Listed on 10.1.2022
Court No. 5
Item No. 3

SECTION-IIB
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 80140, 80143 AND 80147, 97937 and 97949, 98758, 108759, 108813 OF 2020, 163160, 163205/2021
(Applications for Directions, exemption from filing official translation with affIdavit and exemption from filing attested affidavit)

IN
CRIMINAL APPEAL NO. 135 OF 2010
WITH
INTERLOCUTORY APPLICATION NO. 5609 AND 24206 OF 2012
(Applications for impleadment)

BUDHADEV KARMASKAR ... Appellant

VERSUS

STATE OF WEST BENGAL & ORS ... Respondent

OFFICE REPORT

The matter above-mentioned was dismissed vide this Hon'ble Court's Order dated 14.02.2011 and then by the same Order the matter was converted into PIL Suo-Moto to address the problems of sex workers in the Country and was lastly listed before this Hon'ble Court on 14.12.2021, when the Hon'ble Court was pleased to pass the following Order:

> **"On 19.07.2011, a Committee was appointed by this Court to advise on issues relating to prevention of trafficking, rehabilitation of sex workers who wish to quit sex work and the conditions conducive for sex workers to live with dignity in accordance with Article 21 of the Constitution of India. On the basis of the interim reports that were filed by the Committee, this Court has passed a number of orders issuing directions to the Central Government and the State Governments which are:**
>
> **(a) seeking concrete information from the States about whether sex workers have been offered alternative livelihood, if they intended rehabilitation.**
>
> **(b) All State Legal Services Authorities were directed to set up a helpline number for sex workers in order to provide them with free legal assistance.**
>
> **(c) Directions to the Central Government to broaden the scope of their schemes meant for rescued victims of trafficking so as to include sex workers who sought rehabilitation.**
>
> **(d) to facilitate sex workers access to Voter Identity cards, ration cards, opening of bank accounts etc.**

relaxing the rules on verification of residential addresses and

(e) to provide a range of facilities including crèche, day care centres and night care centres for children of sex workers and protecting their Right to Education.

On 14.09.2016 a final report along with recommendations of the Committee was placed on record. The Committee recommended amendments to be made to Immoral Traffic (Prevention) Act, 1956. We have been informed that the amendments that were suggested by the Committee are under active consideration for a comprehensive law to be made by the Parliament.

One of the terms of the reference which has been made by the panel relates to recognition of the legal status of the sex workers through official documents such as Voters Identity Card, Ration Card, Pan card etc. A perusal of the report indicates that it is very difficult for sex workers to acquire proof of identify cards such as Ration cards or Voters Identity cards owing to the lack of proof of residence. It has been mentioned in the report that District authorities do not recognize the identities of sex workers and their children. Resultantly, sex workers are deprived of their entitlement to basic human and Fundamental Rights. They are denied access to the schemes meant for rehabilitation. After detailed deliberations, the panel suggested in its interim report dated 12.09.2011, that state Governments and local authorities should issue ration cards to sex workers by relaxing the rigours of existing rules as to verification of address without reference to their profession. The Committee further recommended that a sex worker who is a citizen of this country should not be denied a voter identification card. Admission of their children to government recognized schools was also recommended by the Committee along with the benefits of Ujjawala scheme of the Central Government to be extended to the sex workers.

On 15.09.2011, recommendations made by the Committee in its report on 12.09.2011 were accepted by this Court and the Central Government and the State Governments were directed to implement the suggestions made by the Committee in relation to issuance of ration cards and voter identity cards.

On 29.09.2020, an application was filed by Durbar Mahila Samanwaya Committee seeking a direction to the authorities to provide monthly dry rations and cash transfer to sex workers who were struggling to survive during the pandemic. The grievance of the applicant was that sex workers were deprived of dry rations on the ground that they were unable to produce proof of identity.

