

By labelling sex work by way of "immoral," the ITPA has exacerbated undesirable social insolences to sex workers. As an outcome, sex labourers are viewed as ethically cooperated second-class group that lack access to fundamental human rights. The police's refusal to file a FIR against a sex worker is the ground that they have remained.

"Vaishyas group" schools refusal to admit the children of sex workers, and sex workers not being able to live anywhere are all extenuations of this aggressive audacity toward sex workforces, which denied them the capacity to enjoy their rights as citizens as enshrined in the constitution.¹⁷

The IPC and Legal Framework on Human Trafficking and Prostitution

The Indian Penal Code (IPC) addresses the issue of human trafficking, prohibiting the involuntary induction of females into prostitution and imposing severe penalties for those involved. According to section 373 IPC "*Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution*". The Code also classifies cross-border prostitution as importing a girl below the age of 21 from any foreign country into India, with penalties of up to 10 years in custody and a financial fine.

¹⁶ The Goa Children's Act, 2003, contains a definition of "trafficking" that mirrors the definition in UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, but it only applies to trafficking of children and only within the state of Goa. Goa Children's Act, 2003, No. 18 of 2003 (India) § 2(z)

¹⁷ 'Protect the Rights of Women in Prostitution', <<http://www.vampnews.org/jvOIInoOljaction.html>> accessed on 04 March 2023

Furthermore, the IPC covers the rape of individuals within brothels. 'Rape', as defined by the IPC, encompasses engaging in sexual activity with a female against her will, without her consent, under threat or fear of death or injury, with her consent obtained under duress, or without her consent when she is less than 16 years old. The IPC prescribes a minimum seven-years prison sentence for rape. These laws apply when brothel owners, employees, and customers engage in sexual activities with minors or females compelled to remain in the brothels.

The legal framework also encompasses provisions related to corruption connected to prostitution and human trafficking. These include the Buying of Girls for Prostitution (Section-373 IPC), Child Marriage Restraint Act, 1929, Immoral Trafficking (Prevention) Act 1956, Import of Girls (Section-366-B IPC), Procurement of Minor Girls (Section 366-A IPC), and Selling of Girls for Prostitution (Section-372 IPC). Each of these statutes plays a crucial role in addressing and combating the various facets of human trafficking and prostitution within the Indian legal context.

DMSC and SANGRAM

A novel intervention approach is emerging through organizations such as Durbar Mahila Samanwaya Committee (DMSC) and Sampada Grameen Mahila Sanstha (SANGRAM), dedicated to safeguard the rights of sex workers. Aligned with activists and human rights principles, this strategy advocates sex workers to attain full citizenship, emphasizing three pivotal changes:

- (a) Complete Decriminalization: The fundamental need for the full decriminalization of sex work and the acknowledgment of sex work as a legitimate occupation¹⁸.
- (b) Altering Public Perceptions: A critical necessity to shift public perceptions of sex work, challenging the prevailing notion of it being inherently unethical and exploitative.

¹⁸ Durbar Mahila Samanwaya Committee, 'Sex Workers' Right to Self Determination in Proceedings of West Bengal State Conference', April-29-30, DMSC, Kolkata. (1997)

- (c) **Solidarity and Collective Action:** Encouraging sex workers to demonstrate solidarity through mutual support, engage in collective bargaining, and participate in coordinated actions.

These changes collectively form a comprehensive approach aimed at empowering sex workers and fostering an environment that recognizes and respects their rights within the larger societal framework.

DMSC and the Roots of a Revolution

An HIV/AIDS interference package was launched in Sonagachi, a sex operative cross area in Kolkata trendy 1992 by the administration of India together with All-India Organisation Sanitation and Community Well-being in association with a few non-governmental organisations. The database was grounded on the impression of peer education, in which certain sex workers were recruited and involved in the scheme to teach their aristocracies about HIV/AIDS.

The DMSC headquarters its efforts on 3 Principles:

- (a) According to the DMSC, sex effort is a real work which can be voluntarily undertaken by women as a way of earning an income. Thus, as it spoke about the rights of sex labourers, it went ahead to say that they should not be denied the same privileges what other workers are getting.
- (b) Specifically, the DMSC calls for the comprehensive acceptance of sex work; It stresses that the ITPA be repealed because the situation appreciates it as a tool of state exploitation and torture.
- (c) According to DMSC, to significantly improve the existence of a relegated group like sex workforces, the situation is essential to test the leading beliefs that underpin the oppressive structures.

