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THE UNSEEN LAYER OF DEMOCRACY: JUDICIAL RECOGNITION, GROUNDS LEVEL REALITIES, AND THE RIGHTS OF FEMALE SEX WORKERS IN INDIA AFTER THE 2022 SUPREME COURT JUDGMENT



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Abstract

The story of the curtain is a compelling one. Whether it hangs in a room, a hotel, or on a theatre stage, its purpose is always the same to conceal, protect, and separate what lies behind it from the outside world. A curtain shields those behind it from public view, creating a boundary between visibility and invisibility. Yet this metaphor does not always reflect reality. Some people are never behind the curtain, yet society treats them as though they are. They do not hide themselves but are forced into invisibility by stigma, prejudice, and exclusion. They remain "behind the curtain" not because they choose to, but because society places them there. "Female sex workers" are among those who live this paradox. They are visible in public, yet invisible in law, policy, and social acceptance. Their existence is acknowledged, but their dignity, rights, and voices are too often ignored.

In an era marked by the expansion of democratic values, where individuals continue to assert their rights and knock on the doors of the state for the protection of their freedom and liberty, there still remain certain unseen layers of society whose voices have yet to receive adequate recognition. Despite the constitutional promise of equality, dignity, and justice, these marginalized groups continue to experience social exclusion, legal vulnerabilities, and limited access to the rights guaranteed to them. Behind most of these faces lies an untold story of pain and suffering and hope that their children do not meet the same fate. This study examines the legal and social status of female sex workers in India following the Supreme Court's decision in *Budhadev Karmaskar v. State of West Bengal*. Drawing on primary interviews with organization working with female sex workers, it finds that despite judicial recognition, significant challenges persist, highlighting the need for effective legal reforms and institutional measures to safeguard their rights, dignity, and equality.

KEYWORDS - Female Sex Workers, Budhadev Karmaskar Judgment, Constitutional Rights and Dignity, Sex Work and Legal Recognition, Judicial Recognition and Ground-Level Implementation

I. INTRODUCTION

A person is defined by the merit of their deeds, not by the prominence of their name, aptly reflects this reality. Women engaged in sex work have historically been identified through various social labels such as "prostitute," "call girl," "bar dancer," and other colloquial labels that often define them through their occupation rather than their individual identity. Their presence has also been associated with recognized red-light areas across India, including *Sonagachi* in Kolkata, *Kamathipura* in Mumbai, and *G.B. Road* in Delhi, among others. Despite their long-standing existence within society,

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their identity, lived realities, and legal status remain inadequately recognized within the existing statutory framework.

The Immoral Traffic (Prevention) Act¹, is one of the principal legislations governing matters related to prostitution in India. Section 2(f) of the Act defines “prostitution” as:

‘Prostitution’² means, the sexual exploitation or abuse of persons for commercial purposes. However, this statutory definition has attracted considerable criticism. The definition focuses primarily on the element of exploitation and abuse but does not acknowledge the distinction between voluntary adult sex work and forced prostitution arising from trafficking or coercion. It also fails to define the term “sex worker” or recognize the person engaged in sex work as an individual possessing fundamental rights, autonomy, and entitlement to legal protection. By defining the activity rather than identifying the person involved, the law creates a framework where sex workers are often viewed only as victims of exploitation rather than as rights-bearing individuals.

After the landmark judgment delivered by the Supreme Court in 2022³ which recognized that sex workers are also entitled to the right to life and dignity guaranteed under Article 21⁴ of the Constitution, the judgment brought new hope and a possibility of change for female sex workers. However, the gap between judicial recognition and ground-level implementation remains a significant concern. The interviews conducted with organizations working for sex workers revealed that many issues continue to persist. This article highlights the core challenges still faced by female sex workers, including the lack of Aadhaar cards, an issue also raised before the Supreme Court, police harassment, and other related concerns.

