
FROM MARGINALIZATION TO RECOGNITION: THE LEGAL TREATMENT OF SEX WORKERS IN INDIA

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ABSTRACT

The legal and social status of India's sex workers is herein critically examined, following their historical development from reverence in the past to marginalization in the modern era. In ancient India, figures such as *ganikas* and *tawaifs* occupied an esteemed place in religious and cultural life. But colonial law such as the Contagious Diseases Acts and post-colonial law such as the Immoral Traffic (Prevention) Act, 1956 (ITPA), calibrated the process away from cultural acceptance and towards legal and social exclusion. Even while sex work is not illegal, criminalizing related activities under ITPA violates the constitutional rights of sex workers, particularly under Article 21. The study differentiates between consensual adult sex work and trafficking, the two misunderstood concepts entangled in Indian policy highlighting the damage such legal inaccuracy causes. Referring to judicial judgements, especially *Budhadev Karmaskar v. State of West Bengal* (2022), the paper investigates whether India is shifting toward a rights-based from a punitive approach to the law. It uses empirical analysis based on the Bogardus Social Distance Scale, which uncovers a paradox in the public mind where the respondents overwhelmingly favor sex workers rights as equal citizens, deep-seated prejudices still exist in intimate and social areas. This paper's argument is that judicial acknowledgment remains uneven and poorly enforced. Local movements like the National Network of Sex Workers (NNSW) and the Durbar Mahila Samanwaya Committee (DMSC) step into the limelight in bridging the gap. The research concludes by appealing for far-reaching decriminalization, certainty in law, public sensitization, and participatory policy-making so that Indian sex workers are neither treated as criminal nor victim, but as citizens with rights. It aims to influence discourse through providing a model of reform, encouraging participatory policy-making, and advocating decriminalization on grounds of dignity, agency, and equality. The author expects that through this research, a partial but measurable shift in society towards acceptance will be revealed, but also underlines the need for conjunction of law, policy, and public consciousness to ensure complete recognition and protection of sex workers in India.

I. Introduction

Sex work encompasses the exchange of sexual services for payment or other types of compensation, for example, goods or favors. Sex workers are a heterogeneous population with different social, economic, and personal conditions, as well as degrees of security and vulnerability, due to the occupational environment. Due to the workplace environment, sex workers and their clients have higher levels of exposure to sexually transmitted diseases, including HIV. Other health hazards can be a result of concurrent problems like injection drug use common among sex workers.¹ The term ‘sex worker’ is used to refer to all adults who sell or exchange sex for money, goods or services (e.g., transport). It is used to refer to people who sell or exchange sex even if they do not identify as sex workers, or consider the activity to be ‘work’. The term is used to refer to sex workers including consenting female, male, and transgender people who receive money or goods in exchange for sexual services, either regularly or occasionally. We use ‘sex worker’ for adults (18+) who willingly trade sexual services for money or goods, leaving ‘trafficking victim’ for those forced into unwanted sex work, to prevent confusing the two. Sex work is usually classified as ‘direct’ (open, formal) or ‘indirect’ (hidden, clandestine, informal). Direct sex workers identify as sex workers and earn their living by selling sex. Indirect sex workers usually do not rely on selling sex as their first source of income. They may work as waitresses, hairdressers, massage girls, street vendors, or beer promotion girls and supplement their income by selling sex. They generally do not identify as sex workers.²

While prostitution is not criminalized in India, the legislation that governs it—i.e., the Immoral Traffic (Prevention) Act, 1956³—is worded in such a way as to result in criminalization and harm. This has resulted in police brutality at a massive level, erosion of basic rights, and institutional denial of access to healthcare, legal assistance, and social welfare for sex workers. The Supreme Court order of 2022 validating the right of sex workers to live with dignity and access services is a sea change, yet the gap between law and practice remains enormous. In doing so, it becomes imperative to analyze whether India is indeed progressing towards a move from a punitive to a rights-oriented legal acceptance of sex workers. This paper seeks to

¹Illinois Dep’t of Pub. Health, *HIV Prevention Among Sex Workers (Factsheet, Jan. 28, 2016)*, <https://dph.illinois.gov/content/dam/soi/en/web/idph/files/publications/1-28-16-ohp-hiv-factsheet-sex-workers.pdf> (last visited May 22, 2025).

