



ALL INDIA NETWORK OF SEX WORKERS

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★ *We Demand Workers Right* ★

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Press Release

- Supreme Court upholds fundamental rights of sex workers to be treated with dignity and respect

Police should not abuse Sex Workers, media should not publish their pictures of raid and rescue operations

The Supreme Court of India directed that the police should treat sex workers with dignity and should not abuse them, verbally or physically. The State governments have been asked to ensure this through adequate sensitisation of the police. In addition, those sex workers who have been detained in 'protective homes' against their will must be released.

These directions were passed on 19.05.2022 in the *Budhadev Karmaskar* case in relation to some of the recommendations of a Court-appointed Panel, which had examined legal problems faced by sex workers and suggested measures to address them in accordance with Article 21 of the Constitution of India.

Further, Court directed that media should not publish their pictures or reveal their identity while reporting raid and rescue operations. If they do, then this will be a punishable offence of voyeurism under Section 354C of the Indian Penal Code.

Ms Bharti Dey, former President of All India Network of Sex Workers (AINSW), who served on the Panel, recognises **this as a big win after a 12 year long battle**. Court allows our sex workers to live with dignity as equal citizens of the country, , she added.

Ms Putul Singh, President of AINSW added that many places police arrested our sex worker sisters on the basis of possession of condoms in their bags Now court ordered possession of condoms is not an offence and cannot be seen as evidence of offences under ITPA, such as soliciting or brothel-keeping. This reaffirms the protection accorded by section 22 of the HIV and AIDS (Prevention and Control) Act, 2017.

The Supreme Court ruling emphasises that the ITPA must be implemented according to the fundamental rights protected under Article 21, i.e., the right to life and liberty with respect for an individual's dignity. And that violations of these rights can be challenged by sex workers with the support of National Legal Services Authority and State legal Services authority. The Court also passed directions for issuing *Aadhar* cards to sex workers who cannot submit proof of residence on the basis of a 'proforma

certificate' issued by a Gazetted Officer from NACO or the State AIDS Control Society. In earlier orders, the Court had directed the State Governments to issue ration cards and voter id cards to sex workers, without insistence on residence proof.

The other suggestions of the Panel, including the recommendation not to interfere or take criminal action in case of adult, consensual sex work, will be examined by the Court in July, after the Government of India submits its response.

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