The DMSC has established several self-regulatory panels with members from the National Human Right Commission, the National Commission for women, and the Indian Bar Association to prevent child prostitution and the forced entry of women into prostitution. The

DMSC's anti-trafficking arm is made up of these boards, which work to make sure that all sex trade rules are followed.

The DMSC's HIV AIDS consciousness besides deterrence program continues to be a major component of the organization's operations. The following facts and figures demonstrate that the program has been an incredible success. The program was started in 1992 and was very effective. By 2001, the percentage of sex workers who used condoms had increased from as low as 4% to anywhere from 65% to 80%.¹⁹

The National AIDS Control Organization (NACO) appreciated the Sonagachi project the most because the incident of HIV among the sex workers in the area is between 8 and 10%, compared to nearly 60% in Mumbai's Kamathipura red light area, successful HIV/AIDS intervention project in India targeting the sexual workers.²⁰

The World Health Organization has also designated it as a "perfect scheme" and a "best practice" aimed at HIV/AIDS treatment. The social marketing of condoms is yet another DMSC initiative that has contributed to an increase in condom use. In this method, skilled sex workforces sell condoms to additional sex labourers at a lower, funded price.

The DMSC's three national conferences of sex workers held from 1997 to 2001 were one of its major achievements.²¹ Over 5,000 sex workers across India and the subcontinent attend each of these three-day conferences, making them a huge success.²² In addition to notable authors and other intellectuals, panellists after the West Bengal

¹⁹ Mishra, G. et al, '*Protecting the Rights of Sex Workers: The Indian Experience*', Mishra, G. and Chandramani, R (eds.), '*Sexuality, Gender, and Rights*' (New Delhi, Sage Publishers, 2005), 89, 104

²⁰ HIV Prevention Among Sex Workers in India <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2826108/>> accessed on 19 August 2024

²¹ "Indian Sex Workers Case Study" <<http://www.eldis.org/gender/dossiersjIndiasexworkers.htm>> accessed on 05 March 2023

²² Nag, M., "Sex Workers in Sonagachi", *Economic and Political Weekly*, Dec. 3rd, 2005, <<http://www.epw.org.in/jshowArticles.php?root=2005&leaf=12&filename=9417&filetype=html>> accessed on 05 March 2023

Administration, the Management of India, World Health Organization, United Nations Programme on HIV/AIDS, and a few NGOs and trade unions have participated in the meetings. These sessions have contributed to highlight the strains of sex workers, influencing public perceptions of prostitution, and generating political support for the movement.

SANGRAM

“Sampada Grameen Mahila Sanstha” is yet additional organization that has successfully implemented a human rights-based method to sex effort. Since its inception in 1992, the group has grown into two large groups of women, each with between 2000 and 3,000 members. SANGRAM, like DMSC, thinks that sex work is a legitimate occupation that ought to be decriminalized and that collective empowerment is needed to improve the lives of sex workers. SANGRAM promotes “responsible sex” as opposed to “safe sex” as a concept. This idea is based on the concept that one must remain accountable for their movements. Accountable gender is not a moral concept; rather, it encompasses more humane aspects of sexual activity than safe sex. SANGRAM began peer safety interference through sex workforces in Sangli, a district in Maharashtra with the uppermost HIV prevalence and abundant sugarcane supply. The Vaishya AIDS Muqabla Parishad (VAMP), was the primary of deuce gender employees’ organizations in Maharashtra to be established. To begin, VAMP thinks that people hold health policies and systems accountable. Second, individuals with HIV, widows, truck drivers, and other individual sex workers can all be allowed to request accountability throughout the system.²³ The outreach package emphasizes scheduled persuading teamsters, refugee labours, where as auto-rickshaw motorists involves in “accountable gender” besides luxury HIV. VAMP manages the peer education and condom distribution programs. The package also comprises an operation towards making action, like anti-retroviral therapy, more accessible.

