

People's Union for Civil Liberties – Karnataka

ಪೀಪಲ್ಸ್ ಯೂನಿಯನ್ ಫಾರ್ ಸಿವಿಲ್ ಲಿಬರ್ಟೀಸ್ - ಕರ್ನಾಟಕ

No.15, 1st Cross, Post Office road, Sampangiram Nagar, Bangalore – 560 027

Email: puclkabr@gmail.com

(Founder: Lokanayak Jai Prakash Narayan)

President: Arvind Narrain

General Secretary: Shujayathulla

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- PUCL-Karnataka welcomes the compensation for sex workers who faced police violence as a historic first step towards ending impunity for violence against women and transgender sex workers
- PUCL-Karnataka has a legitimate expectation that in pursuance of the order of the SHRC, police officers do not take the law into their hands and beat up the sex workers and trans-genders in public spaces as well in the police station.
- PUCL- Karnataka has a legitimate expectation that the state will take preventive steps to prevent violence against women in sex work by conducting police sensitization trainings

The Karnataka State Human Rights Commission (SHRC) in a communication dated 08.02.24, closed the case filed by the PUCL -K along with Sadhana Mahila Sangha in 2020 regarding violence against women and transgenders in sex work after appropriate action has been taken by the Additional Chief Secretary, Home Department, Government of Karnataka. PUCL-K welcomes the action taken by the state government as a historic first step towards ending the impunity for violence against both transgenders and women in sex work.

The order of the SHRC awarding compensation amount of Rs. 20,000 for violence inflicted by the police against Ms. Gowamma (name changed) and Ms. Suma (name changed), was complied with a cheque being given to both of them by the state government as compensation. Both of them had filed a complaint against police officers and home guards with the police department who operated a police vigilante group, Obbava Pade in 2019, to inflict brutal physical violence against them in the police station which violated their right to dignity and selfhood. This group has now been disbanded.

Apart from the compensation paid which is a recognition of the rights of women in sex work to dignity and the right to be free from violence, the SHRC also passed orders to ensure that such violence does not recur. Based on SHRC's orders, the police have issued a circular dated 26.11.21 to ensure recording of working and treatment in the Police Station through the installation and maintenance of CCTV cameras in all police stations.

The SHRC order also records that the Obavva Pade was responsible for a lot of the violence against sex workers. The Justice Nagmohan Das headed panel had made such a recommendation to disband the Obbava Pade based upon a public hearing, in which women and transgenders in sex work testified to brutal violence by the said force.

This compliance by the state government with the orders of the SHRC is to be welcomed for its action of paying compensation to the sex workers. The government has signaled in no uncertain terms that there is no impunity for violence by police officers against sex workers.

PUCL-K also welcomes the compliance action of the state government as being in conformity with the law declared by the Supreme Court in *Budhadev Karmaskar v. State of West Bengal*, wherein it was stated that sex workers are entitled to life of dignity under Article-21 of the Constitution and steps must be taken to ensure that their fundamental rights are not violated.

The compliance action of the state government is also an implicit recognition of the importance of the directives laid down by the SHRC where it was laid down that, ‘this basic protection of human decency and dignity extends to sex workers and their children, who, bearing the brunt of social stigma attached to their work, are removed to the fringes of the society, deprived of their right to live with dignity and opportunities to provide the same to their children.’

The SHRC is to be commended for its orders, which are based on the principled recognition of dignity for all persons.

The order of the SHRC along with the compliance by the state government, creates a legitimate expectation that both the police and the state government will ensure that the rights of women and transgenders in sex work are respected in the time going forward. This is vital as adult consenting sex work is work and the affirmation of rights and dignity of sex workers by the Supreme Court creates the legitimate expectation that the rights of sex workers to safe conditions of work will be respected and they can access justice if their right to safe conditions of work is violated.

It is therefore a legitimate expectation that police officers do not take the law into their hands and beat up the sex workers and trans-genders in either public space or in the police station. One way of ensuring this is by the state government undertaking periodic sensitization trainings of the police.

If the above actions are undertaken with due seriousness police impunity will end. However, the long-term solution to the problem of police violence and societal contempt for sex workers will have to be the decriminalization of adult sex work.

Arvind Narrain
President, PUCL – Karnataka

Shujayathulla
General Secretary, PUCL – Karnataka

Geetha
Founding members, Sadhana Mahila Sangha