II. HISTORICAL BACKGROUND

The historical evolution of female sex work in India reflects a complex transformation in social, cultural, and economic structures. During the early Mughal period (16th century)⁵, many women associated with royal courts were known as Tawaifs. They were highly accomplished courtesans renowned for their expertise in classical music, dance, poetry, and etiquette⁶. Tawaifs entertained nobles and aristocrats in mehfilis and made significant contributions to the development of Indian music, dance, theatre, and literature. Although some Tawaifs engaged in sexual relationships with wealthy patrons, such relationships were neither universal nor guaranteed. The most respected Tawaifs exercised considerable autonomy in choosing their patrons and occupied a distinguished position within elite society.

In the Hindu tradition, another historical institution was that of the Devadasis, women dedicated to the service of temples⁷. Devadasis performed religious rituals and were trained in classical dance forms such as Bharatanatyam, music, and other cultural traditions. In their early history, they enjoyed social respect, economic security, and a status closely associated with temple institutions. Their

¹ Immoral traffic (Prevention) Act, 1956.

² Immoral traffic (Prevention) Act, 1956, S. 2(f)

³ Budhadev Karmaskar v. State of West Bengal MANU/SC/0881/2011.

⁴ Constitution of India, art. 21.

⁵ Saba Dewan, *Tawaifnama: The Courtesans of India* (Context, 2019).

⁶ Saba Dewan, *Tawaifnama: The Courtesans of India* (Context, 2019).

⁷ V. Sriram, *The Devadasi and the Saint: The Life and Times of Bangalore Nagarathnamma* (East West Books (Madras), Chennai, 2007).

prominence reached its height between the 10th and 12th centuries, when temples flourished under royal patronage.

Over time, however, the status of the Devadasi institution declined. Historians attribute this transformation to a combination of factors, including political instability, the weakening or destruction of temple patronage in some regions, the decline of royal support, economic hardship, and later colonial interventions. As many temples lost financial resources and institutional protection, numerous Devadasis were deprived of their livelihoods. In the absence of social and economic support, some were compelled to engage in commercial sex work as a means of survival. This marked a significant shift from their earlier respected social position to one characterized by marginalisation and poverty.

During the eighteenth and nineteenth centuries, when the East India Company expanded its rule over India, British colonial policies further reshaped the regulation and perception of prostitution. The growing presence of British women in colonial settlements altered the social dynamics of the British community, while prostitution increasingly came under state regulation, particularly in relation to military cantonments. Colonial laws focused largely on controlling prostitution for public health and military purposes rather than safeguarding the rights or welfare of the women involved.

This historical analysis demonstrates that the status of women engaged in sex work has never been static. Instead, it has evolved in response to changing political, economic, religious, and social conditions. Understanding this historical transformation is essential for analysing the contemporary legal and social position of female sex workers in India.

III. LITERATURE REVIEW

The legal and social status of female sex workers in India has been widely examined in the context of criminal law, constitutional rights, human rights, and the regulation of sex work. Existing scholarship has contributed significantly to understanding the complexities surrounding sex work, particularly the distinction between trafficking and voluntary adult sex work, the debate on criminalisation and decriminalisation, and the need to protect the dignity and rights of sex workers within the constitutional framework.

Archita M. Prajapati, in *Prostitution and Issues Surrounding It with Special Reference to the Debate of Criminalization and Decriminalization*⁸, critically analyses the competing legal approaches towards sex work in India and highlights the limitations of the existing legal framework in addressing the realities of voluntary adult sex work. Deepika Jain⁹, in *Sex Workers and the Law in India: Perspective, Voice and Narrative from the Margins*, examines the issue through a constitutional and human rights perspective, emphasising the voices, agency, and lived experiences of sex workers that have often remained marginalised within legal discourse. Similarly, Prabha Kotiswaran's scholarship on sex work and law provides an important analysis of the relationship between legal regulation,

⁸ Archita M. Prajapati, *Prostitution and Issues Surrounding It with Special Reference to the Debate of Criminalization and Decriminalization*.

⁹ Dipika Jain and Kimberly Rhoten, 'Sex Work and the Law in India: Perspectives, Voices and Narratives from the Margins' (2017) 40(2) *Harvard Journal of Law & Gender* 411.

labour rights, and the socio-economic realities of sex workers, advocating a shift from a purely criminal law approach towards a rights-based understanding of sex work¹⁰.

