

A STRIDE TOWARDS NEW ERA 'SEX WORK AS LABOUR'

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Abstract - Sex worker is considered as the disadvantaged and vulnerable group in the society. They face discrimination and stigmatisation due to the work they perform. The exclusion in the society has resulted in criminalising and abandoning their rights as working class. The absence of statutory protection for this vulnerable sector has created a need for recognition of their labour. The Researchers has surmised the need for legal recognition to the sex workers as they need protection of majority of labour rights. The Researchers has done empirical study in identifying the social and economic position of sex workers in Trichy and Thanjavur District. Thus, this research has provided guidelines for the legal and social recognition of their labour and need for a statutory framework for sex workers.

Keywords: Sex worker, Discrimination, Prostitution, Vulnerable, Recognition;

INTRODUCTION

Social, cultural, economic, and political factors cause discrimination and marginalisation, on certain groups. Women, girls, ethnic minorities, migrants, individuals with disabilities, solitary old people, and children are at higher risk of poverty, social isolation, prejudice, violence, discriminated and abused. They are provided with minimal protection, support, and redress for rights. Sex workers are also marginalised and disadvantaged groups which lack support and concern from society and Government.

Sex workers are adults who routinely or occasionally exchange money or goods for consenting sexual services or erotic performances. The phrase "sex worker" acknowledges that engaging in sexual activity for financial gain is employment. On the other side, the act of prostitution is associated with deviant behaviour and a lack of morals. Many individuals who engage in the business of providing sexual services favour the word "sex worker" rather than "prostitute" because they feel that the latter term is humiliating and stigmatising. The name called to them as "prostitute" has resulted in excluding them from health, legal, and social services.

In the past, only women were thought of as working as prostitutes, while men were considered to be their clients. However, in the 21st century, men, women, and transgender people are all working in this industry. The number of males working as prostitutes (called gigolo) in India is expanding at an alarmingly rapid rate.

According to Indian history, earlier forms of prostitutes were referred to as "Devadasi," and they devoted their entire lives to the worship of Lord Krishna. These "Devadasi" lived during the time of ancient India. The Devadasis are women who adhere to a theological belief that dictates they view the gods as their spouses and, as a result, they are forbidden from marrying mortal men. They were eventually given the name "Nagarvadhū," which translates to "Brides of the town," and the wealthy and royal families would hire them to sing and dance for them.

According to the findings of history experts, the Devadasi were accorded the utmost deference and respect by the royal families prior to the establishment of British control. No man, not even the Kings or the Mughals, intended to even come close to touching them. After the British established their

presence in the country, however, this practise was discontinued. The Devadasis initially began displaying their art in front of the British officers, which eventually led to one-night stands between the two groups. The British began soliciting the sexual services of these artists, which paved the way for the legalisation of prostitution in a country like India. The transition of Devadasi into prostitution, which occurred during British rule, resulted in a reduction in the number of dances performed in the temple. After that, women began bartering their bodies with members of the British population in exchange for monetary compensation.

This Study is divided into four parts for validating empirical research. Part I deals with introduction to the topic, review of literature. Part II deals with theoretical framework on labour, legal framework in India and International scenario for the protection of sex workers and finally judicial decisions. Part III is regarding the empirical work undertaken for identifying the social, economic and legal position of sex workers, the analysis and commentary. Part IV speaks about the recommendations and suggestions for a better policy framework or legal initiative for the sex workers in India.


REVIEW OF LITERATURE

Sujata Gothoskar and Apoorva Kaiwar (2014) the author stresses on the migrant women population, men and transgenders are forced to enter the entertainment and sex industry for their livelihood. The question of legality and illegality of sex is discussed in the forefront to identify the fact that sex work is in fact labour for which they are paid. It is only by the role played by the various trade unions of sex workers and collective organisations many concerns, issues for the protection of the workers can be considered. Cheryl Overs and others (2013) contended that sex is a valid activity under certain conditions and is considered as creative work. The Labour they perform is considered as work which makes part of the informal sector. Emily vander Meulen (2012) enumerated the problems faced by sex workers from society, police and violence has resulted in exploitation and lack of beneficial rights for them. The Author pointed out the need for legalising the work thereby providing a status in the society. Michael L Rekart in his work took in depth analysis of the health measures needed for sex workers. Gowri Vijayakumar and others (2015) keenly presented the fact that sex workers can be part of labour movement as their work can be categorised under informal sector.