² John Godwin, *Sex Work and the Law in Asia and the Pacific: Laws, HIV and Human Rights in the Context of Sex Work (United Nations Dev. Programme 2012)*.

³ Immoral Traffic (Prevention) Act, 1956, No. 104, Acts of Parliament, 1956 (India).

investigate that shift through a review of legislative enactments, judicial trends, and international human rights law as it pertains to the Indian situation. Numerous actors, from the judiciary to the police, public health authorities, and sex worker organizations like the Durbar Mahila Samanwaya Committee, have challenged the existing legal framework, revealing its contradictions and abuse of rights. Sex work's legal status is an area of contention worldwide, with nations moving between criminalization, legalization, and decriminalization, placing India's stance in a broader human rights discussion.

1.1 Historical Background of Sex Work in India

Knowledge of the history of sex work in India is vital in order to understand the difficulties of its present legal position, social stigma, and the continuing challenge for sex workers in seeking recognition and rights. The history of Indian sex work is multifaceted and well ingrained within the cultural, religious, and political fabric of the subcontinent. Prostitution also had a long and variable presence in Indian history, varying radically with shifts in governance, social formations, and moral sensibilities.

Ancient and Pre-Colonial Periods

Prostitution in ancient India was not merely tolerated but actually respected in certain settings. Women like *ganikas* and *devadasis* during the early Vedic era played significant religious and social roles. *Ganikas* were literate courtesans trained in music, dance, and poetry and were usually attached to temples or the royal court. *Devadasis* were dedicated to temples to dance in ritual performances, although most of them were later exploited sexually under religious guise. In the same way, in the classical age, *nartakis* and *tawaifs*—prostitutes of high standing who were famous for their art and sophisticated banter—amused the upper classes in cultural centers such as *kothas*. These prostitutes shared social status, quite different from the stigmatization of prostitute sex in the future.

Colonial Period

The British colonial state changed the understanding and regulation of prostitution. The 19th-century Contagious Diseases Acts, aimed at regulating venereal disease among British troops, compelled Indian women suspected of prostitution to submit to intrusive medical examinations. Although the state publicly deplored prostitution, it managed red-light zones in metropolises

such as Calcutta, Bombay, and Madras. This system commodified and racialized sex work, lower castes and tribal women getting disproportionately drawn to it owing to poverty. Sex work was condemned by reformers but usually on moralistic and patriarchal grounds.

Post-Independence India

Following independence in 1947, India had inherited most of the colonial sex work attitudes. Although prostitution is not illegal under Indian law, the Immoral Traffic (Prevention) Act, 1956 (ITPA) criminalized other related activities such as brothel-keeping, solicitation, and earning one's living from sex work.

After independence, India moved from controlling to trying to eradicate prostitution, ever more confusing voluntary sex work with trafficking. This pushed sex workers to the periphery, destroyed traditional systems such as the tawaif, and pushed the industry underground. Cities saw red-light zones emerging, while rural sex work was underground. Courtesans' descendants were relegated to second-tiered entertainment careers. The state's rescue approach deprived sex workers of agency and underlying structural determinants such as poverty and gender inequality. Sex workers continue to be stigmatised, excluded from full access to healthcare, and harassed by law—highlight the need for radical social and legal transformation. This multi-stranded history — beginning with sanctity and cultural incorporation, moving on to colonial domination, and ending in post-independence exclusion — still shapes the way sex workers are perceived and treated today. These historical legacies highlight the urgent need for reforms that are both rights-based and sensitive to the social and cultural context surrounding sex work.⁴

The historical context of sex work in India discloses how the profession has evolved from being socially tolerated even valorized in certain settings to highly stigmatized and criminalized. In ancient India, courtesans such as ganikas and tawaifs held respected cultural and artistic positions in society. But the colonial era was a turning point, with the British imposing repressive legislation such as the Contagious Diseases Acts, subjecting Indian women to medical inspection while regulating venereal disease among British soldiers. Post-independence, India maintained its moralistic stance under the Immoral Traffic (Prevention) Act, 1956, equating consensual prostitution with trafficking. These made the sex workers' agency less, forced the industry underground, and ignored the structural factors of poverty,