The Supreme Court's decision in *Budhadev Karmaskar v. State of West Bengal*¹¹, marked a significant development in Indian jurisprudence by affirming that sex workers are entitled to the fundamental rights guaranteed under the Constitution of India. The judgment has generated renewed academic and legal discussions on the constitutional recognition of sex workers and the corresponding obligations of the State to protect their dignity, equality, and access to justice.

Existing scholarship has extensively examined the legal, constitutional, and socio-economic dimensions of sex work in India. However, much of the foundational scholarship predates the Supreme Court's 2022 judgment. There remains a need for post-2022 research examining whether the constitutional recognition and directions issued by the Supreme Court have translated into meaningful changes in the ground realities of female sex workers. This study seeks to address this gap by examining the implementation of the 2022 judgment through doctrinal legal analysis and primary interviews with representatives of community-based organisations working with female sex workers.

IV. RESEARCH METHODOLOGY

This study adopts a qualitative research methodology by combining doctrinal and empirical approaches. The doctrinal component examines constitutional provisions, statutory laws, judicial precedents, government reports, and existing academic literature relating to the legal and social status of female sex workers in India, with particular emphasis on the Supreme Court's decision in *Budhadev Karmaskar v. State of West Bengal*¹². The empirical component is based on semi-structured interviews conducted with representatives of organizations working directly with female sex workers, including the Durbar Mahila Samanwaya Committee (DMSC) and Seth Bagan Mahila Sangha (SBMS), Kolkata. These interviews provide first-hand insights into the lived experiences of female sex workers and the practical challenges concerning legal recognition, identity documentation, police practices, access to welfare schemes, rehabilitation, and social stigma. The study employs a descriptive and analytical approach to examine the gap between judicial recognition and the ground realities faced by female sex workers, with the objective of identifying the need for effective legal and institutional reforms.

V. LEGAL FRAMEWORK

Constitutional framework

Although the Constitution of India does not expressly regulate sex work, it provides the constitutional foundation for safeguarding the rights and dignity of all individuals, including sex workers. *Article 14*¹³ guarantees equality before the law and equal protection of the laws, while *Article 15*¹⁴ prohibits

¹⁰ Prabha Kotiswaran, *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* (Princeton University Press 2011).

¹¹ (2022) 5 SCC 481.

¹² *Budhadev Karmaskar v. State of West Bengal* MANU/SC/0881/2011.

¹³ Constitution of India, art. 14.

¹⁴ Constitution of India, art. 15.

discrimination on constitutionally prohibited grounds. *Article 21*¹⁵ protects the right to life and personal liberty, encompassing the right to live with dignity. Further, *Article 23*¹⁶ prohibits trafficking in human beings and forced labour, thereby drawing a constitutional distinction between trafficking and voluntary adult sex work. Collectively, these constitutional provisions constitute the normative framework for protecting the fundamental rights of sex workers and guide the State in ensuring that measures to combat trafficking and exploitation do not undermine the constitutional guarantees of equality, dignity, and personal liberty.

Statutory framework

Immoral Traffic (Prevention) Act, 1956¹⁷

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the principal legislation governing prostitution-related activities in India. Enacted with the objective of preventing trafficking and commercial sexual exploitation, the Act criminalizes activities such as brothel-keeping, procuring, detaining persons for prostitution, and living on the earnings of prostitution¹⁸. However, the Act does not expressly criminalize voluntary prostitution by an adult in private¹⁹. Despite its objective of curbing exploitation, the ITPA has been criticized for adopting a regulatory and criminal justice approach rather than a rights-based framework, as it does not recognize adult consenting sex workers as workers entitled to legal and labour protections.

Bharatiya Nyaya Sanhita, 2023²⁰

The Bharatiya Nyaya Sanhita, 2023 (BNS) further strengthens the statutory framework by prescribing punishment for offences relating to the buying and selling of children for the purpose of prostitution and other forms of exploitation under Sections 98 and 99²¹. These provisions reflect the legislative intent to combat trafficking and commercial sexual exploitation while ensuring greater protection for children against such offences.