THEORETICAL FRAMEWORK

A significant number of migrants, both legally and illegally, are women, and a significant number of these women work in the entertainment and sex industries in the countries to which they migrate. The downturn in the global economy will also have drastic effect on the employment of women in these sectors.

There are a lot of things that can happen in a woman's life that might push her to the point where she decides to become a prostitute. Poverty and unemployment are two of the most significant variables that play a role in pushing women to engage in commercial sex. It has been observed that women living in rural areas are more likely to be taken advantage of by unscrupulous middlemen who promise them respectable employment prospects but ultimately sell them off as sexual labourers. The lack of financial resources is the primary factor that compels desperate and vulnerable women to engage in prostitution. It is generally agreed upon that, of all the factors that may be held responsible for



prostitution, poverty is often considered to be the most crucial factor that drives people to engage in prostitution.

Poverty has forced many, especially young people into prostitution and they consider it as a good way to support themselves and their families. There are situations where after being raped or sexually assaulted, women often turn to prostitution to escape social disgrace. In cases of home incest and sexual exploitation, young women turn to prostitution when society and even their families reject them. Conflict victims may face similar situations in addition to postponed or denied justice.


The Societal Stigma attached to the work is another important factor that result in pushing them to the disadvantaged groups. The jobs that a significant number of women involve, depending on one's point of view, might not be classified as "clean." This could include work in a domestic work, the collection of trash, or sex work. In addition, the majority of women who participate in these types of jobs are from lower castes and social groups, which indicates that they have had extremely limited or no access to education or skills that are valuable in the job market. The stigma of being linked with sex, filth, or the assumption of being associated with sex and or dirt is attached to the majority of the job in the past and present. In many cases, the vast majority of the female employees in these fields have, over the course of years and generations, internalised the stigma. This is made even more apparent by the way in which the state and society treat them. This treatment includes the presumption of illegality (soliciting in the case of sex workers or theft in the case of waste pickers or domestic workers) and even violence on the part of the police, goondas, and employers, amongst other people.

In addition to women there are Transgenders who do sex work for their living. Transgenders are most vulnerable as they are left with no other option in the society as they are being expelled from their own families. The Discrimination, harassment and abuse that they suffer is more while compared to others due to their gender identity. The prevailing morality of our society and the institutions in it have contributed, of course, to the stigmatisation of people who work in the sex industry. An elaborate mechanism which provides for legal recognition of sex workers as work and providing statutory protection to people in this field is need of the time.

LEGAL FRAMEWORK RELATING TO SEX WORKERS

1. CONSTITUTION OF INDIA, 1950.

The Fundamental Right of 'Right against exploitation' under Article 23 of the Indian Constitution forbids 'trade in human beings and beggar and other similar types of labour' and makes any violation is a crime punishable by law. 'Traffic in human beings' includes the ban of trafficking women for immoral or other purposes. According to Article 35(a) (ii) of the Constitution, "Notwithstanding anything in this Constitution, Parliament shall have, and the legislature of a State shall not have, power to make laws for prescribing punishment for those acts." In accordance with this Article, the legislative power is conferred only onto the Parliament. This is a valid fact that, in the absence of this provision, the laws relating to fundamental rights would not have been consistent across the country. The power is expressly withheld from the legislators of the individual states.



The Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) was created in accordance with Article 35 with the intention of reducing or eliminating the practise of immoral trafficking in women and girls in order to put into effect the principles that are outlined in Article 23(1).