⁴ Diya Padiyar, *The History of Sex Work in India*, *Global Indian Network* (Oct. 10, 2023), <https://globalindiannetwork.com/the-history-of-sex-work-in-india/> (last visited May 22, 2025).

caste, and gender inequality. These changes from cultural acceptance to legal exclusion continue to influence contemporary perceptions and policies.⁵

1.2 Research Question and Gap

Although sex work is among the world's oldest professions, it continues to be in a legal limbo characterised by swinging between partial tolerance and criminalisation. The overarching research question of this study is: How has the legal status of sex workers in India developed from marginalization towards recognition, and what additional reforms are necessary to protect their rights under a rights-based legal framework? Although some research has examined the social and moral aspects of prostitution, there is a large gap in literature that comprehensively explicates the shift—from ancient sanctification and colonial control to post-independence criminalization—through an examination of legal evolutions. Most scholarship either dwells exclusively on trafficking or mixes consensual sex work with coercion, and so the testimony and initiative of voluntary sex workers remain largely unaddressed. In addition, legal scholarship has hardly analyzed how the old colonial laws, patriarchal prejudices, and rescue agendas continue to exclude instead of empower sex workers. This study attempts to fill this void by not only assessing the current legal laws such as the Immoral Traffic (Prevention) Act, 1956, but also examining how the constitutional values, human rights paradigms, and judicial developments could be harmonized to change the narrative from criminalization to acknowledgment and dignity for the sex workers in India.

1.3 Objectives of Research

1. To critically examine the cultural and historical development of sex work in India - This objective is intended to examine how sex work has evolved from being socially esteemed professions in ancient and pre-colonial India to marginalization in colonial and post-independence India in an effort to situate existing social and legal mechanisms in perspective.
2. To examine the legal framework for sex work in India - This entails studying the Immoral Traffic (Prevention) Act, 1956, the court judgments and recent legislations to determine how law is used in criminalizing or shielding sex workers.

⁵ *Evolution of Prostitution*, Legal Service India (2023), <https://www.legalserviceindia.com/legal/article-12200-evolution-of-prostitution.html> (last visited May 22, 2025).

3. To determine the discrepancy between consensual sex work and trafficking - This study will seek to explain the conflation of voluntary adult sex work and human trafficking in Indian policy discourse and law, and the consequences of the conflation for the rights and autonomy of sex workers.

4. To initiate rights-based legal and policy changes - Consistent with legal analysis and public opinion poll opinions (e.g., Bogardus Social Distance Scale), the research aims to suggest reforms that respect the dignity, safety, and constitutional rights of the sex workers from a human rights perspective.

1.4 Research Rationale

The legal and social handling of sex workers in India exposes an enduring paradox—where previously respected professions like *ganikas* and *tawaifs* have been replaced with exclusion and criminalization. While sex work is not prohibited, legislations such as the Immoral Traffic (Prevention) Act, 1956 (ITPA) criminalize related activities, thereby driving the profession underground. This paradigm compromises the rights, dignity, and protection of sex workers, exposing them to exploitation, social isolation, and legal ambiguity.

This study attempts to fill the glaring gap in understanding how past changes, colonial heritage, and moralistic legal philosophies influenced the present condition of sex workers. It will try to differentiate between consensual sex work and trafficking - two things commonly seen as a single entity and will also analyze if legal amendments and judicial dicta, like the *Budhadev Karmaskar* case, indicate an authentic step toward recognition.

Through historical, legal, and sociological understanding public perception is analysed using the Bogardus Social Distance Scale. This research aims to see whether India is moving from marginalization to a rights-based strategy. The aim is to provide actionable advice for law reform, based on constitutional principles and sex workers' daily lives, so they can be dealt with as citizens with agency and respect, rather than victims or criminals.

1.5 Hypotheses

This study uses the following hypotheses to analyze if the law and society in India are seeing a change in the mindset towards sex work:

Null Hypothesis (H₀):

There has been no legal or societal shift towards accepting sex workers in India; their marginalization is not altered.