Judicial framework

After a series of judicial interventions, beginning with *Gaurav Jain v. Union of India*²² and culminating in *Budhadev Karmaskar v. State of West Bengal* (2022)²³, the legal discourse surrounding the rights and status of female sex workers in India underwent a significant transformation. In 2022, in *Budhadev Karmaskar v. State of West Bengal*, the Supreme Court of India delivered a landmark judgment affirming that sex workers are entitled to the fundamental rights guaranteed under the Constitution of India and directing authorities to uphold their dignity, equality, and protection under the law.

¹⁵ Constitution of India, art. 21.

¹⁶ Constitution of India, art. 23.

¹⁷ *Immoral Traffic (Prevention) Act*, 1956.

¹⁸ *Immoral Traffic (Prevention) Act*, 1956, ss. 3-9.

¹⁹ *Immoral Traffic (Prevention) Act*, 1956; Prabha Kotiswaran, *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* (Princeton University Press 2011).

²⁰ *Bharatiya Nyaya Sanhita*, 2023.

²¹ *Bharatiya Nyaya Sanhita*, 2023, ss. 98-99.

²² *Gaurav Jain v. Union of India* MANU/SC/0789/1997.

²³ *Budhadev Karmaskar v. State of West Bengal* MANU/SC/0881/2011.

The 2022 judgment of the Supreme Court of India in *Budhadev Karmaskar v. State of West Bengal*²⁴ marked a significant milestone in recognizing the constitutional rights of sex workers. The Court unequivocally affirmed that sex workers are entitled to the protection of Article 21, guaranteeing the right to life with dignity, while also emphasizing the relevance of Articles 14 and 19, which ensure equality before the law and the freedom to practice a profession.

The Court had constituted an expert panel to examine three key issues: the prevention of trafficking, the rehabilitation of sex workers who wished to leave the profession, and the creation of conditions that would enable those who chose to continue sex work to live with dignity. By its order dated 26 July 2012, the Court expanded the third term of reference by emphasizing that sex workers are entitled to live with dignity under Article 21²⁵ of the Constitution of India. Although the panel submitted its recommendations in 2016 and the Government indicated that legislation was under consideration, no statutory framework has been enacted yet. Consequently, the Supreme Court exercised its constitutional powers in 2022²⁶ to issue interim directions safeguarding the dignity and fundamental rights of sex workers until appropriate legislation is enacted.

However, the judgment raises an important question: Has it translated into meaningful change in the lives of female sex workers? The findings of this study suggest that meaningful change has remained limited. The Expert Panel submitted ten key recommendations to improve the legal and social conditions of sex workers. Of these, the Supreme Court accepted only six, while the remaining four were left to the legislature and executive for future policy formulation.

More importantly, even the implementation of the six accepted recommendations has remained inadequate. Primary data collected through interviews with representatives of community-based organisations working with sex workers reveal that police harassment, social stigma, arbitrary detention, economic insecurity, and barriers to accessing justice continue to persist despite the Court's directions. This gap between constitutional recognition and practical implementation demonstrates that judicial acknowledgement alone is insufficient without effective statutory reforms, institutional accountability, and a comprehensive legal framework that ensures the protection of the rights and dignity of female sex workers.

The realities of female sex workers cannot be understood through legal provisions alone. They emerge most clearly through the experiences of organizations that work directly with the community every day. This study draws upon conversations with such organizations to examine the gap between constitutional guarantees and the lived realities of female sex workers in India. Through interviews with organizations working for the rights of female sex workers, this research seeks to understand the gap between the constitutional guarantees available to female sex workers and their lived realities.

²⁴ *Budhadev Karmaskar v. State of West Bengal* MANU/SC/0881/2011.

²⁵ Constitution of India, art. 21.

²⁶ *Budhadev Karmaskar v. State of West Bengal* MANU/SC/0881/2011.