²³ Description of SANGRAM” <<http://www.genderhealth.org/pubsjSANGRAMdesc.pdf>> accessed on 05 March 2023

120 sex workforces now give 350,000 condoms to 5,000 women who work in gender in six regions in deuce conditions. More than ten years later, it has grown to be one of India's most popular peer education programs for condom use.²⁴

SANGRAM launched a district-level HIV/AIDS intervention program for the rural population in 1997. The project now spans eight tehsils and 713 villages in the Sangli district. In the tehsils, there are nine centres run by trained Social Workers. The district has ten rural hospitals and 59 primary health centres. Ten workers are assigned to the rural hospitals and 53 women managers are allocated to the Public Health Clinics. Sangli is the only civil hospital in the district, and a counsellor is stationed there. The VAMP knowledge has improved the living circumstances of sex workforces in the Sangli Region. It has contributed to the formation of a unified identity, which has led VAMP members to make their personal stresses on a nationwide and home-grown level. Additionally, there are a few unintended advantages that result from SANGRAM's efforts as activists, VAMP members and, sex workers have developed broader identities for themselves. This, in turn, has resulted in ordinary sex workers challenging the rude experts of the dames and afterthought pimps within the sex workers' community itself.

Rights of Sex Workers in India

Prostitution in India is legally recognized but subject to certain restrictions. The Indian constitution outlines specific offences related to prostitution that are punishable by law, including the operation of brothels, solicitation, trading, and pimping under the ITPA, despite prostitution not being entirely outlawed. The law categorizes a brothel as any place used for sexual exploitation or abuse for commercial purposes and defines prostitution as

²⁴ Kabra, H., "HIV and the Hive of Security", <<http://www.outlookindia.comjad.asp?fodnaj=120040719&fnaj=lMaking&sideequal1.htm>> accessed on 05 March 2023

the exploitation of individuals for commercial purposes.²⁵ While the act does not explicitly criminalize prostitution or prostitutes, it commonly condemns those involved in prostitution-related activities, such as brothel-keeping, procuring, and living off income, even when sex work is voluntary. The ambiguity in prostitution laws reflects a dualistic nature.

In the landmark *Budhadev Karmaskar* case²⁶, the Supreme Court of India issued a clear ruling, affirming that sex workers are human beings entitled to the right to life under Article 21, and no one can harm or kill them. The decision shed light on the plight of sex workers, underscoring that many women engage in sex work due to economic and financial necessity rather than personal choice.

In the case of *Gaurav Jain v Union of India*²⁷, the Court established comprehensive guidelines focused on the rescue and reintegration of prostitutes and their families into society. It emphasized viewing women associated with prostitution not as criminals but as victims of adverse economic conditions. The court highlighted the importance of economic empowerment through self-employment and vocational training for these women. To ensure the rehabilitation and safety of children, the court mandated the establishment of juvenile homes. This legal framework strives to protect the rights and well-being of sex workers in India, acknowledging their humanity and addressing the socio-economic factors that contribute to their involvement in the profession.

Recent Judgement of the Supreme Court

The Supreme Court issued a significant order on May 26, 2022, recognizing sex effort by way of a “profession” whose doctors are permitted towards self-respect and equivalent rights and directing the police not to interfere with or prosecute adults and

²⁵ Reference pls. Section 2 of Immoral Traffic (Prevention) Act 1956

²⁶ *BudhadevKarmaskar v State of West Bengal* (2011) Criminal Appeal No. 133/2010

²⁷ *Gaurav Jain v Union of India &Ors.* (1997) Writ Petition (Crl.) No. 745-54/1950

consenting sex worker.²⁸ It is not essential to gain that nevertheless the occupation; each individual in this state has a right toward a distinguished lifetime under article 21 of the constitution,” the court stated. Criminal law must apply equally in all instances, regardless of “age” or “consent,” to sexual workers, who are entitled to equal legal protection.²⁹ The police must not inhibit or income any criminal action when the sex employee is mature and is partaking in the accord. Subsequently appealing singular controls under Article 142, the three-judge bench headed by Justice L. Nageswara Rao issued an order. Article 142 states that the Supreme Court has discretionary authority because it can, in exercising its authority, pass any decree or order necessary to render full justice in any case before substance before it.

Major Points:

Meanwhile “voluntary sex work is non-unlawful then solitary running the brothel is illegal,” the seat ruled that “sex workers must not remain detained or punished, stressed, or wronged” when a brothel is invaded. Now, the Supreme Court of India’s statements of this kind leave out important grey areas. It is yet not satisfactory regardless of whether prostitution is lawful in India because as per the legal executive, prostitution is legitimate however is unlawful. Where will these prostitutes work if brothels are not around? The brothels provide prostitutes with a consistent source of income because it is against the law for them to petition or endorse themselves in any way. However, if brothels were made illegal, sex work would become chaotic. The Supreme Court has not provided an answer to this question.