Article 39 which speaks about Directive Principles of State Policy which particularizes certain objectives. One of the goals that are outlined in Clause (e) of Article 39 is that "The State should, in particular, direct its policies towards assuring that the young age of children is not abused." Clause (f) of Article 39 speaks about the state duty to protect youth and infancy against exploitation and against moral and material abandonment. These goals reflect the enormous worry felt by the framers of the Constitution to protect and safeguard the interests of and provide for the welfare of the children in our society.


2. THE IMMORAL TRAFFIC (PREVENTION) ACT OF 1956.

Immoral Traffic in Women and Children is suppressed by the enactment of the Immoral Traffic in Women and Children Act, 1956. This Act has undergone two main amendments during 1978 and 1986 which has made the Act gender Neutral. The Act does not make prostitution illegal, but it makes keeping and using a brothel, living on prostitution money, pimping, soliciting, luring a person for prostitution in detention or otherwise, and prostitution in a public space an offence. Thus, voluntary prostitution is not a crime per se on the basis of the various statues. Even though Indian Penal Code, 1860, the Constitution of India, 1950 or Juvenile Justice Act, 2015 deal with prostitution and trafficking, it has nothing to say that prostitution is illegal. This Act mainly focussed on punishing immoral trafficking, traffickers, persons living off the earnings of a women and provision for welfare measures in rehabilitation of sex workers. The emphasise is that the Act protects women and children who are being used to do prostitution. The law enacted is not just a kind of punishment, but it is also a form of social welfare legislation. It stipulates that offenders who are determined to be responsible for the offence must undergo rehabilitation and be corrected. The establishment of safe houses and rehabilitative institutes for criminals is an important part of the rehabilitation process. This Act intends to rescue fallen women and girls, stamp out prostitution, and provide them a chance to become decent members of society. This Act does not speak about the protection of rights of sex workers, other than rehabilitating people forced under immoral trafficking.

3. IMMORAL TRAFFIC (PREVENTION) AMENDMENT BILL, 2006

The Amendment for the Prevention of Immoral Trafficking in an effort to prevent human trafficking and sexual exploitation for financial gain, proposes amendments to the Immoral Traffic (Prevention) Act of 1956.

The portions of the bill that penalised prostitutes for soliciting customers was eliminated. It makes it a crime for anyone to enter a brothel with the intention of engaging in sexual exploitation of victims of human trafficking. All of the offences that are detailed in the bill will be tried behind closed doors, which means that the general public will not be permitted to attend the proceedings. A provision for punishing any person who is found guilty of the offence of trafficking in persons for the purpose of prostitution is included in the definition of the term "trafficking in persons," which was included in the definition of "trafficking in persons." This bill establishes authorities both at the central government



level and at the state level to combat trafficking. Even while prostitution itself is not a crime, engaging in the activity in a brothel or within 200 metres of any public place is against the law. It is not entirely clear whether or not prostitution should be considered an acceptable way to make a living if one chooses to engage in the activity on their own volition. If customers of prostitutes were punished, the industry might be forced underground, which would block victims of human trafficking from receiving support through legal avenues. This bill creates criminal penalties for the act of trafficking people for the purpose of prostitution. The bill does not prohibit trafficking for other reasons (such bonded labour or domestic employment), but it does not include these types of trafficking. The level of the special police officer who would be responsible for enforcing the Act is being reduced from Inspector all the way down to Sub-Inspector. When such powers are given to younger officers, there is a larger risk of increased harassment. This bill establishes authorities both at the central government level and at the state level to combat trafficking. Nevertheless, it does not go into further detail regarding the roles, functions, or membership of these authorities. This Bill has not been implemented and is yet to see the limelight

4. INDIAN PENAL CODE, 1860

The various provisions in IPC regarding trafficking is mentioned under Sections 366-A (procreation of minor girl), 366-B (importation of girl from another nation), 372 (selling minor for prostitution, etc.), and 373 (dealing with 367 the offence of buying minor for purposes of prostitution etc.).

5. JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000


The Juvenile Justice Act of 2000 contains a specific provision called Section 12 that empowers a police officer or any other person or organisation authorised by the State Government in this behalf to take charge of any neglected juveniles and bring them before the board constituted under this Act. The Juvenile Justice Act of 2000 provides for the care, protection, treatment, development, and rehabilitation of neglected or juveniles in conflict with the law. The Juvenile Justice Act of 2000 also contains a provision that provides for the care, protection, treatment, development in accordance with Section 33, the board is required to investigate and issue whatever orders it deems appropriate in connection to the neglected juveniles.

All these legislations simply point to the mere fact of forced prostitution and to protect women and children from trafficking. These laws have not legally accepted sex work as a work or have not provided any benefits and rights to them.

INTERNATIONAL FRAMEWORK FOR PROTECTION FOR SEX WORKERS

1. CONVENTION ON PREVENTING AND COMBATING TRAFFICKING IN WOMEN AND CHILDREN FOR PROSTITUTION

The United Nations and the International Labor Organization have acknowledged that sexual labour performed by women is an integral part of the labour force in the global economy. Exploiting women for sexual labour or prostitution is in and of itself immoral and unethical behaviour. The South Asian



Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, which was signed in 2002, focuses solely on prostitution as the end point of trafficking. This is because prostitution is the most profitable activity for traffickers. The primary goal of this Convention is to foster cooperation between Member States in order to effectively address the many facets of human trafficking, including but not limited to: the prevention of the use of women and children in international prostitution networks. This convention also focusses on the repatriation and rehabilitation of victims of trafficking.

2. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

This Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is one of the world's major human right treaties. This convention also known as International Bill of Rights for Women which focusses on gender equality. This Convention under Article 6 establishes a duty on the part of States to combat "exploitation of prostitution of women" and trafficking in persons, namely women. State parties should swiftly and effectively eliminate all kinds of discrimination against women, whether by public or private actors. This requires states to diligently battle sex worker discrimination and rights violations and implement their rights. The State or its agents cannot violate women's sex work rights (Articles 2(d) and 2(f)). The state must ensure that no kind of civil, administrative, criminal, and labour laws are not used against sex workers and establish an adequate legal framework to avoid discrimination and violence. It also gives highlights on various aspects of human rights of women namely, Women have the right to work (Article 11), to participate in public and political life (Article 7), and to obtain health care (Article 16), all of which should be guaranteed by the state without discrimination (Article 12).

The CEDAW which focusses on the International Human Rights mainly focusses on the core rights of the women sex workers such as

- Equal Protection of law and freedom from discrimination
- Freedom and prejudice and stigma
- Freedom from violence and arbitrary arrest
- Freedom to work and health
- Freedom to privacy, marriage, economic and social security.

3. GLOBAL NETWORK OF SEX WORK PROJECTS

The Global Network of Sex Work Projects (NSWP) promotes the rights of female, male, and transgender sex workers and connects regional networks.

NSWP operates on three principles:

- Sex Work as work.
- Opposition to all legal oppression and criminalisation of sex work from sex workers, clients, third parties (such as managers, room keepers, brothel owners), families, partners, and friends.
- Sex workers' self-determination and organisation.

NSWP empowers sex worker-led organisations to advocate for rights-based services, freedom from abuse and discrimination, freedom from punitive laws, policies, and practises, and self-determination.

4. INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH ASIA PACIFIC

IWRAW or International Women's Rights Action Watch Asia Pacific is an international Women's organisation working on the aim of providing human rights for women. The IWRAW and NSWP developed two publications of Framework on Rights of Sex Workers under CEDAW and the Shadow Report Guidelines on CEDAW and Rights of Sex workers. This Framework and Shadow Report Guidelines links human rights to prostitution and sex work debates. It is meant to inform rights discourse on sex work in the context of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

RECOGNISING SEX WORK AS LABOUR


In wage Labour and Capital, Engels Marx writes,

“Labour power is a commodity which its possessor, the wage- workers, sells to the capitalist. Why does he sell it? It is in order to live. But the putting of labour power into action i.e. , the work is the active expression of the labourer's own life. And this life activity he sells to another person in order to secure the necessary means of life. His life-activity, therefore is but a means of securing his own existence”.