Alternative Hypothesis (H₁):

Judicial and policy changes, such as the Supreme Court acknowledgement of rights of sex workers and the effort of grassroots groups, have led to measurable movement from marginalization to partial recognition and protection of sex workers in India.

Using qualitative materials and survey evidence, the research seeks to test contested hypotheses about the development of legal traditions, judicial trends and popular opinion in mixed-method fashion.

II. Literature Review

While prostitution per se is legal in India, the law offered by the Immoral Traffic (Prevention) Act, 1956 (ITPA) makes nearly all prostitution-related activities unlawful, leading to a legal paradox. The paradox stems from the fact that while a consenting adult woman can engage in sex work, the enabling conditions which enable her to engage in it—such as working from a safe environment or living with others involved in the trade—are often criminalized under other sections of the ITPA. Section 3 criminalizes the running or possession of a brothel, and it is punishable by imprisonment. In effect, it criminalizes shared or common working premises for sex workers and forces them into isolation or risky conditions. Section 4 criminalizes the persons who live on another's prostitution income, including the sex worker's family members or dependents, even if the situation is not exploitative. Section 5 criminalizes soliciting or procuring an individual for prostitution—even with their consent—returning to complicate co-operative or assistance-based networks within the trade.

The stance is worsened by Section 6, criminalizing holding someone in premises for prostitution, and Section 7, criminalizing sex work in public or zones within 200 meters of marked-out public places like schools and hospitals. Location-based restrictions entirely eliminate secure and accessible working environments. Section 8 criminalizes soliciting or loitering in public for the purpose of prostitution, affecting primarily street-based sex workers. Section 9 criminalizes seduction of a person in custody for prostitution, and Section 10A

mandates detention of sex workers in rehabilitative facilities, which is punitive and moralistic. Section 20 provides for the eviction of a sex worker from any premises upon being deemed a nuisance, thus still keeping the state in control of where they live and move around. This legal framework points to a profound contradiction: the fact that sex work is not necessarily illegal, yet the laws governing it make nearly all activities necessary to participate in it safely illegal. The indirect criminalization of sex workers' occupation under ITPA is questionable under Article 14 ⁶since it places a disproportionate burden depending on employment. Article 14 has been interpreted by courts to encompass substantive equality that is breached when consensual employment is being punished under related offenses. This leaves sex workers exposed to harassment by police, eviction, and social exclusion, demonstrating how Indian law inadvertently marginalizes those it does not claim to criminalize.⁷

To better understand possible alternatives to India's restrictive legal framework, it is helpful to examine international models that prioritize the rights and safety of sex workers. One notable example is New Zealand's approach, which has taken a distinctly decriminalized stance on sex work. New Zealand has implemented a progressive and unique sex work legal regime based on the Prostitution Reform Act 2003⁸, which fully decriminalized sex work. Under this act, one is allowed to be a sex worker, have a brothel, or purchase sexual services if all the players are consenting adults. The Act aims to protect the health, safety, and human rights of sex workers by putting an end to the criminalization that historically stigmatizes them. Significantly, it criminalizes any individual under 18 years engaging in sex work and prohibits temporary visa-holders from undertaking it to protect them from exploitation. This approach—also called the New Zealand Model—is known internationally for treating sex work as legitimate work rather than criminalized work. It enables sex workers to work in better conditions, have access to health and social services without stigma, and report violence without risk of prosecution. The strategy is in stark contrast to India's Immoral Traffic (Prevention) Act, 1956, which criminalises much of activity around sex work and forces the workers into dangerous, marginalised conditions. New Zealand's decriminalisation model therefore provides a useful comparative vision of how the law can protect the rights and dignity of sex workers instead of

⁶ India Const. art. 14.

⁷ Immoral Traffic (Prevention) Act, 1956, No. 104, §§ 3–10A, 20, Acts of Parliament, 1956 (India)..