Realising the distress of sex workers during the pandemic and to relieve them from starvation, this Court directed State Governments and Union Territories to provide dry rations to sex workers who are identified by National Aids Control Organisation without insisting on proof of identity. The District Legal Services Authorities were directed to assist the distribution of dry ration to sex workers without insisting on proof of identity. Addressing the concern of the applicant in the I.A.No.80140/2020, this Court issued further directions on 28.10.2020 asking the State Governments not to associate police authorities in the distribution of dry rations to the sex workers. The order dated 29.09.2020 was reiterated and the State Governments and Union Territories were directed to uniformly distribute the minimum quantity of dry rations as provided in the schemes formulated either by them or by the Central Government.

The State Governments and Union Territories were directed to file affidavits of compliance within a period of four weeks from 28.10.2020. Mr.Anand Grover, learned senior counsel appearing for the applicant in I.A.No.80140 of 2020, submitted that the directions issued by this Court are not being implemented. Referring to the affidavits filed by the State Governments, he submitted that issuance of ration cards to all the sex workers on the basis of their identification by NACO and Community Based Organizations would provide a solution to the problem.

Mr.Jayant Bhushan, learned senior counsel and amicus curiae assisted by Mr. Piyush Kanti Roy, learned counsel referred to some affidavits filed by the State Governments to submit that it is not clear as to whether the directions given by this Court are being implemented. Dry ration was distributed for few months and thereafter stopped. Particular reference was made to the affidavit filed by the State of Gujarat to submit that 12,291 sex workers out of the 24,579 sex workers registered with NACO are not willing to avail the benefits of the schemes. According to the learned Amicus Curiae, this matter needs to be enquired into. The submission made by the learned Amicus Curiae is that the issuance of ration cards as directed by this Court on 15.09.2011 brooks no further delay.

As this Court has directed the State Governments and the Union Territories to issue ration cards and identity cards to sex workers almost a decade back, there is no reason as to why such direction has not been implemented till now. Right to dignity is a Fundamental Right that is guaranteed to every citizen of this country irrespective of his/her vocation. There is a bounden duty cast on the

government to provide basic amenities to the citizens of this country. The State Governments/Union Territories and other authorities are directed to commence the process of issuance of ration cards/ Voters Identity cards immediately to sex workers from the list that is maintained by NACO. The authorities can take the assistance of State AIDS Control Societies who are directed to prepare a list of sex workers after verifying the information provided to them by Community Based Organisations. A status report relating to the issuance of ration cards and Voters Identity cards and Aadhar Card shall be filed within a period of four weeks from today. In the meanwhile, the State Governments and Union Territories are directed to continue distribution of dry rations to sex workers without insisting on ration cards and other proof of residence and profession by following the procedure as mentioned in the orders of this Court on 29.09.2020 and 28.10.2020. In the process, the names of the sex workers should be kept confidential.

A copy of this order shall be sent to all the State Legal Services Authorities, who are directed to assist the concerned authorities both in the issuance of identity cards, Aadhar cards and voter identity cards, for sex workers as well as in distribution of dry ration.

List on 10.01.2022 at 2.00 p.m."

It is submitted that pursuant to the Hon'ble Court's order quoted above, directions of the Hon'ble Court was communicated to the The State Governments and Union Territories and State Legal Services Authorities vide this Registry's letter dated 17.12.2021. In this regard, details of Compliance Reports filed by the State Governments and Union Territories are as follows:

Compliance report/Affidavit Filed by States	**Filed on by Advocate**	**Nature of documents**	
State of Bihar	On 7.1.2022 by Mr. Abhinav Mukerji	Affidavit in Compliance Report	Copy circulated as separate volume
State of Gujarat	On 8.1.2022 by Mrs. Deepanwita Priyanka	Status report	Copy circulated as separate volume
State of Karnataka	On 8.1.2022 by Mr.Shubhranshu Padhi	Compliance report	Copy circulated as separate volume