Our understanding of wage work is that all work a person does is for him, just to ensure his livelihood, and that all wage employment is exploitative since it deprives the worker of value created by his labour and alienates him from it. Sex work is perceived as exploitative because unlike other workers who sell their labour power, sex workers sell their bodies.

The sex workers' employment, like all work, will not be considered wage labour but rather a creative performance. The stories of people who earn a living performing sexual labour are eye-opening for those of us who assume that this line of work is devoid of any room for originality. Workers in sex work are those who engage in a variety of sexual services for a living. Direct sexual labour includes activities like bar dancing and sex employment, and indirect sexual labour includes activities like voyeurism and prostitution. Tasks that don't directly include sexual activity, such as working the front desk at a hotel. Like many other categories of employees in the informal economy, sex workers may not represent a stable group, but rather women who engage in one or more types of paid work. Their labour started recognition, only in a later period when these sex workers started organising for a common purpose or concern.

During the middle of 1990s that sex workers in India started organising themselves. In the beginning, the focus was primarily on the fight against HIV/AIDS. Since the founding of Durbar Mahila Samanwaya Committee (DMSC) in 1995 about 65,000 sex workers, including women, men, and transgender individuals become members of the Committee. The Binodini Shramik Union (BSU), which is a part of the organisation, is a trade union that has applied for recognition under the Trade Unions Act of 1926. Both the DMSC and the BMU consider people who work in the sex industry to be members of the



entertainment workforce. In the year 1996, the Maharashtra-based sex workers' collective known as Veshya Anyay Mukti Parishad (VAMP) was established. In 2006, the Karnataka Sex Workers Union, often known as KSWU, came into being. The New Trade Union Initiative (NTUI), a national level federation of Independent trade Unions, is an organisation that both the DMSC and the KSWU are affiliated with. In 2003, the Bharatiya Bar Girls Union came into being. In Belgaum, Karnataka, Devadasis have also organised themselves under the banner of the Mahila Abhivrudhi Matthu Samrakshana Samsthe (MASS), which has a membership of 5,000 people.

At the first instance Organizations representing sex workers started to raise voice against trafficking, viewing it as a danger to their own profession and credibility as well as a violation of the human rights of the victims. These organisations some in the form of trade unions and others collectively, along with many others, have been active on a variety of fronts. Sex workers, like other types of workers, have found that organising themselves internally gives them a significant boost in power. It has been observed that sex workers organisations have been able to demonstrate the capacity of sex workers to choose safe sex or even to refuse to service non-complaint clients was far superior to that of the majority of women in India. The majority of organisations and unions that represent sex workers address some concerns and problems that are universal. The main issues taken into consideration are stigmatisation of women who engage in sexual work such as the denial of dignity and justice, harassment, and violence, from all sectors of society, such as the shopkeeper, the policeman, educational institutions, health care systems, courts, and so on. Another is the denial of dignity and justice, which occurs when women engage in sexual work.

Sex labour is the sex work engaged in labour for reward or money. This act of them is considered as labour for wages. Even though engaging in sexual labour is not against the law in India, many people who engage in such labour are subject to danger as a result of linked behaviours that are against the law. These activities include operating or managing a brothel, as well as soliciting in public places.

The recognition of sex work as Labour got recognition in the Second National Commission of Labour (2002) where it is mentioned that once this work is recognised as profession then the issues of exploitation, inhuman conditions and public health. The commission further insisted that the sex workers should be subjected to periodic health check-ups, so that they are not affected with sexually transmitted diseases. The registration of sex workers is required for protection and welfare of the workers. National Commission addressed the issue of recognition by making them registered under self-employed workers so that they can get access to health policies and schemes.