⁸ Prostitution Reform Act 2003, 2003 S.N.Z. No. 28.

leading to their vulnerability.⁹

In the case of *Budhadev Karmaskar v. State of West Bengal* (2022)¹⁰, the Supreme Court of India made immensely important leaps towards the recognition of sex workers' rights and dignity. According to the Court's judgment, the sex workers do have a right to equal protection under the law and cannot be discriminated on the basis of their profession. Most notably, it held that Article 21 of the Constitution—the right to life with dignity extended to sex workers, a shift from a repressive to a rights-based judicial strategy. The Court directed police not to interfere or take criminal action against consenting and adult sex workers who are voluntary sex workers. It also sought to have identity cards issued to sex workers by the government so that social welfare schemes and medical facilities could be provided to them. This ruling is significant in the larger picture of India's legal handling of sex workers. While Immoral Traffic (Prevention) Act, 1956 still criminalizes so many things related to sex work, this decision insisted on distinguishing between voluntary adult sex work and trafficking. It was a move away from paternalistic, moralistic legal attitudes and placed Indian jurisprudence more in line with international norms of human rights. In the landmark case of *Gaurav Jain v. Union of India*¹¹, the Supreme Court spoke about the rights of the children of prostitutes after a PIL highlighted their social exclusion. The Court prescribed integration with mainstream society and rejected separate schools or institutions as stigmatizing. It recognized children's rights to dignity, protection, and equal opportunity under Articles 14, 15, and 21 of the Constitution and several international conventions, including the CRC (Convention on the Rights of the Child) and CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women). The Court instructed the state to set up juvenile homes and engage NGOs in rehabilitation. Respecting the independence of mothers, the Court held that their separation will happen only if it is in the best interests of the child. It also suggested schemes for sex workers to take up self-employment and reaffirmed the obligation on the part of the state to protect their human rights. Although partly overruled subsequently, the sections safeguarding children's rights continue to be operational and serve to shape judicial thought. Yet the mismatch between judicial declarations and practice on the ground remains a central issue. While the Supreme Court in *Budhadev Karmaskar v. State of West Bengal* (2022) acknowledged sex workers' dignity and right against discrimination under Article 21, the lower

⁹ New Zealand Prostitutes' Collective, *The New Zealand Model* (NZPC 2021), <https://www.nzpc.org.nz/The-New-Zealand-Model> (last visited May 28, 2025).

¹⁰ *Budhadev Karmaskar v. State of W.B. & Others*, MANU/SCOR/55689/2022 (India).

¹¹ *Gaurav Jain v. Union of India & Others*, MANU/SC/0789/1997 (India).

courts have been shy in dealing with sexual trafficking or exploitation cases. In *Sarika @ Radha @ Lovanya T v. State of NCT of Delhi and Anr*¹², the Delhi High Court refused interim bail to a sex worker who was accused of arranging a child for prostitution. The Court reminded us again that even though sex workers are entitled to all of their constitutional rights like anyone else, they still remain under the same legal codes. This two-pronged response—affirmation of rights but not accountability—helps capture the judiciary's ongoing dilemma between decriminalization and enforcing anti-trafficking laws. It also highlights how the systematic distrust of the intentions of the sex workers continues to influence the court judgments, and further perpetuating their marginalization despite the judicial recognition of their rights.¹³

Meghan Newcomer (2013), in her influential article published in the *Fordham Law Review*, analyzes how the confiscation of condoms from suspected sex workers in US cities such as New York and Los Angeles violates constitutional privacy rights and threatens public health. In her view, no state interest in prostitution regulation can take precedence over the violation of the fundamental right to use contraceptives. Even though focused on the U.S., Newcomer's critique is applicable in the Indian scenario, where sex workers are exposed to the same structural violence in the form of law regimes criminalizing the support structures (e.g., brothels, solicitation) but failing to protect their health and dignity. The article points to a global phenomenon: using the law as a tool for oppression rather than protection, and thus reinforcing the need for a rights-based approach to India, as carried out in part in Budhadev Karmaskar (2022).¹⁴

Drawing on this rights-based approach, India's National Network of Sex Workers (NNSW) has specifically criticized the conflating of trafficking with adult consensual sex work. In a press release on the World Day Against Trafficking in Persons, the NNSW reiterated that collectively organized sex workers are good first responders against trafficking and should be understood as anti-trafficking stakeholders and not criminals or victims to be rescued. The sex worker-led experiences during the COVID-19 period, like that of sex workers in Kerala from the Kerala Network of Sex Workers (KNSW) highlighted the important role played by community-based

¹² *Sarika @ Radha @ Lovanya T v. State of NCT of Delhi and Anr* [2022] LiveLaw (Del) 765

¹³ Live Law, *No Special Treatment for Sex Workers If They Violate Law: Delhi High Court*, LiveLaw (Sept. 1, 2022), <https://www.livelaw.in/news-updates/delhi-high-court-sex-worker-rights-interim-bail-205436> (last visited May 23, 2025).

