

# LAWS PROTECTING SEX WORKER & CONDITION OF SEX WORKER DURING LOCKDOWN

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## **ABSTRACT**

Sex work many times considered by images of compulsion, poverty, insolvency and lack of agency and sex worker as merely being oppressed victims of society and they were treat bias as compare to other group of society and during lockdown in the country sex worker face this type of biasness in this paper I will discuss about this biasness and problems faced by the sex worker during lockdown and then how supreme court take steps to protect the sex worker during pandemic.

My research highlights the history of the prostitution in India that how the prostitution is evolved and how this sector is prominent in history of India.

This research also highlight what legislation make by the government to protect the sex worker and the some laws to prohibit the trafficking of women and girl child in the prostitution and the problems faces by the sex worker and the possible solution to the problems. And the most important question will discuss in that research paper shall India legalize prostitution?

Key words – Sex worker, legislation, Covid-19, Pandemic.

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## INTRODUCTION

Prostitution is deemed to be the oldest profession and traces of this profession was found in ancient Babylons<sup>1</sup>. There are one of the prominent example in which Chanakya's Arthashastra<sup>2</sup> where he clearly mention about the prostitution and its code of practice this example clearly suggests that prostitution has its roots in ancient India and it is not showing decadence as it is sometimes claimed. And also it is important to recognize the fact that this practice found a place in sacrosanct literature including in the Vedas and also in Chanakya's Arthashastra shows that the prostitution was not an underground practice. Rather this practice was a well acknowledge and mainstream activity but today In most of the countries they are attempted to suppress prostitution by using criminal law to prohibit a range of related activities such as owning or managing a brothel living off the earnings of prostitution and soliciting for prostitution in public place. According to Indian context prostitution is not absolutely illegal though pronounced to be unethical by the court some of the acts like facilitate prostitution are regarded as illegal and acts like managing brothels maintain the money to accumulate by means of prostitution, luring a person in the prostitution, trafficking of children and women for the purpose of prostitution are illegal in India. Like running a sex racket is illegal but private prostitution or receiving remuneration in exchange for sex with consent without any prior solicitation might not be illegal. In India there are many causes of prostitution, when we examine the immediate cause of prostitution the first thing that comes into mind is poverty. Poverty is the main cause of prostitution which drives helpless women into prostitution. and also economically distressed women, ill treated by parent and seduced by someone, uneducated women who did not find any other economic thing to feed herself other than prostitution, one of the factors is that women is seen as a commodity and in India women have had sexual experience are regarded as a used goods and are very likely not to get married so the women becomes a poor outcast and also there are some causes of prostitution such as rapes, child prostitutes, religious prostitutes, Illiteracy etc. when these women entered in the prostitution then after this they can not get a fair treatment by the government. According to the Indian constitution sex workers also enjoy the same rights and privileges as other citizens but it is myth because no one can treat them equally<sup>3</sup>. And they will face many problems i.e...

Lack of justice they get although there are free legal help being given in the Indian constitution and the recommendation of committee<sup>4</sup> and state party give free legal services to poor and marginalized women and monitor the impact of all the services and all the sex workers get all legal services. Supreme court also give order the state and district legal services that the sex workers get all the schemes available with the government<sup>5</sup> after all these things their failure to receive legal help to pursue her in the essence and denial of the right to fair trial for women<sup>6</sup> and also there are denial of opportunity to sex workers for correction of error made by any department of law and also there are lack of understanding any specific circumstances of sex workers and the one of the big problems with the sex workers they were treat bias and prejudice due to her identity.

Today entire country suffering from the covid-19 pandemic during this pandemic all the sectors and group of the society suffering in the covid-19 lockdown and government try to provide all possible help to the people but some of the people did not get proper help because of the biasness. During covid-19 sex work has largely affected group of physical and social distancing and also lockdown measures put in place to transmission of severe acute coronavirus there are rendering a frequently marginalized economically population more vulnerable.<sup>7</sup> And also police create some problems to the sex workers like fines, violence, arrests disruption in help by law enforcement and compulsory expulsion have been reported by sex workers, concerns that the pandemic raise stigma, discrimination,

<sup>1</sup> *Ancient Babylon*. (2003). Bath, UK: Grandreams

<sup>2</sup> Sanghi, A. (2010). *Chanakya's chant*. New Delhi, India: Westland Limited.