A labour perspective of sex work is identified as means of livelihood or forms of wage labour. It can be seen that the individual sex worker can choose to enter in the form of work and can negotiate the terms of labour within the meaning of sex work. The International Labour Organisation (ILO) recognised sex work as workers within the Informal economy and the Recommendation No 200 which concerns HIV/AIDS and world of work. The ILO's policy on Decent work which is considered as the key labour right also applies to sex workers and is identified as issues of labour exploitation. The International Labor Organization (ILO) came up with the definition of "productive work in conditions of freedom, justice, security, and human dignity" as the criteria for what constitutes "decent

employment," and the international community unanimously agreed with this definition. The ILO identified that for attaining the decent work Agenda these criteria has to be identified such as work is productive and secure; that it gives a sufficient salary; that it offers social and legal rights protection; and that opportunities are available for collective action, including participation by unions, are all essential markers of what defines decent work. This global commitment for attaining the decent work is included in the United Nations Sustainable Development Goals.

Regardless of how an individual feel about their job, workers of all kinds, including those in the sex industry, are entitled to certain basic protections under the law. The importance of addressing labour exploitation in all fields, including sex work, is crucial to the advancement of human rights around the world and represents a field that, up until this point, has received a relatively small amount of attention from states and the CEDAW committee. Nonetheless, this is a subject that needs to be addressed.

The legal recognition of sex work as work and the recognition of economic, social, and cultural rights, including labour rights, for sex workers should not be confused with legalisation, which can stigmatise sex workers and is based on the desire to regulate them. The two concepts should be differentiated. Thus, legal acknowledgment of sex workers in all legal frameworks is vital for society's growth.

ROLE OF JUDICIARY

The extent to which a piece of legislation should cover should, to a large extent, be decided by the judiciary. This is an important function since it has the potential to fill in any loopholes that might be present in the legislation. In order to acquire a better knowledge of the rights and constraints that apply to sex workers, we are going to go through a few of the more well-known ones below.

- *Budhadev vs. West Bengal 2011(8) SC 289*

The court found the appellant guilty and noted that the prostitutes were human beings entitled to a dignified life under Article 21. It also directed the government to create sex worker rehabilitation schemes that include vocational training so they can work other than selling their bodies. It was also advised that instead of looking down on prostitutes as inferior individuals, people should sympathise with their position because most women join this career out of necessity. The court also ordered the NGOs and the governments of the various states to give a helpline number for people to call in order to resolve their problems and to get legal counsel whenever it was necessary.

- *Kajal Mukesh Singh and others V. State of Maharashtra, 2020 SCC 954.*

Under the Immoral Traffic (Prevention) Act of 1956, prostitution is not a crime, and an adult woman has the right to choose her career and cannot be detained without her agreement

- *Manoj Shaw and Manoj Kumar Shaw v. State of West Bengal (2013)*

The Court held that It is more appropriate to view sex workers as victims of crime than as suspects in criminal cases.



- *Gaurav Jain v. Union of India (1997)*

The petitioner, an advocate, filed a PIL at the Supreme Court of India. An advocate after reading "A Red Light Trap in India Today on July 11, 1988, filed the petition contended that Society gives no chance to prostitutes' offspring. He requested an appropriate writ to establish separate educational facilities up to the age of sixteen should be provided for the children of prostitutes (referred to by the Court as "fallen women"), with the goal of preventing such youngsters from being involved in their mothers' immoral and unethical lifestyle. He also prayed for separate inns and vocational schools for prostitutes' children because their atmosphere is unhealthy and living separately would allow them to be part of the mainstream society. Eliminating prostitution was another Court priority. It also established juvenile institutions and hostels for vocational training.

- *Delhi v. Pankaj Chaudhry & Ors(2009)*

The Court ruled that a woman cannot be raped even if she is participating in sexual activities, no one is allowed to do so. In light of this, having her approval is an absolute prerequisite. She is afforded the same level of protection against harassment afforded to any other citizen in the country. The Court emphasised that even if it is proven through material evidence that a woman is habitual of sexual intercourse, no one can take advantage of her and can raise the issue regarding her character or by contenting that she is a woman of "easy virtue."

