

Vindication of our Struggle for Dignity and Rights.

Judgment of the Hon'ble Supreme Court of India, Prajwala Versus Union of India and Ors on 29 May 2026.

Statement of the National Network of Sex Workers (NNSW)

The National Network of Sex Workers, comprising of over 1,00,000 female, trans and male sex workers across nine states; welcomes the judgement of the Hon'ble Supreme Court of India, delivered in Prajwala Versus Union of India and Ors on 29 May 2026. This landmark judgment delivered by Justice Pardiwala and Justice R Mahadevan comes four years after the path breaking order in the Budhadev Karmaskar matter. The Supreme Court of India has vindicated the voices and battles of lakhs of sex workers in India, recognizing their fight for dignity and inclusion.

The judgement acknowledges the consent and agency of adult sex workers and underlines that laws like the Immoral Traffick (Prevention) Act, 1956 (ITPA) must recognize the difference between trafficked individuals and those voluntarily engaged in sex work.

The court states that “to address the issues surrounding prostitution effectively, the law must first reckon with the reality of it. The widespread existence of prostitution in India is a fact that cannot be wished away. Yet the current legislative framework bears little relationship to that reality. The result is a serious and widening gap between the law as it stands in the books and the practical conditions in which prostitution is actually carried on, thereby necessitating a serious re-examination”.

The judgement argues that India's legal framework, particularly the ITPA, is inconsistent in its treatment of prostitution and fails to adequately protect the rights of voluntary adult sex workers.

On the ambivalence in the ITPA Law, the judgment argues that if prostitution is legally permitted in certain circumstances, then those who engage in it voluntarily should also be granted legal rights and protections.

The judgment bats firmly on the side of voluntary adult sex workers. It states that “the law focuses heavily on trafficking and forced prostitution but provides limited protection for adults who voluntarily engage in sex work. This creates the impression that voluntary sex workers are responsible for the harms they experience.”

Recognising the social stigma and moral judgment associated with sex work, the judgment states that “society often views sex work through a moral lens rather than a rights-based lens. Voluntary sex workers are frequently seen as immoral rather than as individuals entitled to dignity and protection. Derogatory language and social prejudice contribute to their marginalization.”

The judgement also looks at the failure of legal enforcement and states that “even where legal protections exist, they are often inaccessible because the police and officials may hold prejudiced attitudes; sex workers fear discrimination and mistreatment and social stigma discourages them from seeking help.” The court rightly observes, “Formal rights do not translate into real protection.”

Sex Work is Dignified Work



On the implementation of the raid and rescue provisions of ITPA, the court has stressed on the importance of a threshold inquiry for adult voluntary sex work, to ensure that they are not harassed under these provisions. The court clearly states, “the intent of Sections 15-17 of ITPA was not to interfere with the lives of voluntary adult sex workers.” The court further places on the Magistrate the burden of ensuring through an initial “**threshold inquiry**”, “whether the person before him is a voluntary sex worker who does not wish to be subjected to long term safe custody. Such a threshold inquiry, serves to ensure that adult voluntary sex workers are spared the intrusion of a process “**never meant for them**”. The judgement further critiques the detailed examination of a person’s age, character, antecedents and family circumstances as being an “intrusive examination of her personal circumstances”, which “compels her to remain away from her life and her family for the duration of the process”.

In a far-reaching observation that has import for the manner in which laws are implemented and policies relating to sex work drafted and rolled out, the Court refers to the problematic division between “victims” and “participants”. The court criticizes the distinction between “Innocent victims” (trafficked persons), who receive sympathy and legal protection; while “guilty participants” (voluntary sex workers), are judged morally and receive fewer protections. According to the court “this distinction undermines the dignity and rights of voluntary adult sex workers.”

In a powerful moment of self-reflection, the judgment notes that courts themselves have sometimes reinforced stigma by using terms such as “fallen women” or suggesting that sex work is not “decent work”. It states that such language perpetuates discrimination rather than challenging it.

The court recommends the need for a rights-based approach by:

- Recognizing voluntary adult sex workers as rights-bearing individuals.
- Providing effective legal protections and enforcement mechanisms.
- Re-examining the tendency to conflate prostitution with trafficking.
- Reducing stigma, marginalization, and exclusion.

The order advocates a human rights and dignity-based approach to sex work. It argues that while trafficking and exploitation must be combated, voluntary adult sex workers should not be denied legal protection, dignity, or access to justice because of moral judgments about their occupation.

The NNSW welcomes the conclusions of the court that prostitution is a social reality in India, and the current legal framework does not adequately reflect that reality. The NNSW lauds the Supreme Court order as it calls for a serious reconsideration of existing laws so that voluntary adult sex workers receive meaningful rights, protection, and social inclusion while continuing efforts to combat trafficking and exploitation.

National Network of Sex Workers, India

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