VI. FIRST INTERVIEW WITH THE DURBAR MAHILA SAMANWAYA COMMITTEE (DMSC), KOLKATA²⁷

As part of this empirical study, an interview was conducted with *Ms. Bishakha Laskar*, Secretary of the *Durbar Mahila Samanwaya Committee (DMSC)*, Kolkata. The organization was also one of the petitioners in the above-mentioned case, to understand the lived realities of female sex workers. The discussion focused on legal recognition, police practices, access to welfare schemes, social stigma, and the challenges faced by the community. The insights shared provide valuable empirical support for this research. The interview was conducted in a semi-structured format to explore the legal, social, and institutional challenges faced by female sex workers in India. The following questions were posed to Ms. Bishakha Laskar:

Q1. During your work with sex workers, what are some of the major challenges they face beyond their occupation?

Ms. Bishakha Laskar: Many women leave their homes at a very young age and later face significant difficulties in obtaining basic identity documents such as Aadhaar cards and Voter ID cards. Without these documents, they are often unable to access government welfare schemes and, in many cases, are deprived of exercising their right to vote.

Q2. Could you share your observations regarding police harassment and its impact on sex workers?

Ms. Bishakha Laskar: Police raids remain a recurring concern. During such operations, some women are allegedly taken into custody on suspicion of being minors or for procedural reasons. Members of the community have also reported harassment and allegations that money, jewellery, and other personal belongings are sometimes taken during these raids. According to her, repeated raids and periods of police custody disrupt their work, resulting in the loss of clients, income, and overall livelihood. The interviewee further stated that, in some instances, such detentions are allegedly carried out to show petty cases to higher authorities, which, according to the community, contributes to continued police harassment of sex workers.

Q3. Do sex workers have adequate access to legal assistance when their rights are violated?

Ms. Bishakha Laskar: Access to effective legal aid continues to be a major challenge. Many sex workers are unable to pursue legal remedies or obtain justice when they experience violations of their rights.

Q4. How would you describe the political participation and representation of sex workers in India?

Ms. Bishakha Laskar: According to my experience, sex workers have virtually no meaningful political representation. Political parties often approach members of the community during election campaigns and encourage them to participate in rallies and other campaign activities. However, once the elections are over, little attention is given to ensuring their representation or addressing the issues affecting their community. As a result, the concerns and interests of sex workers remain largely absent from political decision-making and policymaking.

Q5. What role does DMSC play in addressing these issues?

²⁷ Durbar Mahila Samanwaya Committee, *Official Website* <https://durbar.org/>.

Ms. Bishakha Laskar: Community-based organizations such as DMSC frequently bridge the gap by assisting sex workers in accessing education, healthcare, identity documentation, and other essential services, particularly where government support is perceived to be inadequate.

Based on the interview conducted with DMSC, it can be analysed that the legal recognition of sex workers under Article 21, as affirmed by the Supreme Court in *Budhadev Karmaskar v. State of West Bengal*²⁸, has not made a significant impact on their lives. The interview findings indicate that the continued difficulties in obtaining Aadhaar cards, allegations of police harassment, and the lack of meaningful political representation reflect a persistent gap between the constitutional guarantees of equality and dignity under Articles 14 and 21, recognized by the Supreme Court, and the lived realities of female sex workers. These findings highlight the urgent need for a comprehensive statutory law to regulate sex work and effectively protect the rights and dignity of sex workers.

VII. SECOND INTERVIEW WITH SETH BAGAN MAHILA SANGHA (SBMS), KOLKATA

While many adult women voluntarily engage in sex work due to socio-economic circumstances, Seth Bagan Mahila Sangha also recognizes that many women and girls are trafficked or coerced into commercial sexual exploitation. The second interview was conducted with *Ms. Dipa Sen*, Secretary of *Seth Bagan Mahila Sangha (SBMS)*, one of India's oldest community-based organizations working for the rights, dignity, and welfare of female sex workers. Established in 1986 in Kolkata, SBMS advocates for the legal and human rights of adult female sex workers while also working to prevent trafficking, support the rescue and rehabilitation of victims of commercial sexual exploitation, and promote their social reintegration.