OBJECTIVE OF THE STUDY

The present study aimed to identify the problems faced by sex workers in current scenario and the non-availability of appropriate legislations. The specific goals of this study focussed on 1) review of literatures 2) a talk with sex workers in Thanjavur and Trichy Districts of Tamil Nadu by interview or snowball method as the particular sample was not readily available in the community.

RESEARCH METHODS

1. SYSTEMATIC REVIEW OF LITERATURE

A systematic review of Articles was done in the present study. We have limited the review of published articles from 2010 onwards. The review involved 1) database searches of peer reviewed literatures 2) references of all the articles including 'snowball' as well as backward references searches of the relevant article through jstor and Google Scholar.

2. PARTICIPANTS

The sample consists of 12 workers out of which 10 are transgenders and 2 are women workers. The age of these workers ranges from 40-45 years.

Sl no	Number of sex workers Between 40-45 years	Transgender	Women	Others
1.	20	12	8	0

Table 1 - Table showing the sample of participants collected for the research.



3. PROCEDURE

Semi - structured interviews were used as part of a larger project to identify the need and necessity to legalise the work of sex workers. All interviews were reviewed in their entirety. All questions posed by the researchers were directly related to the protection for sex workers and to give recognition to their labour. It involves the questions relating to theoretical knowledge and assessment of social reality of the work of sex workers. We have engaged in a reflective thematic approach as there was no new information regarding the problem faced by the sex workers in India.

RESULTS AND DISCUSSION

1. SYSTEMATIC REVIEW FINDINGS

Findings from the reviewed articles collectively support the view that sex workers are to be represented by trade unions. The effect of stigmatisation and discrimination on the sex workers for a better position in the society. Their work should be considered as labour for getting appropriate rights in India.

2. FINDINGS FROM THE INTERVIEW

Overall findings of the interview are listed out to understand the position of the Sex workers and non-recognition in the society in Trichy and Thanjavur District of Tamil Nadu.

The Researcher has pointed out the answers for the Interview Questions of various sex workers in a consolidated form. As many female sex workers were not ready to speak to the researchers like the transgenders, many questions were left unanswered.

Sl No	Interview Questions	Answers given by the transgender sex workers (12 nos)	Answers given by the female sex workers (8nos)
1	Marital Status of the sex worker	<p>“5 of the 12 transgenders are married, but left their husband due to torture and denial. These transgenders have done Sex Resurrection Surgery”</p> <p>“7 transgenders are not married as they are not accepted by anyone”</p>	<p>“All the 8 women workers were married, but were left alone by their spouse”</p>
2	Living with family	<p>“All the transgenders are living separately from their family”</p> <p>“2 are living in the same village”</p>	<p>“Yes, 3 are living Guardians”</p> <p>“5 sex workers are married but their husband left, reasons not revealed”</p> <p>“Guardians, especially uncles have forced them to do this profession”</p>
3	Has done Sex Resurrection Surgery	<p>“Only 5 transgenders have done the surgery, others have not done it, but planning for the same”</p>	Not applicable

4	Any other job for living other than a sex work	“8 of them were doing other works such as construction, cook, household work, but they were sent out by the employers by various reasons”	“Yes, House hold works, construction”
5	Proximate income from this profession	“Only one answer that it is sufficient for their living”	“None of them revealed about the income”
6	Wilfully or forcefully in this profession	“All the wilfully doing the profession as no one is ready to give any job”	“They have been forced to do this profession for more income”
7	Awareness of any union for sex worker, If yes whether member of the Union.	“No awareness of any union, but all are of the opinion that NGOs approach them for medical check-ups”	“Not aware, as these women sex workers won’t allow NGOs to approach them”
8	Availing any social security benefits from Government? Like Health insurance or schemes	“All are of the opinion that no benefits are availing”	“No social security benefits”
9	Ration card is available	“All have ration cards”	“All have ration cards”
10	Facing any problems from society, police and family members -	“All of the opinion that its comparatively less than earlier scenario”	“All of the opinion that its comparatively less than earlier scenario” “Family members are not aware of the fact that they are doing sex work”

Table 2 - Table Showing the answers given by the sex workers both women and transgenders.

