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Preface

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ARTICLE 39A AND THE FORGOTTEN MARGINALISED: EXAMINING LEGAL AID ACCESS FOR FEMALE SEX WORKERS IN INDIA

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Abstract

The State shall take positive steps to establish a system of free and universal legal aid to ensure that no citizen is denied due process by reason of economic or other disability, as guaranteed in Article 39A of the Constitution of India. Nearly ten lakh, according to the latest community-led size estimation exercise, female sex workers continue to be one of the most legally invisible groups in this constitutional promise. It is criminalised in parts under the Immoral Traffic (Prevention) Act, 1956, stigmatised by the police and undocumented because of a lack of proof of residence and identity, even when formal legal aid is guaranteed. Access to justice is denied on multiple fronts for this population, without legal aid even being formally guaranteed. This paper considers the constitutional architecture of Article 39A, the journey of constitutional recognition of sex workers' rights, culminating in the Supreme Court's directions in Budhadev Karmaskar in 2022, and the functional reach of the schemes launched by the National Legal Services Authority for sex workers. Using current governmental and empirical evidence, this paper concludes that the provision of legal aid for female sex workers is still an aspirational goal, not a reality, and suggests a different approach to legal aid delivery, based on the community anchor.

Keywords: Article 39A; Legal Aid; Female Sex Workers; Immoral Traffic (Prevention) Act; NALSA

1. Introduction

India's constitution, through Part IV, sets out a series of directive principles of the State that, although not enforceable in the judicial system, have come to be considered by the high judiciary as the guiding principles to interpret the fundamental rights of the country.¹ Article 39-A, included by the Forty-Second Amendment of 1976, has a special significance in this context since it makes a vague principle like equality before law operational by requiring that the "State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."²

Forty five years after the insertion of this clause, the hope embodied in Article 39A has largely, but not evenly, been institutionalized by way of the Legal Services Authorities Act, 1987, and the huge array of State, District, and Taluka Legal Services Authorities created by it.³ However, mere presence within institutions does not necessarily guarantee meaningful access. For some groups of people, such as female sex workers, the obstacles to accessing justice are not only economic, but they have been further exacerbated by criminalization, social stigma, lack of identity documents, and a culture of harassment among the police force. This is the subject of the current paper.

It is deliberate that the group of sex workers be selected for research. In contrast to several other disadvantaged groups that fall under Section 12 of the Legal Services Authorities Act, 1987, there is an ambiguity in the status of sex workers with regard to law; although prostitution is itself not a criminal activity as per Indian law, the activities of solicitation, running or maintaining a brothel, and living on the earnings from prostitution are all crimes according to the Immoral Traffic (Prevention) Act, 1956. Such ambiguity has always been used against sex workers to deprive them of the basic protections of the law while at the same time keeping them under the coercive machinery of law.

¹ INDIA CONST. art. 37.

² INDIA CONST. art. 39A (inserted by the Constitution (Forty-second Amendment) Act, 1976, s. 8).

³ The Legal Services Authorities Act, 1987 (Act No. 39 of 1987), ss. 3, 9, 11A.

2. Article 39A: The Constitutional Vision of Legal Aid

2.1 Textual and Historical Foundations

Inclusion of Article 39A was a direct result of the findings of the Committee on Legal Aid, headed by Justice V. R. Krishna Iyer, the 1973 report of which "Processual Justice to the People" had first identified legal aid as a tool of distributive justice rather than a charitable one.⁴ Later Justice P.N. Bhagwati would write some of the landmark decisions that expanded the scope of Article 21 to cover the right to free legal aid, but even then, he spoke of legal aid being an indispensable part of the "reasonable, fair and just procedure".⁵

Development in the jurisprudence relating to the application of the principle took place at an amazingly rapid pace during the late seventies and early eighties. In the case of *M.H. Hoskot v. State of Maharashtra*, the Supreme Court declared that the right to free legal services flows from the right to a fair process guaranteed by Article 21.⁶ In the case of *Khatri vs. State of Bihar*, decided two years later, the Court went on to add that the inability of the State to discharge this constitutional duty of giving free legal aid due to shortage of funds does not absolve it from this responsibility, as without doing so the entire process shall be vitiated.⁷