State of Haryana	On 8.1.2022 by Mr.Sanjay Kumar Visen	Status Report	Copy circulated as separate volume
State of Himachal Pradesh	On 7.1.2022 by Mr. Vinod Sharma	Status Report	Copy circulated as separate volume
State of Mizoram	On 8.1.2022 by Mr. Nirnimesh Dube	Affidavit in compliance	Copy circulated as separate volume
State of Punjab	On 7.1.2022 by Mr. Jaspreet Gogia	Status Report	Copy circulated as separate volume
State of Tripura	On 8.1.2022 by Mr.Shuvodeep Roy	Affidavit in compliance	Copy circulated as separate volume
State of Nagaland	On 7.1.2022 by Mr.K.Enatoli Sema	Status Report in compliance affidavit	Copy circulated as separate volume
State of Tamilnadu	On 7.1.2022 by Mr.Dr.Joseph Aristotle S.	Status Report	Copy circulated as separate volume
State of Assam	On 8.1.2022 by Ms.Diksha Rai	Reply/Compliance Report	Copy circulated as separate volume
UIDAI	Mr. Zoheb Hossain, Advocate	Affidavit	Copy circulated as separate volume

It is submitted that all the above compliance reports/Affidavits are being circulated herewith for kind perusal of the Hon'ble Court as separate Volumes.

The application for directions in the matter above mentioned is listed before the Hon'ble Court with this office report.

DATED this the 8th day of January, 2022

ASSISTANT REGISTRAR

COPY TO:

1. Mr. Pradeep Ghosh, Sr. Advocate(AC)
2. Mr. Jayant Bhusan, Sr. Advocate(AC)
3. Ms. Sushma, Advocate
4. Mr. D. Mahesh Babu, Advocate
5. M/s. Corporate Law Group, Advocate
6. Mr. Anil Srivastava, Advocate
7. Mr. Gopal Singh, Advocate
8. Mrs. Anil Katiyar, Advocate
9. Mrs. Hemantika Wahi, Advocate
10. Ms. A. Subhashini, Advocate
11. Mr. Kamal Mohan Gupta, Advocate
12. Mr. Rohit Kr. Singh, Advocate
13. Mr. Sunil Fernandes, Advocate
14. Ms. Anitha Shenoy, Advocate
15. Mr. P.V. Dinesh, Advocate
16. Mr. C.D. Singh, Advocate
17. Ms. Asha G. Nair, Advocate
18. Kh. Nobin Singh, Advocate
19. Mr. Ranjan Mukherjee, Advocate
20. Mr. M.T. George, Advocate
21. Mr. Balaji Srinivasan, Advocate
22. Mr. R.S. Jena, Advocate
23. Mr. Kuldip Singh, Advocate
24. Mr. Irshad Ahmad, Advocate
25. M/s. Arputham Aruna & Co., Advocates
26. Mr. Subramonium Prasad, Advocate
27. Mr. Gopal Singh, Advocate
28. Mr. Anuvrat Sharma, Advocate
29. Mr. Tara Chandra Sharma, Advocate
30. Mr. Abhijit Sengupta, Advocate
31. Mr. Dharmendra Kr. Sinha, Advocate
32. Mr. Aniruddha P. Mayee, Advocate
33. Mr. Anil Kr. Jha, Advocate
34. Ms. Kiran Bhardwaj, Advocate
35. Mr. D.S. Mahra, Advocate
36. Mr. V.G. Pragasam, Advocate
37. Ms. Savita Singh, Advocate
38. Mr. Jatinder Kumar Bhatia, Advocate
39. Ms. Sushma Suri, Advocate
40. Mr. Rameshwar Prasad, Goyal, Advocate
41. Ms. Pragati Neekhara, Advocate
42. Ms. Aparna Bhatt, Advocate
43. Mr.Vinod Sharma, Advocate
44. Mr. Avijit Mani Tripathi
45. Mr.S.Udaya Kumar Sagar
46. Mr. Shubhanshu Padhi, Advocate
47. Mr. Zoheb Hosain, Advocate

ASSISTANT REGISTRAR