¹⁴ Meghan Newcomer, *Can Condoms Be Compelling: Examining the State Interest in Confiscating Condoms from Suspected Sex Workers*, 82 *Fordham L. Rev.* 1053 (2013).

efforts in terms of shelter, food, and medical care in the face of societal exclusion.¹⁵ But as the National Network of Sex Workers (NNSW) has forcefully argued, that resilience has to be matched by legal and structural change. In a statement released on the World Day Against Trafficking in Persons, NNSW denounced the state's conflating of sex work with trafficking under the ITPA and demanded an articulation between voluntary adult sex work and coercive exploitation. They pointed out that sex workers are frequently unjustly subjected to 'rescue and rehabilitation' policy initiatives that overlook their agency and self-determination, even as Supreme Court case law upholds decisional autonomy under Article 21¹⁶. The NNSW also pointed out how international anti-trafficking tools, if read non-sensitively, have the potential to further isolate the very persons they seek to protect. Their demand to put sex workers at the center of anti-trafficking work instead of penalizing them mirrors increasing recognition that rights-centered, community-led strategies are more effective than repressive, moralistic legislation.¹⁷ A similar rights-based, grassroots initiative is led by the Durbar Mahila Samanwaya Committee (DMSC), one of India's oldest and most influential sex worker collectives. The Durbar Mahila Samanwaya Committee (DMSC) has been at the forefront of seeking sex workers' rights through legal literacy, paralegal empowerment, and access to justice. It combats police harassment, discriminatory laws like the ITPA, and demands mechanisms like FIRs and RTI. DMSC has been a key player advocating for legal rights—like reclaiming expelled sex workers in Nadia and getting court permission to organize Durga Puja in Sonagachi. Its response to mass evictions at Bihar's Boha Tola is a fine illustration of its national advocacy. DMSC's rights-oriented, community-led interventions constitute a robust antidote to the punitive legal regimes excluding sex workers from India.¹⁸

III. Research Methodology

This study contains a mixed-method research design using quantitative analysis with the Bogardus Social Distance Scale and qualitative analysis of secondary data to examine social attitude and legal treatment of sex workers in India.

¹⁵ National Network of Sex Workers, *COVID Katha*, Medium (2020), <https://nationalnetworkofsexworkers.medium.com/covid-katha-d8cc9ef25b82> (last visited May 23, 2025).

¹⁶ India Const. art. 21.

¹⁷ National Network of Sex Workers, *Sex Workers Are the First Responders Against Human Trafficking*, Medium (July 30, 2020), <https://nationalnetworkofsexworkers.medium.com/sex-workers-are-the-first-responders-against-human-trafficking-nns-491bbd0339f5> (last visited May 23, 2025).

¹⁸ Durbar Mahila Samanwaya Committee, *Legal Intervention* (DMSC 2024), <https://durbar.org/legal-intervention/> (last visited May 25, 2025).

3.1 Quantitative Component: Bogardus Social Distance Scale

Bogardus Social Distance Scale is a social science tool used to measure the level of social acceptance or rejection of specific groups. Here, it is utilized to assess the social distance that Indian people maintain with sex workers. The participants are presented with a series of statements indicating varying levels of familiarity i.e., accepting a sex worker as a neighbor, workmate, or relative. They are scored on a binary scale to capture nuanced discrimination and stigma. Questionnaires were conducted on a representative sample based on demographics through variables such as age, gender etc. This is helpful in ascertaining the important social determinants that affect public perception of sex workers.