Even when the Act on Legal Services Authorities was introduced in 1987, which put Article 39A in legislation and created the hierarchy of legal services authorities at the national, state, district and taluka level, the constitutional court had already firmly entrenched legal aid within Article 21 and not just considered it an aspiration as per Article 39A.⁸ The provision for fulfilling this responsibility is made in Section 12 of the Act, which categorises certain persons who are eligible for free legal aid, such as women, persons belonging to the Scheduled Castes/Scheduled Tribes, trafficked persons, persons in custody, and persons whose annual income is less than the prescribed amount.⁹

⁴ Government of India, Ministry of Law, Justice and Company Affairs, *Processual Justice to the People: Report of the Expert Committee on Legal Aid* (1973).

⁵ *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 98.

⁶ *M.H. Hoskot v. State of Maharashtra*, (1978) 3 SCC 544.

⁷ *Khatri v. State of Bihar*, (1981) 1 SCC 627.

⁸ The Legal Services Authorities Act, 1987, s. 4; see also *State of Maharashtra v. Manubhai Pragaji Vashi*, (1995) 5 SCC 730.

⁹ The Legal Services Authorities Act, 1987, s. 12(a)-(h).

2.2 The Content of the Entitlement

Section 2(c) of the 1987 Act defines "legal service" expansively to include representation in any case before a court, tribunal or authority, and the rendering of advice on any legal matter.¹⁰ The Regulations made under the Act even further define this right to include court fee payment, drafting of pleading, furnishing of certified copies of judgment, and pre-litigation consultation and mediation which were added by the amendments made to the Act post year 2010. The guidance material prepared by NALSA itself defines the scope of the right to free legal service as including "aid and advice to beneficiaries in availing the benefits under welfare statutes and schemes" which is particularly relevant for the groups who need not just court representation but also help from a welfare bureaucracy which often denies their very existence.¹¹

The second less disputed dimension of the right, that is, help in obtaining ration cards, identification documents for voting, bank accounts, and housing/welfare programs, is what takes precedence for women in sex work, because the biggest problem that they face legally is often not an inability to litigate their claims but rather an inability to prove their identity in the first place.

3. Female Sex Workers in India: A Socio-Legal Profile

Collecting accurate and up-to-date information on the magnitude and geographical distribution of female sex workers in India has always posed a problem owing to the underground and illegal nature of the profession. The most credible study conducted is that of Programmatic Mapping and Population Size Estimation (PMPSE), which was carried out jointly by the National AIDS Control Organisation, WHO, ICMR, and associated partners, and covered 651 districts in 32 states and union territories in India.¹² The total number of FSWs in India as determined by the PMPSE survey was 9,95,499, including 3,51,020 men who have sex with men, 2,88,717 People Who Inject Drugs, and 96,193 hijras/transgenders.

The corridor comprising Karnataka, Andhra Pradesh, Telangana, Tamil Nadu, and Maharashtra is disproportionately higher than the rest in terms of population size relative to geographic size, with

¹⁰ The Legal Services Authorities Act, 1987, s. 2(c).

¹¹ National Legal Services Authority, Frequently Asked Questions, available at nalsa.gov.in/faqs (last visited 2 July 2026).

¹² Anoop Kumar et al., "Programmatic Mapping and Population Size Estimation of Key Population in India: Method and Findings", PLOS Global Public Health (2025).

Karnataka having the largest number of female sex workers at over 1.53 lakh, while Telangana has the highest concentration of 38 FSWs per mapped location. These figures are summarised in Table 1.

Table 1: Estimated Female Sex Worker Population by Select States, PMPSE 2023-24 Round.

State/Category	Estimated FSW Population	Share of National Total
Karnataka	1,53,000+	Highest among States
Maharashtra	Approx. 9.6% of national total	3rd highest nationally
Telangana	75,380	7.6%
All-India Total (PMPSE 2023-24)	9,95,499	100%

An earlier programme-multiplier based estimate for 2018-19 had placed the national FSW population at approximately 18.2 lakh, with West Bengal recording the highest State-wise figure of 4.5 lakh.¹³ The disparity between the above figure and the current 2023-24 PMPSE estimate of about ten lakh is mainly due to methodological differences, not any reduction of the same scale, and serves as an example of a common problem in this area of inquiry: a lack of a reliable, up-to-date census of a population that by its very nature does not get counted.