Q1. Could you tell me about Seth Bagan Mahila Sangha and the work it is currently doing?

Ms. Dipa Sen: She explained that Seth Bagan Mahila Sangha primarily works for the rehabilitation and welfare of vulnerable women and children, particularly children of female sex workers. The organization is actively involved in anti-trafficking initiatives, prevention of child sexual exploitation, rehabilitation, education, healthcare support, and community welfare programs aimed at protecting the rights and dignity of marginalized communities.

Q2. From where are the girls rescued, and what are the common circumstances that lead to their trafficking?

Ms. Dipa Sen: She explained that many of the girls who are trafficked come from tribal communities and other socially and economically backward sections of society, particularly from West Bengal and nearby regions. According to her, poverty, lack of education, and social vulnerability make these communities more susceptible to trafficking. She stated that, in some cases, family members or intermediaries sell or deceive girls, after which they are trafficked to red-light areas. She further mentioned that rescued girls have been found in red-light districts such as Kolkata, Pune, Delhi's GB Road, and other locations.

Q3. What is the role of the police in rescuing trafficked girls?

²⁸ *Budhadev Karmaskar v. State of West Bengal* MANU/SC/0881/2011.

Ms. Dipa Sen: She explained that Seth Bagan Mahila Sangha takes the initiative in identifying victims, supporting rescue efforts, and assisting with the necessary legal procedures. According to her, after the organization takes these steps, the police take action in accordance with the law.

Q4. What happens after the girls are rescued? What challenges do they face during rehabilitation?

Ms. Dipa Sen: She explained that, after rescue, the organization first attempts to reunite the girls with their families whenever it is safe and appropriate. The girls are provided with counselling and psychosocial support to help them recover and rebuild their lives. However, many survivors face stigma and discrimination when they return to school, where classmates and sometimes even teachers treat them differently or socially isolate them. She also stated that many girls continue to experience emotional trauma and, in some cases, their families are unwilling to accept them back. To address these challenges, Seth Bagan Mahila Sangha provides rehabilitation support, including education, counselling, vocational training, and assistance in finding employment so that the girls can become independent and reintegrate into society with dignity.

Q5. What are the opportunities for female sex workers to obtain government employment?

Ms. Dipa Sen: She stated that the participation of female sex workers in government employment is extremely limited. According to her, although many women aspire to secure government jobs and become financially independent, they face significant social, educational, and structural barriers that make achieving this goal very difficult.

Q6. Through your organization, what are your future plans for the rehabilitation, rights, and dignity of female sex workers?

Ms. Dipa Sen: She stated that the organization intends to expand its work among tribal and other vulnerable communities to prevent trafficking and provide legal awareness, legal aid, and social support. She explained that the organization is working on a project aimed at safeguarding women and girls from exploitation and strengthening rehabilitation measures. She also urged the government to support and approve such initiatives so that they can be implemented more effectively and benefit a larger number of vulnerable women and girls.

The second interview revealed another side of the coin. While, on one hand, women are struggling for the recognition and protection of their rights, on the other hand, minor girls are being forced into this practice without their consent and are trafficked across India. This raises an important question: who is responsible for this?

The interview, along with existing studies, shows that many of these girls belong to Scheduled Castes, Scheduled Tribes, and other economically backward communities. They have been living in poverty for a long time, and their families often struggle to earn a decent livelihood. During the interview, I found that, in some cases, parents also force their daughters into this work because of extreme poverty. This is a serious issue that requires urgent attention from the government.

The interview further revealed that even after rehabilitation by NGOs, many girls continue to face social stigma when they return to their families and communities. They struggle to rebuild their identity and live with dignity. This reflects the harsh reality faced by many trafficked girls in India and highlights the need to address not only trafficking but also the socio-economic conditions that make them vulnerable.