Therefore, in an effort to gain insight into societal attitudes towards sex workers in India, a non-probability purposive sampling was used to survey the participants to represent a demographically appropriate pool of participants holding diverse social viewpoints. The sample comprised 52 participants, mostly from urban and semi-urban educational centers, between 18 and 35 years old, representing the younger generation that is commonly linked with changing socio-political outlooks. The female-to-male gender split moved very slightly in favor of female respondents, offering insight into gendered perceptions of sex work. Responses were entirely anonymous, and participants were informed of the aim of the survey and of their right to withdraw. In order to avoid bias, neutral words were used in all of the questions from the survey, and efforts were made to recruit participants from various social, caste, and religious groups, although the sample is still tight in its focus and may not reflect nationwide sentiment.

1) Would you be willing to marry someone who is a sex worker?

A mere 5.8% of the respondents indicated that they would marry a sex worker, while a overwhelming 94.2% refused the proposal. This overwhelming contrast indicates how deeply entrenched sex workers remain as outcasts in intimate social spaces. While awareness of sex work as real labor is on the rise, marital acceptance still remains very low.

2) Would you be willing to have a sex worker as a close personal friend?

In this case, 67.3% gave a positive response, and 32.7% disagreed. The fact that we get nearly a tie vote indicates that while increasingly more people are comfortable in forming

interpersonal relationships with sex workers, there is still stigma. The fact that people can be comfortable forming friendships reflects a deeper and more complex level of acceptance, indicating some level of comfort with affective ties while keeping distance in other spheres.

3) Would you be willing to have a sex worker as your neighbour?

A majority of 55.8% were also okay with having a sex worker as a neighbor, whereas 44.2% did not want to. This reflects increased tolerance of common spaces within communities with sex workers. It indicates that most people do not view physical proximity with sex workers as a disruption of societal norms, which implies a gradual normalization of their presence within residential and daily contexts.

4) Would you be willing to work alongside a sex worker as a colleague?

With 80.8% in favor and 19.2% against, most seemed to be OK with professional coexistence. This indicates a change in perception of sex work as a type of labor that does not exclude individuals from occupying formal or regular workplaces. The answer suggests growing acceptance of sex workers' right to join the professional fold on an equal footing.

5) Would you be willing to accept sex workers as equal citizens of your country?

100% of the respondents agreed that sex workers can be embraced as equal citizens. This overwhelming majority is a testament to an essential grasp of constitutional equality, wherein profession cannot determine civic rights. It indicates a shift from moral policing to a rights orientation towards citizenship.

6) Would you be comfortable with sex workers visiting your country as non-citizens?

A total of 92.3% were okay with sex workers coming to India, while a mere 7.7% disagreed. This shows that respondents separate ethical judgments from foreign nationals' entry policies or border controls. The high percentage of acceptance is an indication of a larger perception of openness and tolerance towards foreign nationals irrespective of occupation.

7) Would you prefer that sex workers not be associated with your country at all?

A mere 5.8% of the respondents wanted no linkage between the country and sex workers, while

a major 94.2% refuted such an exclusionist view. This implies that most approve of national representation and integration of sex workers into the social and cultural fabric of India. It is a turn away from moral erasure and toward recognition by society.

By and large, the results of this survey indicate a complex set of attitudes toward sex workers. Respondents were least tolerant in highly intimate and personal roles like marriage, but they were much more accepting in contexts such as friendship, neighbourhood, and particularly civic identity and legal status. The large share of support for sex workers as equal citizens and on their right to come into the country reflects a changing public attitude, especially among youth populations. The evidence also reveals long-standing stigmas, however, particularly in domestic circles, to suggest that while there is support for legal and civic change, complete social assimilation of sex workers continues to command much opposition.

3.2 Qualitative Component: Secondary Data Analysis

The qualitative component of the research is the understanding of secondary literature such as academic papers, legal judgment and government reports. The main legal legislations such as the Immoral Traffic (Prevention) Act, 1956 and important judgments such as *Budhadev Karmaskar v. State of West Bengal* (2022) are analyzed to critically look at judicial attitudes and policy directions. In addition, accounts from sex workers and community-based organizations provide empirically grounded understanding of the implementation of legal provisions on the ground, with the identification of disjunctures between law and everyday life.

This hybrid research design enables triangulation—cross-validation of information from public opinion against legal and social records. It provides a holistic analysis of the socio-legal issues concerning sex workers and informs evidence-led reform recommendations.