The HIV prevalence rate in female sex workers, while falling, remains very high when compared to that of the general adult population. According to the results of the 2023 HIV sentinel surveillance round, the HIV prevalence rate was 1.85 per cent among female sex workers compared to just 0.20 per cent among the general adult population.¹⁴ Indeed, this particular vulnerability to ill health is not merely coincidental within the context of this discussion; rather, it is a direct result of the very legal marginalization which deprives sex workers of their right to legal

¹³ Size Estimation of High-risk Groups for HIV Infection, Indian Journal of Public Health (2020), reporting NACO programme multiplier estimates for 2018-19.

¹⁴ National AIDS Control Organisation, India HIV Estimates 2023: Factsheet (NACO, Ministry of Health and Family Welfare, 2024).

redress, given that the fear of being harassed or prosecuted by the police is what prevents this particular group from using condoms, seeking medical attention, and reporting violence against them.¹⁵

4. The Legal Framework Governing Sex Work in India

4.1 The Immoral Traffic (Prevention) Act, 1956

The primary law in India dealing with prostitution is the Immoral Traffic (Prevention) Act, 1956 ("ITPA"). This Act, however, does not criminalize the practice of sex work itself, but the activities that surround it. These include keeping or managing a brothel as per Section 3, living off the earnings of prostitution as per Section 4, procurement or inducing as per Section 5, and soliciting in public as per Section 8.¹⁶ The system results in what many critics call a "criminalization by association" regime, where a prostitute who shares her income with someone else can be charged with earning the income from prostitution, one who operates out of a room that she shares may have that room searched as a brothel, and one who simply stands in an area known to have prostitutes can be arrested for soliciting even without having solicited anyone.¹⁷

Additionally, under section 7 of the ITPA, magistrates can also issue orders for the eviction of sex workers from notified areas, a practice whose implementation has been known to have caused the eviction of red-light colonies on a summary basis. The consequence of such provisions is that the sex worker, who is a woman, interacts with the criminal justice system mainly as a suspect or a "rescuer," rather than as a complainant, and thus, legal aid schemes based on the traditional suspect-complainant dichotomy have failed to respond adequately to this reality.¹⁸

4.2 Overlapping Penal and Constitutional Provisions

Apart from the ITPA, the victims of sexual abuse, trafficking, or assault among the sex workers also receive some form of protection under the general provisions of the erstwhile Indian Penal Code, 1860, which is now incorporated in the Bharatiya Nyaya Sanhita, 2023.¹⁹ But in reality, the

¹⁵ Budhadev Karmaskar v. State of West Bengal, Criminal Appeal No. 135 of 2010, Order dated 19 May 2022.

¹⁶ Immoral Traffic (Prevention) Act, 1956 (Act No. 104 of 1956), ss. 3, 4, 5, 8.

¹⁷ Prabha Kotiswaran, *Dirty Money: Sex Work, Trafficking and the Law in India* (Cambridge Univ. Press, 2021), ch. 3.

¹⁸ Immoral Traffic (Prevention) Act, 1956, s. 7; see also Kaushalya v. State of U.P., AIR 1964 All 121.

¹⁹ Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023), ss. 74-79.

validity of testimonies by prostitutes has been consistently ignored by investigating bodies, and at times by even trial courts, despite the explicit declaration by the Bombay High Court that engaging in prostitution does not in any way give a license to an individual to violate the dignity of women.²⁰

Article 21 of the Constitution, which is about the protection of life and personal liberty, has come to be interpreted by constitutional courts to mean that the right to livelihood, the right to health, and the right to live a life of dignity form part of Article 21. The doctrinal problem is not the lack of any text from which a constitutional claim can be made; rather, it has always been the fact that there is no enforcement mechanism to afford this group the respect guaranteed under Article 21.