<sup>3</sup> UN women, in pursuit of justice progress of world women.

<sup>4</sup> UN Committee on the Elimination of Discrimination against Women, Concluding Observations.

<sup>5</sup> Legal services" Budhadev karmaskar v. state of west Bengal.

<sup>6</sup> UNHRC report of the special rapporteur on violence against women, its causes and consequences.

<sup>7</sup> Sex workers rights Advocacy 2020.

and repressive policing so because of this it is not possible that sex workers are afforded and access to social protection schemes as same as equal members of society.

### **History of prostitution**

Prostitution is regarded in India because the oldest profession of all time. In ancient time sex employee referred as tawaif or devadasi. And its history had been copied back to 4000 years back to ancient Babylon<sup>8</sup>. within the past days harlotry was an issue of Indian art and literature at that point. In Indian history there are unit heaps of references serving as a high category prostitute within the sort of heavenly demigod. Their name referred as Rambha, Menaka, Urvashi, also as thilothamma<sup>9</sup>. of these prostitutes are unit delineate as wonderful image of beauty and female charms. conjointly at the time of the medieval amount or throughout the rule of Mughals all the prostitute treated with royalty. and also the culture to perform the art of dance is outstanding throughout the later amount of Mughal ruler and within the Malay Archipelago company. And once the east India company came into power then country military established and maintain brothels for its soldier across India. girls and ladies were recruited by the Briton from the poor rural areas and also the cash is directly paid by the military. Red-light cities had been developed by the Briton at that point. Before 1860 government of the many Indian princely states<sup>10</sup> had regulated harlotry. Briton create the law camp act that regulate the harlotry in colonial Bharat and this act regulated and structured harlotry within the several areas which give that twelve to fifteen Indian girls or ladies that was board brothels conjointly referred to as chaklas. And solely british soldier was allowed to travel within the brothels. once a while this follow was uncommon for British troopers to go to Indian prostitutes and interbreeding was maligned altogether once the events of the Indian Rebellion of 1857.

### **Laws protecting the sex worker**

There are several laws created by the govt of Republic of India for whoredom, a number of the law like, in line with the Article twenty three of the Indian constitution trafficking of women for business sexual exploitation is forbid additionally to the provisions within the Indian penal code (IPC)<sup>11</sup>. however there are some special legislation like ITPA and a few native legislations beneath that sex staff are absolve to apply their profession in private.

Immoral Traffic Prevention Act (ITPA)<sup>12</sup>-

This is the most act managing the whoredom in Republic of India this act doesn't criminalize the whoredom or sex employee however it have some limitation this act punishes a number of the items like house of prostitution keeping, sex beneath two hundred meter of public places, living off earnings and procuring even the sex work isn't done beneath the coercion. Some of the necessary sections of the ITPA act are –

Section 3 deals with penalization for keeping a house of prostitution or permitting premises to be used as a house of prostitution.

<sup>8</sup> *Ancient Babylon*. Frederick, 2005.

<sup>9</sup> Sukumari Bhattacharji, *Prostitution in Ancient India*

<sup>10</sup> Kapil, F. K. (2005). *Princely states: Personages*. Jodhpur, India: J.V. Publishing House.

<sup>11</sup> Indian penal code, 1862, hereinafter IPC

<sup>12</sup> Immoral Traffic prevention Act, 1956 hereinafter ITPA

(1) Any one who keeps or manages, or acts or assists within the keeping or management of, a brothel, shall be punishable on 1st conviction with rigorous imprisonment for a term of not but one year and less than 3 years and conjointly with fine which can be 2 thousand rupees and within the event of a second or succeeding conviction with rigorous imprisonment for a term of not but 2 years and less than 5 years and conjointly with fine which can be 2 thousand rupees.