Other than the interview questions mentioned above the workers gave some more information of their position in the society. Many transgenders were not given job because others consider them as a competitor. People are not social to these people because of their looks and behaviour reasons. Even though Indians consider that its good to get blessings from transgender, they are not recognised as people who can work and earn for their living.

Women sex workers are forced in many cases and they fear of their guardians while speaking to customers. Even the women sex workers feared while speaking to the researchers as the guardians will beat them for not earning sufficiently. As their relatives and other family members are not aware of their work, these sex workers fear to disclose their identities.

CONCLUSION AND POLICY IMPLICATIONS,

The commitment to respect, safeguard, and fulfil the right to non-discrimination should serve as the inspiration for a tripartite strategy that should be applied to the reform of laws and policies. In light of this, those in positions of power are obligated to do away with all forms of discrimination,

establish safeguards, and put in place policies and programmes that advance substantive equality. The main steps which has to be taken by the policy makers are

- To abolish all pieces of legislation that directly or indirectly make sex work a crime, and recognise sex work as a legitimate occupation deserving of the same level of protection accorded to other occupations by international treaties governing workers' rights in the workplace.
- To take a stand against the conflation of human trafficking, exploitative sex work, and migration, and advocate for the rights of migrants to secure, legal migratory pathways and decent work, as outlined by the International Labour Organization.
- To make sure that all forms of discrimination are explicitly outlawed in national legislation.
- To implement measures of affirmative action in order to achieve substantive equality in all spectrum of civil, political, economic, social, and cultural rights. Pay particular attention to key populations among women and LGBT people, as they have traditionally been subjected to higher levels of discrimination.
- To achieve equality by focusing on achieving substantive equality in all spectrum of rights. It is important to keep in mind that achieving gender equality involves an integrative approach and, as a result, the elimination of discrimination in every arena.

The policy implications should also include recognising the importance of sex work as labour, some of the key aspects that the policy makers should take into consideration should also evolve around women empowerment, they are,

- Recognition of trade Unions such as KSWU and BSU and to allow them to register as Trade Unions will help the Sex workers to organise and speak for their rights.
- Recognize those who work in the sex industry as experts in their own lives and as an essential component of the fight for gender equality.
- Involve sex workers as meaningfully as possible as equal participants to make representation for their benefits. It is important to listen to sex workers but also to let them speak for themselves.
- Employ a conception of gender and gender equality that is open-minded and intersectional, one that considers the variety of people's requirements and life experiences.
- Combat any and all forms of oppression, particularly those that interact with gender identity and sexual orientation, and acknowledge that these are also hurdles to gender equality.
- Fight for a kind of feminism that is inclusive of both sex workers and transgender people, and aggressively combat whorism and transphobia in solidarity with sex workers.
- Build up the capacities of sex worker groups to give them more power. Share your expertise and available resources with organisations that are run by sex workers, help such organisations gain access to critical advocacy locations, and encourage the sharing of information and skills.
- Remembering that non-discrimination is a binding international human rights norm, it is important to hold governments accountable through the human rights treaties they have ratified, especially CEDAW.



LIMITATIONS AND FUTURE RESEARCH DIRECTIONS

There are series of limitation in this research, as it was difficult to identify the sex workers, the researchers were forced to converged to research to few samples. The situation of sex workers was identified by snowball method which is the only convenient method available in this research. The women sex workers are still facing the discrimination and stigma from the society that it was difficult to find them. People from NGOs can only help in this kind of research. It seems obvious that one of the most effective ways to "empower" women who work in the sex industry is to completely decriminalise working of the sex workers and to support their rights to resist labour abuse. In future the specific labour provisions should be provided for sex workers in the definition given for worker. There should be proper mechanism to empower women in all the fields including people working as sex workers. Even mechanism should be brought so that they can with stand the situations such as Pandemic and for further economic development.

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