5. Judicial Recognition - From Budhadev Karmaskar to the 2022 Directions

The single most significant decision in this regard comes from a case that started off as an ordinary criminal appeal from a conviction for murder. The matter of Budhadev Karmaskar v. State of West Bengal related to a very tragic case of the murder of a sex worker named Chhaya Rani Pal who was killed in a red light area in Kolkata in 1999. In this appeal filed before the Supreme Court, the Court, by means of its order passed on 14th February 2011, decided to transcend the boundaries of this ordinary criminal appeal and invoked Article 21 to establish the fact that even sex workers have a right to lead a dignified life.²¹

The said panel, to which sex workers' collectives such as the Durbar Mahila Samanwaya Committee of Kolkata managed to obtain membership, an uncommon event in a case where a committee was appointed by the courts, submitted its final report on 14 September 2016.²² One of its important conclusions was that it is impossible for the sex workers to get themselves a proof of their identity such as a ration card or voting identity card due to the absence of any proof of their address, and the district administration often denies recognition of the identity of sex workers or their children for any welfare programs.²³

²⁰ See generally the discussion of High Court pronouncements on this question in Stand of the Supreme Court on Rights of Sex Workers: The Story So Far, The Womb (13 June 2022).

²¹ Budhadev Karmaskar v. State of West Bengal, Criminal Appeal No. 135 of 2010, Order dated 14 February 2011 (SC); see also (2011) 10 SCC 573.

²² Prabha Kotiswaran, interview with Shardha Rajam, "Buddhadev Karmaskar: A Step Towards Decriminalisation of Sex Work?", P39A Criminal Law Blog (30 Aug. 2022).

²³ Supreme Court Panel Report on Sex Workers (2016), summarised in Supreme Court Directions on Sex Workers: History of the Case, and Where it Stands Now, ForumIAS Blog (28 May 2022).

There was little activity in this regard for a number of years after that time until the beginning of the coronavirus pandemic when sex workers found themselves in great trouble as a result of being denied access to emergency relief supplies due to lack of ration cards. In the wake of an application filed before the Supreme Court by the Durbar Mahila Samanwaya Committee, the provision of dry rations was ordered without insisting on any identification documents.²⁴ It was followed by the historic judgment of 19 May 2022 that came from the Bench of Justices L. Nageswara Rao, B.R. Gavai and A.S. Bopanna invoking Article 142 of the Constitution for doing complete justice in the absence of specific legislation.²⁵

The May 2022 order is significant for present purposes because it is, in substance, a legal aid order. Its central directions are summarised in Table 2.

Table 2: Principal Directions in Budhadev Karmaskar v. State of West Bengal, Order dated 19 May 2022.

Direction	Substance
1	Sex workers are entitled to equal protection of law; criminal law must apply equally in cases of sexual assault against a sex worker, irrespective of her occupation.
2	Police must not treat sex workers with contempt, subject them to abuse, violence, or coerce them into any sexual activity.
3	Whenever a raid is conducted on a brothel, sex workers should not be arrested, penalised or harassed merely for being sex workers, as soliciting is the only punishable act and even that within circumscribed limits.
4	Children of sex workers must not be separated from their mothers merely on the ground of the mother's occupation.

²⁴ Order dated 10 January 2022 in Budhadev Karmaskar v. State of West Bengal, Criminal Appeal No. 135 of 2010 (SC).

²⁵ Budhadev Karmaskar v. State of West Bengal, Criminal Appeal No. 135 of 2010, Order dated 19 May 2022 (SC).

5	The press must not reveal the identity of sex workers, whether as victims or accused, or publish photographs that would enable identification.
6	Police and other authorities must be sensitised through training to treat sex workers and their rights with due regard, and the National Legal Services Authority and State Legal Services Authorities should carry out legal awareness programmes for this purpose.

The international community celebrated the ruling as an important achievement not only for public health but also for human rights. The UNAIDS noted that the protection of the rights and safety of marginalized communities enhances their access to services related to HIV, and thus contributes to ending AIDS.²⁶ However, it should be noted that the order itself makes it clear that its instructions are transitional, meant only to be “operative until such time as legislation is enacted,” but the Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill, published in July 2021, has not yet been submitted to Parliament.²⁷

6. Barriers to Legal Aid Access for Female Sex Workers

6.1 The Identity Deficit

The single biggest factor stated by the expert panel report and in further research work is the lack of documentary evidence of identity and address. The issuance of ration cards, voter ID card, and the enrollment in Aadhar program all need the evidence of address, which the sex workers, who are often migrant workers living in rented premises in red-light districts, cannot provide.²⁸ However, without these documents, she cannot be able to open a bank account; she will not be able to enroll her kids into the government school easily, and importantly for the purpose of this paper, she will not be able to meet the eligibility criteria for applying for the legal aid programs.