²⁸ KrishnadasRajagopal, ‘SC recognises sex work as a ‘profession’ (The Hindu, 25 May 2022)<https://www.thehindu.com/news/national/supreme-court-recognises-sex-work-as-a-profession/article65461331.ece> accessed on 05 March 2023

²⁹ ‘Voluntary sex work “is not illegal”: SC’ (NDTV, 27 May 2022) <<https://www.ndtv.com/indianews/voluntary-sex-work-is-not-illegal-recommends-supreme-court-panel-3012936>> accessed on 05 March 2023

The court ruled that a sex worker's child must not remain unglued from its mother simply because she works in the sex industry. Also, if a child is born in a brothel or within the context of sex work, it must not be assumed that the child was produced by sex workers, and their families are endangered through rudimentary human decency and dignity. The mother and the youngster should not be unglued. This would go a long way toward preventing the authorities who are supposed to protect the children of sex workers from ruining their lives. However, to improve these children's lives, the Supreme Court ought to issue directions that are more specific and stringent. Their mental health is of utmost importance as they experience exploitation on an even foundation because of the setting they originated. More consideration ought to be given to the trauma they might experience. As a result, the court ought to direct the legislature to provide these children with passable housing households, much like it did in *Gaurav Jain v. Union of India*, and anywhere the court of law established rules for restoration centres.³⁰

Conclusion and Suggestions

Sex work has been observed as wicked and coarse. In a civilization where prostitution is an old occupation and continues to thrive as commercial, it is not wise to turn an unreasoning judgment to it and pretend that the institution and its shortcomings do not exist. Decriminalizing and legalizing sex work through appropriate rules and regulations will provide sex workers with better lives through advanced wages, health protections and protections.

In the past, these prostitutes served as mistresses for wealthy men. That man's character was never questioned, but his mistress was always depicted as a villain. She was branded a fraud and accused of destroying a couple's marriage. Females who propose their forms

³⁰ Sex work legal, police cannot punish them: SC' (The Pioneer, 27 May 2022)<<https://www.dailypioneer.com/2022/page1/sex-work-legal--police-can---t-punish-them--sc.html>> accessed 05 March 2023

for gender in a conversation aimed at currency are portrayed as dirty, impolite, soulless, then disruptive memberships of a respectable then wealthy civilization, a stereotype that has persisted to the present day. Laws like Suppression of Immoral Traffic in Persons and Exploitation of Women and Children Act, which dehumanized sex workers, were passed because of such ideas. However, the judiciary has recently expressed some optimism. According to the Justice Verma Commission in 2013, there is a difference between established, agreeable females who occupy in sex effort of their individual determination and women who are trafficked for commercial sex. Consensual sex³¹ work gained respectability in later years.

Additionally, the term “profession” was used in this year’s decision to define its legal status. The development of fitting legislation, not only outlines sex workforces as workers but also grants them workplace rights should be the next step. The place where it takes place ought to be made safe, if the court has acknowledged that this is a profession. It is necessary to regulate the brothels that are prone to being filled by victims of human trafficking. Brothels are more prone to human rights abuses by middlemen and the authorities due to their illegal status. In the end, women suffer as a result, which goes against the whole point of the rules. Most of them remain unanswered and ignored, despite the detail that the law court has decided on some respite. However, it is equally essential to implement this most recent declaration. As a result, the Centre must now devise practical strategies to regulate voluntary sex work in the country.

In addition, it will be a progressive step toward the elimination of numerous social vices, such as child prostitution and rape, from society. Our nation’s sex trade is a well-known fact, and all parties benefit from its recognition as a legitimate occupation governed by specific regulations. The enhancement of society will only result from the implementation of all safeguard strategies and a better legal framework that is inclusive.

³¹ Justice Verma Committee Report Summary < <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary> > accessed on 19 August 2024

On the flip side, activists have steadfastly focused on upholding the human rights of sex workers and mobilizing collective efforts to ensure the realization of these rights. By enhancing access to education, financial resources, and healthcare for sex workers, this strategy has significantly elevated their quality of life. Crucially, it has contributed to the cultivation of a collective identity essential for empowering sex workers with the courage and resources necessary to confront the existing moral and legal framework. The achievements of the activist approach serve as a paradigm for all marginalized groups striving for their human rights. For a community to attain full integration into society and ameliorate its circumstances, exclusive reliance on the legal system is not prudent. Instead, marginalized communities must collectively challenge the societal structures that perpetuate their oppression. True empowerment for the community can only be ensured through such concerted efforts.