

# RECOGNISING SEX WORK AS WORK

Relevant for: Developmental Issues | Topic: Rights & Welfare of Minorities Incl. Linguistic Minorities - Schemes & their performance; Mechanisms, Laws, Institutions & Bodies

The pandemic has hit millions of people and caused a great deal of suffering across communities. But there is one community that is especially hard hit and that is sex workers. Owing to the non-recognition of sex work as “legitimate work”, sex workers have mostly been kept at arm’s length from the government’s relief programmes. COVID-19 has thus provided more reason to consider a long-pending demand of sex workers in India — decriminalisation of sex work and a guaranteed set of labour rights.

The legislation governing sex work in India is the Immoral Traffic (Prevention) Act. The Suppression of Immoral Traffic in Women and Children Act was enacted in 1956. Subsequent amendments were made to the law and the name of the Act was changed to [Immoral Traffic \(Prevention\) Act](#). The legislation penalises acts such as keeping a brothel, soliciting in a public place, living off the earnings of sex work and living with or habitually being in the company of a sex worker.

Sex workers are partners in fight against trafficking, says NNSW

This Act represents the archaic and regressive view that sex work is morally wrong and that the people involved in it, especially women, never consent to it voluntarily. After all, in popular depiction, entry into sex work is involuntary, forced, and through deception. As a consequence, it is believed that these women need to be “rescued” and “rehabilitated”, sometimes even without their consent. While this is a valid argument for minor girls, for many consenting adult sex workers, it has been a problem. This is what has led to the classification of “respectable women” and “non-respectable women”. This view is based on the belief that sex work is “easy” work and no one will or should choose to practise it. It thus perpetuates the prejudice that women who do practise sex work are morally devious.

The Act has not only criminalised sex work but also further stigmatised and pushed it underground thus leaving sex workers more prone to violence, discrimination and harassment. The Act denies an individual their right over their bodies. Moreover, it imposes the will of the state over adults articulating their life choices. It gives no agency to the sex workers to fight against the traffickers and in fact, has made them more susceptible to be harassed by the state officials. The Act fails to recognise that many women willingly enter into agreements with traffickers, sometimes just to seek a better life as chosen by them. Evidence shows that many women choose to remain in sex work despite opportunities to leave after ‘rehabilitation’ by the government or non-governmental organisations.

The Justice Verma Commission had also acknowledged that there is a distinction between women who are trafficked for commercial sexual exploitation and adult, consenting women who are in sex work of their own volition.

Also read | [Include sex work in informal sector: activist](#)

We must recognise sex work as work and stop ourselves from assigning morality to their work. Adult men, women and transgender persons in sex work have the right to earn through providing sexual services; live with dignity; and remain free from violence, exploitation, stigma and discrimination. It is time we rethink sex work from a labour perspective, where we recognise their work and guarantee them basic labour rights.

The judiciary is moving in the direction of recognising sex workers' right to livelihood. The Supreme Court, in *Budhadev Karmaskar v. State of West Bengal* (2011), opined that [sex workers have a right to dignity](#). Parliament must also take a re-look at the existing legislation and do away with the 'victim-rescue-rehabilitation' narrative. During these times of crisis especially, this is all the more important.

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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