²⁶ UNAIDS, Press Release, "UNAIDS Welcomes India's Supreme Court Order that the Constitutional Right of Sex Workers to Life, Liberty and Dignity Must Be Respected" (Geneva, 17 June 2022).

²⁷ Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill, 2021.

²⁸ Supreme Court Panel Report on Sex Workers (2016), summarised in Supreme Court Directions on Sex Workers: History of the Case, and Where it Stands Now, ForumIAS Blog (28 May 2022).

6.2 Criminalisation and Police Practice

Even when a prostitute is ready to seek help from the Legal Services Authority, the dissuasive role played by the associated offenses of the ITPA can never be ignored. Any woman that seeks help regarding an assault is likely to be revealed to be someone that is engaged in prostitution, which means she will either face prosecution under Section 8 or a raid under Section 15.²⁹ Several incidents of extortion have been reported by the panel of the Supreme Court from 2011 to 2016, wherein the sexual services were extracted from women and even men by the police force in lieu of not registering their case.³⁰

6.3 Institutional Unfamiliarity and Stigma within the Legal Aid Machinery

Another invisible but no less important barrier exists within the structure of legal aid services delivery itself. Panel advocates appointed under the Legal Services Authorities Act, 1987 are members of the bar at large, and they hold the same prejudices regarding sex workers as the rest of the society. Without specific training, a sex worker approaching the Legal Services Authority may face an advocate not willing to represent her interests in the same zeal as he would for any other client, or a clerk demanding identity proof which, as has been pointed out earlier, she does not have.

6.4 The Language of Rescue and Rehabilitation

Finally, many of the institutional structures that have long been established around sex workers, even under the ITPA's own provision on "protective homes" and "corrective institutions," have been couched in terms of rescue and rehabilitation rather than rights and remedies.³¹ Although this is a good intention, this kind of framing ends up objectifying the adult sex worker as a subject for assistance rather than an autonomous individual with rights to be litigated in court; this is contrary to what the 2016 panel found about adult consenting sex workers deserving of respect rather than coercion into rehabilitating themselves.

²⁹ Immoral Traffic (Prevention) Act, 1956, ss. 8, 15.

³⁰ National Crime Records Bureau, Crime in India 2022, Vol. I (Ministry of Home Affairs, 2023).

³¹ Immoral Traffic (Prevention) Act, 1956, ss. 2(f)-(g), 21.

7. NALSA and the Institutional Response

7.1 The Statutory Entitlement

The first criterion for access to free legal services is laid down in Section 12 of the Legal Services Authorities Act, 1987, according to which "a woman" can get these services irrespective of her income, and secondly, "a victim of trafficking in human beings".³² NALSA has also formulated a separate program, namely the "Legal Services to Victims of Trafficking and Commercial Sexual Exploitation Scheme, 2015", under which sex workers, either trafficked or not, have been identified as a category that is eligible for legal awareness camps, paralegal volunteers, and speedy processing of applications.³³

7.2 Implementation Gaps

Nevertheless, the mere presence of the scheme is no guarantee of delivery. The preventive and strategic approach to legal aid that is advocated by NALSA relies on the participation of Para Legal Volunteers recruited from retired government officials, self-help groups, and other community sources for the actual delivery of the scheme.³⁴ Almost no, if at all, reports produced by State Legal Services Authorities are broken down by whether they were conducted among sex workers, making it extremely hard to gauge the reach of such programs. The information that is available through NALSA's newsletters and reports, on an annual basis, only shows legal awareness camps held in red light districts as sporadic occurrences.

Such a deficiency in implementation was also noted, albeit indirectly, by the Supreme Court in its order issued on 19th May 2022, which stated that the NALSA and State Legal Services Authorities should conduct legal awareness and sensitisation programs for sex workers, something which would not have been necessary in case the earlier scheme had succeeded in reaching enough people.³⁵ In the view of this paper, the existence of a legal right amidst an empirical void in its actualisation is the sole most accurate depiction of the present status of the application of Article 39A to this group: a right that is entirely legal but only partially actualised.