(2) An a person World Health Organization, - (a) Being the human, renter, occupier or individual in control of any premises, utilizes, or intentionally permits another individual to utilize, such premises or any half therefrom as a house of prostitution, or nevertheless (b) Being the owner, lesser or landowner of any premises or the specialist of such owner, lease giver or on the opposite hand landowner, lets the equivalent or any half therefrom with the knowledge that the equivalent or any half therefrom is projected to be utilised as a house of prostitution, or is unyieldingly attached the employment of such premises or any half there of as a house of prostitution, are going to be blameful on 1st conviction with imprisonment for a term which can reach bent on 2 years and with fine that fine which can reach bent on 2000 rupees and just in case of a second or succeeding conviction, with thorough imprisonment for a term which can reach bent on 5 years and in addition with fine. Section 2A<sup>13</sup> For the aim behind sub-section (2), it'll be assumed, till the other is incontestable, that anyone alluded to in provision (a) or condition (b) of that section, is by choice allowing the premises or any half therefrom to be utilised as a house of prostitution or, because the case may be, has data that the premises or any half therefrom ar being utilised as a house of prostitution, within the event that, - (a) A report is distributed during a paper having flow within the zone within which such individual dwells such the premises or any half therefrom are discovered to be utilised for whoredom thanks to a pursuit created beneath this Act; or (b) a reproduction of the summing up of everything discovered throughout the inquiry alluded to in condition is given to such Person.

#### Section 5 Procuring, inducement or taking person for the sake of whoredom

1) Any person who-

- a) Procures or tries to obtain someone whether or not with or while not his or her consent for the aim of whoredom,
- b) Induces a personal to travel from any spot, with the expectation that he/she might with the tip goal of whoredom become the prisoner of, or consecutive, a brothel; or
- c) Takes or endeavors to require a personal or makes a personal be taken, beginning with one spot then onto consecutive with a read to his/her continued, or being raised to hold on prostitution; or
- d) Causes or induces a personal to hold on prostitution; are going to be blameful on conviction with thorough imprisonment for a term of a minimum of 3 years and not over seven years and what is more with fine which can reach bent on two,000 rupees, and if any offense beneath this sub-segment is submitted against the need of anyone, the discipline of imprisonment for a term of seven years can stretch bent on imprisonment for a term of fourteen years:

Given that if the individual in regard of whom associate degree offense submitted beneath this section, -

- i) Is a young adult, the discipline gave beneath this sub-area can stretch bent on thorough imprisonment for a term of at the terribly least seven years however might reach bent on life; and
- ii) Is a minor; the discipline gave beneath this sub-segment can stretch bent on thorough imprisonment for a term of at the terribly least seven years and not over fourteen years. So each the sections of ITPA act punches solely the act of the third party and conjointly the opposite section of the act will same issue thus there are ought to pass the new legislation that shall penalize the one who are visiting the prostitutes. In the case of

<sup>13</sup> Immoral Traffic prevention Act, 1956 hereinafter ITPA



state of Uttar Pradesh v Kaushalya<sup>14</sup> constitutionality was challenged. during this case several sex staff had been faraway from their place of residence for maintaining the decorousness of the town. therefore the judicature command that the act was constitutionally valid as there was associate degree intelligible difference between a sex employee and also the one who truly inflicting nuisance. And conjointly this act achieved the article of the act and maintain the order and decorousness within the society.

Some of the legislation which will prohibit some of the illegal thing of prostitution<sup>15</sup>-

- Section 372 of IPC prohibit the selling of girls for prostitution  
“Anyone who sells, hire or disposes of any girl under the age of eighteen with the intention that such person at any age be employed or used for the purpose of prostitution or illegal sexual relations with any person or for any illegal and immoral purpose or knowing that said person of any age can be employed or used for such purposes will be punished with imprisonment of both titles for up to ten years and will also be fined.
  - Section 373 of IPC prohibit the buying of girls for prostitution.  
a person under the age of eighteen with the intention that said person of any age is or is being used for the purpose of prostitution or illegal sexual relations with any person or for any illegal and immoral purpose, knowing that said person of any age is likely that is employed or used for any purpose, it will be punished with imprisonment in both modalities for a term extendable to ten years, in addition to being fined.
  - Child marriage restraint Act 1929<sup>16</sup> to save the girl child from prostitution.  
This act was formed to protect the girl child from child marriage so they can not indulge in this type of activity.
- Budhadev karmaskar v State of west Bengal<sup>17</sup>** this case explained that the sex worker are also a citizen of the state and they have also the right to live no one have the right to assault or murder. The ruling also highlighted the plight of sex workers and recognizes that these women are forced into prostitution not for fun but because of absolute poverty and ordered the central and state governments to open up sex workers. rehabilitation centers and impart technical knowledge. and professionals like to sew to have other means of life. In accordance with this directive, the Immoral Traffic Prevention Law incorporated Article 21<sup>18</sup> as a rule that allows state governments to establish and maintain protective shelters and these must be regulated by licenses issued by them. A competent authority should be designated to investigate the shelter license application. These licenses are not transferable and are only valid for the specified period. The government has the power to establish ancillary rules regarding the licensing, operation and maintenance of shelters or ancillary matters under section 23 of the act.