VIII. RECOMMENDATIONS

The following measures are recommended to address the practical difficulties identified through this study. First, the Government should establish a simplified and accessible mechanism for obtaining Aadhaar, Voter ID, and other essential identity documents for persons who lack conventional proof of residence. Community-based organisations may be authorised to assist eligible applicants with documentation and verification.

Second, effective safeguards should be introduced against police misconduct. Complaints involving unlawful detention, harassment, extortion, or other abuses should be handled through independent and accessible grievance mechanisms, with appropriate departmental or legal action where violations are established. Police personnel should also receive regular training on the legal distinction between consensual adult sex work and trafficking.

Third, dedicated legal-aid and counselling services should be made accessible to sex workers so that they can report violations and pursue remedies without fear of further discrimination. The Legal Services Authorities and community organisations could collaborate to provide such assistance at the local level.

Fourth, sex workers and their representative organisations should have a meaningful role in the formulation of policies affecting them. Consultation with the community would help ensure that government measures reflect their actual circumstances rather than relying solely on institutional assumptions.

Finally, the Union Government should consider developing a comprehensive statutory framework that clearly distinguishes consensual adult sex work from trafficking, coercion, and exploitation. Such legislation should provide enforceable safeguards against abuse, clarify institutional responsibilities, and establish mechanisms for accountability and access to essential services.

IX. CONCLUSION

They live in the darkest corners of society, where even the light of sunrise seems reluctant to reach them. Yet they are represented by the coloured—the oldest and most visible colour, often associated with desire, danger, and attention. This contrast is at the heart of the paradox of their existence: female sex workers remain highly visible as a social symbol, yet largely hidden when it comes to dignity, rights, protection, and recognition.

This study demonstrates that the legal recognition of sex workers has not, by itself, transformed the realities of their everyday lives. Although the Supreme Court's 2022 judgment affirmed their entitlement to constitutional protection and dignity, the experiences documented through this research reveal a continuing distance between recognition in law and protection in practice. The difficulties surrounding Aadhaar and Voter ID demonstrate how the absence of conventional identity documents can restrict access to welfare schemes, public services, and political participation. Similarly, allegations of police harassment, raids, detention, and the resulting loss of income indicate that legal recognition does not automatically translate into security or equal treatment by institutions. The study also reveals that access to justice remains a significant concern. Where women are unable to obtain legal assistance or pursue remedies when their rights are violated, constitutional guarantees risk remaining principles on paper rather than protections experienced in everyday life. The limited

political representation of sex workers further demonstrates that their voices remain insufficiently present in policy-making, despite the fact that policies concerning them directly affect their lives. These findings make clear that the question is not merely whether sex work should be regulated, prohibited, or permitted. The more fundamental question is whether the State and society are prepared to recognise the person behind the occupation. A rights-based approach must distinguish consensual adult sex work from trafficking, coercion, and exploitation while ensuring that measures intended to prevent exploitation do not themselves become sources of discrimination or institutional abuse. At the same time, the concerns relating to trafficking, rehabilitation, and the protection of women and children cannot be overlooked. The experiences of community-based organisations demonstrate the importance of addressing these issues through a framework that protects autonomy while responding firmly to coercion and exploitation.

Ultimately, the findings suggest that judicial intervention must be accompanied by effective implementation, institutional accountability, accessible identity documentation, legal assistance, welfare access, police sensitisation, and meaningful participation of sex workers in decisions affecting their lives. Community-based organisations already perform an important role in bridging gaps in education, healthcare, documentation, and other essential services, but such responsibilities cannot remain dependent upon civil-society efforts alone. The responsibility must also be assumed by the institutions of the State.

The real measure of legal recognition is therefore not the judgment itself, but the difference it makes in the life of the person whom the law seeks to protect. Until a woman engaged in sex work can obtain an identity document without extraordinary difficulty, seek police protection without fear, approach the justice system without stigma, access welfare without discrimination, and participate in society without being reduced to her occupation, the promise of equality remains incomplete. The curtain may have been lifted in law, but the findings of this study suggest that it has not yet been lifted in society. The task before the State and society is to ensure that constitutional dignity is not merely recognised, but lived.

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