³² The Legal Services Authorities Act, 1987, s. 12(a), (b).

³³ National Legal Services Authority, Legal Services to Victims of Trafficking and Commercial Sexual Exploitation Scheme, 2015.

³⁴ National Legal Services Authority, Preventive & Strategic Legal Services Schemes (2023), describing the role of Para Legal Volunteers in reaching marginalised communities.

³⁵ Budhadev Karmaskar v. State of West Bengal, Criminal Appeal No. 135 of 2010, Order dated 19 May 2022.

7.3 Compensation Schemes and Victim Support

NALSA's Compensation Scheme for Victims/Survivors of Sexual Assault and Other Crimes under Section 357A of the Criminal Procedure Code, 1973, in theory covers sex workers who are victims of sexual abuse.³⁶ On implementation, however, the scheme calls for a first information report and, quite often, a medical report, both of which depend on the cooperation of the very police with which sex workers find it hardest to cooperate. Thus, there is an implied requirement for successful operation of the scheme, i.e., for a credible police complaint to be registered, which this group of claimants finds most difficult to fulfil among others.

8. Recommendations

First, the identification of sex workers must be decoupled from that of being a resident, in keeping with the precedent established by the Supreme Court's order in January 2022 for providing dry rations without requiring ration cards. There could be a system of certification of the community, akin to the one that is currently being followed to identify beneficiaries of special HIV programmes run by NACO through NGOs in red-light areas.³⁷

Secondly, the NALSA Legal Services to Victims of Trafficking and Commercial Sexual Exploitation Scheme, 2015 could be amended to include a dedicated para-legal volunteer who is from or trained in consultation with sex worker collectives like the Durbar Mahila Samanwaya Committee, in each District Legal Services Authority that is operating in a district with a mapped hotspot under the PMPSE exercise. Peer-led legal literacy has been shown to work in the HIV prevention arena and has no principled justification for not being applicable to legal aid delivery. Thirdly, there is a need for independent audit of police accountability mechanisms, such as the mandated sensitisation training ordered by the Supreme Court in 2022, through State Human Rights organisations or State Legal Services Authorities, and publish the results on an annual basis. A training direction can easily end up being a meaningless exercise in symbolism and not a

³⁶ National Legal Services Authority, Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018, framed under s. 357A, Code of Criminal Procedure, 1973 (now s. 396, Bharatiya Nagarik Suraksha Sanhita, 2023).

³⁷ National AIDS Control Organisation, Targeted Intervention for High Risk Groups: Operational Guidelines (NACO, 2021).

meaningful change in the behavior of those working in the field unless there is independent verification.

Fourth and most fundamentally, Parliament should move to amend the Immoral Traffic (Prevention) Act, 1956, significantly, or replace it with dedicated legislation that will decriminalise ancillary offences which are used to harass consenting sex workers, while maintaining strong trafficking laws. In the absence of such laws, the transitional provisions of the Supreme Court will continue to serve as an imperfect substitute for a thoughtful scheme of legislation, as the Court itself admitted.

9. Conclusion

Article 39A calls for a regime in which the dispensation of justice is not rationed due to socio-economic discrimination. For the Indian women sex workers who number nearly a hundred thousand by the latest community estimate, the above ideal still remains largely unrealized not because of the lack of any textual or institutional framework but rather due to the absence of a suitable implementation mechanism.³⁸ What the judicial branch, through a half-century of Article 21 law, has achieved in the Supreme Court decision in *Budhadev Karmaskar* 2022, is what a court can achieve: they have named the right and asked the executive to respect it. The more difficult, less conspicuous task is now left to complete the institutional design required to make a Legal Services Authority front office accessible, comprehensible, and credible to a woman who does not even have a ration card or the belief that the law has ever worked for her.

Until that institutional design is achieved with the same rigor with which the Constitution achieved the writing of Article 39A itself, the commitment to the marginalised that was made in 1976 will continue to be honoured, in this case, largely in default.³⁹

³⁸ Anoop Kumar et al., "Programmatic Mapping and Population Size Estimation of Key Population in India: Method and Findings", PLOS Global Public Health (2025).

³⁹ Cf. *State of Maharashtra v. Manubhai Pragaji Vashi*, (1995) 5 SCC 730.

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