

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIAL TEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**

*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*



*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*



## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **RIGHTS OF SEX WORKERS IN INDIA**

AUTHORED BY - SNEHA SANTHOSH & PUNNYA PR

When it is clear that the sex-worker is an adult and participating with consent, the police must refrain from interfering or taking any criminal action". This was decreed by a 3-judge bench of the Supreme Court in the 2022 landmark case of *Budhadev Karmaskar v. State of W.B*<sup>1</sup>. The court directed that the recommendations from a panel constituted in its earlier order of 2011 be implemented by all the states/UTs. One of the recommendations was for various governments to involve sex-workers while making policies concerning them. Two years since the ruling, the legislature is yet to act.<sup>2</sup>

The rights of sex workers in India have long been a topic of debate and concern, as they face social stigma, discrimination, and legal challenges, despite their contributions to the economy. Sex work, though criminalized under sections of the Indian Penal Code (IPC), is not illegal per se in the country. However, laws such as the Immoral Traffic (Prevention) Act (ITPA), 1956, continue to regulate and penalize aspects of sex work, such as solicitation and brothel management, without addressing the rights of the workers themselves.

Sex workers in India are often marginalized and denied basic human rights, including access to healthcare, education, and legal protections. They face exploitation, abuse, and violence from clients, law enforcement, and even their own families. The stigma surrounding their profession frequently results in their exclusion from mainstream society and reinforces economic vulnerability, making it difficult for them to break free from cycles of poverty and exploitation.

Despite these challenges, numerous organizations and activists have been advocating for the decriminalization of sex work and the recognition of sex workers' rights as workers. These efforts emphasize the importance of ensuring safer working conditions, preventing human trafficking, and providing access to social security and legal protections. Advocates argue that decriminalizing sex work would not only reduce exploitation but also empower sex workers to

<sup>1</sup> *Budhadev Karmaskar v. State of W.B.*, 2022 SCC OnLine SC 704, 6(i).

<sup>2</sup> *Id.*, ¶6(viii).

assert their rights and seek justice when needed.

In recent years, there have been some positive developments, such as the recognition of sex workers as workers in the formal labour sector in some parts of India, but much remains to be done. To truly protect the rights of sex workers, a comprehensive legal and social reform is essential, focusing on empowerment, dignity, and equal rights for all individuals regardless of their profession.

Although India has ratified several international covenants on women rights and has a constitution that expressly condemns discrimination and exploitation based on sex and gender, it has not been successful in effectively guarding and promoting the human rights of women, especially sex workers in India. This sad state of affairs is manifested by the intensity and extent of violence that exists in the sex industry, discrimination at the hands of the police and judiciary, exploitation during employment, concerns relating to health, safety and security of the sex workers and their children, presence of minors in the sex industry, issues of lack of consent and consultation, extortion and pimping, abjuration of self-determination and psychological abuse. The paper highlights the plight of sex workers in India and reflects on the challenges that are encountered by them. The existing policy framework for protection of sex workers' rights through techniques of rescue and rehabilitation is ineffective in safeguarding their interests since it is governed by the principle that sex work is immoral. Therefore, the paper proposes an alternative hypothesis which revolves around the idea of redefining prostitution as sex work and further on, legalising and decriminalising sex work in order to protect the human rights and health of sex workers in India.