**Today the law enforcement is major issues and this problem is create because<sup>19</sup> –**

Lack of priority- today this sector will get less priority as comparison to other group of society because of their work.

Insensitivity- it is one of the attitudinal issue, lack of sensitivity is a mojour challenge to this problem.

<sup>14</sup> 1964 AIR 416, 1964 SCR (4)1002

<sup>15</sup> <http://www.articlesbase.com/national,-state,-local-articles/the-problem-of-prostitution-an-indian-perspective>.

<sup>16</sup> Sastri, L. S. *The Child Marriage Restraint Act, 1929*. Law Book Co., 1988.

<sup>17</sup> MANU/SC/0277/1990

<sup>18</sup> Indian constitution.

<sup>19</sup> <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime>

Victimization of the victim- many times the women who already trafficked into the prostitution have been arrested and penalized. NHRC study shows that persons who are arrested in the prostitution mostly are women and also most of the are victims of trafficking.

Improper investigation- Today crime against sex worker has been increased rapidly and then big problem is that when they need a investigation in the case then the investigation is inheard and unrepresented.

Lack of justice – it is also a major drawback of this situation because these worker can not get a proper investigation or fair justice in many of the case and this happens because of the lack of priority.

### **Possible solution-**

Today the problem of prostitution is very composite and it is deeply rooted in the society. So if possible it can be handled according to the two ways-

- 1) Preventive programs
- 2) Rehabilitating and follow up programs

#### **Preventive Programs-**

Consulting and advisory programs to inform the public about The reasons and problems of prostitutes along with sexual education are a necessity of the moment. More and People vulnerable to prostitution should have more economic opportunities. The police must first record the kidnapping or abuse of the girl base. The following measures should also be taken to ensure effective prevention:

Community policing<sup>20</sup>: The concept of community policing should be promoted that civilian and NGO participation in the police force can be done to prevent fight against prostitution. Public policing is a paradigm-driven philosophy solve the problem in synergy, when the police act as an intermediary, and society is addressed Share responsibility.

Second generation warning: although the problem of prostitution can be minimized the children of prostitutes have a solid future. A start has been made Prajwala; Andhra Pradesh anti-trafficking organization. Efforts are being made organization to explore alternatives to education and self-employment for survivors.

Synergy: UNODC<sup>21</sup>, New Delhi, en partnership with the government of India and government agencies and civil government Partners established Anti-Trafficking Units (AHTU) in Andhra Pradesh, Goa, And West Bengal. These units, with the help of a skilled workforce, are doing enormous Impact on the Indian application scenario. AHTU rescuers in Andhra Pradesh more than 700 victims, of which more than 100 children under 18 in six month period. They also arrested more than 1,000 criminals, including 300 clientele. These units will be established in all states and territories of the Union of India.<sup>22</sup>

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<sup>20</sup> Schaffer, Evelyn Blanche. *Community Policing*. Croom Helm, 1980.

<sup>21</sup> *United Nations Office on Drugs and Crime: Annual Report*. UN, Office on Drugs and Crime, 2007.