IV. Conclusion

The position of sex workers in India is still believed to be informed by historical bias, colonial values, and a self-contradictory legal system. Though sex work is not criminalized in India, activities associated with sex work are considered illegal, which results in marginalization from justice, health, and protection. This paradox produces a legal context in which the profession is legally present yet impossible to practice in dignity.

Through a mixed-method design, scrutinizing statutes, case law, and public opinion through the Bogardus Social Distance Scale—this research discovers a partial, though substantial, transformation of legal and social attitudes. Landmark rulings like *Budhadev Karmaskar v. State of West Bengal* (2022) have recognized the constitutional right of sex workers to lead a life of dignity under Article 21. Likewise, in *Gaurav Jain v. Union of India* (1997), the Court reiterating emphasized protection of the rights of the children of sex workers, focusing on mainstreaming and opposed institutional segregation. These cases reflect an increasing judicial acknowledgment of sex workers as rights-holding citizens and not subjects of rescue.

But the application of these judicial rulings is still uneven. The fusion of trafficking with consensual sex work still leads to policies that erode the autonomy of adult, consenting sex workers. Stigma and exclusion still remain prevalent even in the face of constitutional protections and grassroots organizing by groups such as NNSW and DMSC.

The Bogardus Scale findings also shows this tension as there is strong consensus on legal equality and on inclusion in the workplace, but there are deeply held biases in social and family spheres. Therefore, recognition truly requires not only legal change, but also cultural change. In summary, India is at a crossroads legal and ethically. An insistence on a rights-based, rights-driven, inclusive approach, one that separates consensual sex work from trafficking and brings sex workers into health, legal, and social systems is necessary. Only then can the constitutional promises of equality, dignity, and freedom be realized for one of the most excluded populations of the nation.

4.1 Hypothesis Testing

To measure whether India is moving from punitive towards rights-oriented legal recognition of sex workers, hypothesis testing was done using attitudinal data from the Bogardus Social Distance Scale and qualitative analysis of law.

Null Hypothesis (H_0):

There has been no legal or societal shift towards accepting sex workers in India; their marginalization is not altered.

Alternative Hypothesis (H_1):

Judicial and policy changes, such as the Supreme Court acknowledgement of rights of sex

workers and the effort of grassroots groups, have led to measurable movement from marginalization to partial recognition and protection of sex workers in India.

Such levels of public support for equal citizenship can be easily seen through survey statistics and judgments such as *Budhadev Karmaskar v. State of West Bengal* (2022) which gives constitutional rights to sex workers. Thus, we negate the null hypothesis and adopt the alternative hypothesis. The figures show that India is moving in the direction of the acknowledgment of sex workers being as placed as anyone else with respect to rights over a period of time, but there are obstacles between legal precepts and daily reality.

4.2 Inference

The hypothesis test results unmistakably reveal that India is undergoing a slow but significant transition from punitive judicial handling to a rights-oriented perception of sex workers. To the extent that the historical and legislative frameworks such as the Immoral Traffic (Prevention) Act, 1956 continue to criminalize and demonize facilitating aspects of sex work, legal intervention and public opinion in recent times reflect a measurable change in perception. Decisions such as *Budhadev Karmaskar v. State of West Bengal* (2022) and the responses of grassroot groups such as NNSW and DMSC reflect a legal and social process that aligns with constitutional values like equality, dignity and liberty.

While this progress has been made, there are still major problems which are needed to overcome. Compliance with judicial guidelines is patchy, and legal differentiation of consensual sex work from trafficking is clouded in practice, negating sex workers' autonomy. The survey evidence indicates that while growing public acceptance of sex workers as citizens and colleagues is evident, discomfort in private and social settings persists, showing that legal advances have not yet been reflected equally in society.

In contrast with those nations that have complete decriminalization policies such as New Zealand, India lacks complete legal reforms that identify the agency of sex workers. Lack of institution support, ubiquitous social stigma, and ambiguous policy frameworks still propel marginalization

Therefore, while the hypothesis testing affirms the intuition that India is progressing towards greater recognition, this recognition is incomplete and uneven. Gap-filling between evolving

legal principles and everyday life must happen through sustained legal reform, sensitization of the population, and political inclusion of sex workers in policy processes.