<sup>22</sup> Bedi kiran nair PM (2008)

### Rehabilitative and follow-up Programmes-

After research many of the social development organization has been realised that prostitution is one of the worst social evil and this problem has to be eliminated and this can be done after when the government can make a proper strategy and proper action plan to eliminate this problem in which rehabilitation is an integral part. Rehabilitation is both physical and psychological. Physical rehabilitation is essentially Economic rehabilitation while the psychological must be built through a process of assurance and calm. The other two go side by side. The first psychological prerequisite The rehabilitation is that the freed prostitutes must be uprooted from the old habitat and be rehabilitated in a place where it will no longer be subject to the property of the State of the Dalals or the owner of the brothels. Unless they are psychologically assured that after their release, their general condition will improve, there is a good chance that they will be able to return to their old environment. In order to ensure rehabilitation, it is imperative that government and NGOs use it sensitization of sex workers on their legal situation and their rights. A gender sensitive market Guided vocational training should be provided to all rescued victims. We observe that the The immediate requirement of sex workers is financial security, for example after leaving their father. the profession cannot even earn a living. Consequently, a credit union headed by NGOs alone or with government support are the need of the moment. This effort save them from the exploitation of lenders and the humiliation of banks.

### Shall India legalize prostitution ?

As we know that today prostitution is a big problem and to solve this some of the important steps should be taken by the government. Some of the people think that prostitution shall be made legal in India and society should accept them because the prostitution in unavoidable. There are also the benefit of legalizing the prostitution in India because when we legalize the prostitution then every sex worker will be registered and then track record of every sex worker are maintained. So if any crime commit against any sex worker in any place it will be investigate properly.

Legalizing prostitution will see these women living to everywhere, gaining access to sanitary facilities where they can control the spread AIDS. The sex industry should be treated like any other industry and give you legal guarantees. Practical implications of the legal profession it will only benefit sex workers and society in general. Support for Illegal prostitution also contributes to crime because many criminals consider it prostitutes your customers as attractive targets for theft, fraud, rape or other criminal acts. All the criminal think that the crime can not report because they also involved in illegal activities now if it is legal then all the crime will easily report to the police.

### Benefits of legalizing the prostitution-

- Major benefit is that after legalize the prostitution sex industry will stop trafficking.
- It will put barrier on sex industry.
- It will decrease clandestine, illegal and street prostitution.
- Sex worker will enjoy their right rights.
- Women in prostitution systems want the sex industry to be legalized as it stands they suffer more because they have no rights.
- Legalizing prostitution will improve women's health, as they are readily available medical facilities they don't have when it's illegal
- Recognize prostitution as an economic activity, thus enabling women in India to receive work permits as sex workers.

But on the other hand some of the people think that prostitution should not legalize in India. Because if the prostitution is legalize than prostitute can open a brothel and sex parlour in any public place just like doctor set up their clinics and put the hoardings. Since the sex

trade is inevitably accompanied by sexual slavery and violent forms of pornography Sex trafficking is mainly mixed with criminal mafias in these countries as well where it is legalized. If the owner of a brothel is free to open a shop in my neighborhood does not put my life in danger? How many, even among those who empathize with the the fate of prostitutes willing to allow a brothel near their home. What many of us are ready to let our young children grow up in a dove atmosphere Is renting a woman's body for sex considered a perfectly legitimate business? While the vast majority of people in India do not want brothels to work openly and legally in your neighborhoods, the only way to provide 'legal' sex work is whether the prostitutes have agreed to operate in specially designated areas traditionally red quarters. The prostitute can apply for individual licenses or licenses for registered persons brothels. But not every prostitute wants to go to openly identified sexual areas.

So after analysis I will come on the conclusion that prostitution in India requires No specific remedy per se in the form of criminalization, decriminalization or legalization. This will be corrected when women and men of this culture can celebrate their sexuality and their unique personalities. It will only be fixed when women and men economically and politically the same.

### **Condition of sex worker during lockdown**

Today when all the countries maintain or adapt public health measures, emergency legislation and economic policies in response to the COVID-19 pandemic, there is an urgent need to protect the rights and support the most vulnerable members of society. Sex workers are amongst the most disregarded groups<sup>23</sup>. Globally, most direct sex work has largely terminated due to physical distancing and lockdown measures in place to stop transmission of the Severe Acute Respiratory Syndrome Coronavirus which could leave an often marginalized and economically precarious population vulnerable. Most sex workers, even those who are able to transfer their jobs online, have been financially compromised and some are unable to interrupt in-person services It is imperative that sex workers have access to social protection as equal members of society. As with all aspects of health, the ability of sex workers to protect themselves from COVID-19 depends on their individual and interpersonal behaviors, their work environment, the availability of community support, access to health and social services, and broader aspects of environmental economic legislation. Stigma and criminalization mean that sex workers may not seek or be eligible for protection economic or social welfare initiatives to support small businesses. Sex workers have reported police arrests, fines, violence, interruption of police assistance and forced evictions in multiple settings, fueling fears that the pandemic intensifies stigma. discrimination and police repression. Sex workers who are destitute, use tranquilizers, or are travelers with uncertain legitimate or residency status face more prominent difficulties in getting to wellbeing administrations or monetary alleviation, which expands their weakness to chronic frailty results and longer-term negative financial effects. Expanded predominance of fundamental medical issue among sex workers may build danger of COVID-19 advancing to serious illness. Interest for cover and upheld lodging has expanded as sex work settings have been closed down or rental installments default through loss of income. Existing emotional well-being issues are probably going to be exacerbated by uneasiness over pay, food, and lodging, close by worries about infection from proceeding to work without social insurance. Danger of infection is uplifted for the individuals who offer medication gear for drug use. Alternative methods of keeping up or broadening treatment and medication substitute endorsing are essential to spare carries on with in spots where administrations are shut or confined or there are staff deficiencies because of affliction. There is scant dependable proof of the danger of infection or complexities of COVID-19 among individuals living with HIV, despite the fact that the danger could be more noteworthy among the individuals who are immunocompromised and not on HIV treatment<sup>24</sup>. By and large, utilization of antiretroviral treatments is now low among sex workers who are HIV positive in major league salary and low-pay settings. It is essential that

<sup>23</sup> Cohen, David. "Tensions during Lockdown." *Surviving Lockdown*, 2020, pp. 49–57., doi:10.4324/9781003105091-7

<sup>24</sup> <https://www.who.int/news-room/q-a-detail/q-a-on-covid-19-hiv-and-antiretrovirals>



disturbance to wellbeing administrations doesn't further diminish admittance to HIV treatment and avoidance or to crucial administrations tending to homegrown or different types of brutality. Many of the reserach suggest that even with widespread contact tracing and testing, in the absence of a COVID-19 vaccine<sup>25</sup>, physical distance will be a key intervention to prevent community transmission globally. Early modeling that Informed policies of physical distancing do not took into account the needs of vulnerable populations, their access and compliance with official guidelines. The benefits of the entire population, such as the reduction of hospitalizations and mortality, are probably intangible for marginalized populations for whom the adverse effects of physical detachment could be substantial. Inability to work, reduced access to health services, and increased isolation are likely to lead to worse outcomes in health problems and increase inequalities, especially when people are largely excluded from formal plans social protection Prostitute organizations reacted quickly to COVID-19 by distributing funds for deprivation help with financial assistance applications; affirming that governments are including sex workers in the response to the pandemic calling for fundamental labor rights to facilitate safer working conditions; and provide health and safety assistance to those who move online or are unable to disrupt direct services. the provision of emergency housing in England and Wales; and the inclusion of sex workers in economic benefits in Thailand, the Netherlands and Japan. However, these programs often exclude the most marginalized, including the homeless, transgender people or migrants. There is a critical need for governments and health and social workers to work with affected communities and providers of first line services. co-produce effective interventions. Examples of needed interventions are described in the panel. Existing sex worker organizations provide an essential foundation for community health work and, in partnership with health services, can facilitate and ensure the adequacy of community testing and contact tracing, as well as maximize use. possible future vaccines. or COVID-19 treatments.

So the healthier communities of society controlling COVID-19 requires a collective and inclusive response. Resources and support for sex workers should be a priority. Community participation in social protection programs, health services and information will enable sex workers to protect their health during this pandemic as equal citizens, in line with the principles of social justice. Social policy reforms and Legalization, including the decriminalization of sex work, can reduce discrimination and marginalization of female sex workers and enable the provision of vital health and social services. This need is heightened as the crisis exacerbates health and social problems. social existing COVID-19.

This lockdown has left all the sex worker struggling to complete their needs there are some story of sex worker who were returning to the streets for survival <sup>26</sup>;

- Rashmi a 27 year old prostitute who is struggling for food, medicines or any other basic needs she was returned to their work and said that I know I am taking risk during covid-19 pandemic but I can not go hungry and also I have no other option for survival.
- Lakshmi another sex worker who was resumed there work during pandemic said I had not paid a rent since three months and landlord threaten Me everyday and said he will expel me from the house and I have no money to complete my basic needs so I was return to my work.
- When the corono virus affected all over the world then in kamthipura's sex worker who were jobless because of the lockdown and also did not get proper help and any type relief like food, medicine or any other basic needs which is provided by the government these sex worker was desperate to start there work in ongoing pandemic despite the risks of infection from the virus.

<sup>25</sup> [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)31033-3](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31033-3)

<sup>26</sup> Reporter, S. (2020, July 16). Desperation forces sex workers to risk COVID-19. Retrieved November 25, 2020 from <https://www.thehindu.com/news/cities/bangalore/desperation-forces-sex-workers-to-risk-covid-19/article32105196>

- Whereas some of the sex worker are trying to cope up with the pandemic and start to use online mode for their work and provide online video and audio services to there clint but there many of the sex worker who did not get online clint and struggle to survive.

After all this problems faces by the sex worker during lockdown **Darbar mahila Samanwaya committee**<sup>27</sup> filed the application before the supreme court and said that After the nation wide lockdown was announced on March 24, 2020, there was no work or income. In April and May, prostitutes saved their meager savings or borrowed at exorbitant interest rates to survive. Most relied on charity provided by individuals and philanthropic organizations. Senior Advocate of committee anand grover said that food is the most important thing to live and according to the report only 52 percent of 1.2 lakh worker are receiving ration in 5 cities through public distribution system and the situation in other cities are more worse than this. Grover wanted from the court that court order to the government that it will distribute free ration to all the sex worker across the country without contending the ration cards because most of the sex worker have not ration card even they don't have any identity documents. RS Suri<sup>28</sup>, who appeared for the Center, informed the court that the government provided benefits to sex workers under Ujjwala Yojna for the concession of LPG cylinders. Grover noted that in the five-state survey, only 8% of the 1.2 lakhs of sex workers could use the gas program for cooking. In addition, sex workers demanded medicines, medical care, school fees for their children, and pensions for widows and elderly women in their community.

After hearing the plea court held that<sup>29</sup>;

“Central government should take some instant steps to arrange the food and basic needs for sex workers under the Disaster management act 2005<sup>30</sup>.”

All the state government, local authorities and other government authority will immediately issue ration card to the all sex workers as soon as possible, Government should relax all the rule and regulations which is required to verify the document like address proof or any other strict think that will create hindrance in making the document and the profession of the sex worker is not mention in any document.

### **Conclusion**

The overview summarized above has necessarily attempted to describe the different regulations positions on sex work and retracing its long historical trajectory in India the context. The global framework that defines the contours of the debates on sex work at different levels should allow us to better understand dynamics operating in the legislative process on this issue. It is also a file indicator of difficulties in reaching suitable positions for all Perspectives. At the same time, the complex terrain of such legislation imperatives on an issue mired in extremely polarized attitudes must warn us that only a simple legislative solution will solve it. And also above research highlights that the government should treat every sector of people equally in every circumstances, government should provide proper help to the every group of society specimen, in the lockdown sex worker are the group which treat unlikely because every one think that the work which is done by these worker are illegal so they did not get basic needs like food, medicines etc. from the government.

<sup>27</sup> <https://thewire.in/>

<sup>28</sup> Additional Attorney General (ASG)

<sup>29</sup> India Legal. “Sex Workers: Supreme Court Order on Dry Rations, Allowances for Them Is a Landmark.” *India Legal*, India Legal, 31 Oct. 2020, [www.indialegallive.com/column-news/sex-workers-supreme-court-rations-ncrb-prostitution](http://www.indialegallive.com/column-news/sex-workers-supreme-court-rations-ncrb-prostitution).

<sup>30</sup> Section 35 of disaster management act which says that central government shall take all the necessary steps during any pandemic and provide all the basic needs to the people of the state.

So it is the duty of the government and every citizen of the society that they will treat every group of society like sex worker and transgender equally and government have to provide every possible health in every circumstances just like the covid-19 pandemic.

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- Geetanjali Gangoli, Prostitution, Legalisation and Decriminalisation: ECONOMIC AND POLITICAL WEEKLY.

