



KNOW YOUR RIGHTS

Guide to Supreme Court's *Prajwala* Judgment, 2026

For voluntary sex workers — what the Supreme Court said, and how to use it with the police or magistrates

• Women's Initiatives, Tirupati (WINS) • Commissioned by Me and My World

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This booklet explains a 2026 Supreme Court judgment on trafficking. It is not legal advice for your own case, but it tells you the rights the Court re-affirmed, so you can speak up and ask for them.



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Differentiate

Sex work is NOT the same as being trafficked.



Voluntary sex work

An adult who chooses this work for the earnings is not a criminal under Indian law (ITPA, NBS 143, & 144). Only running a brothel and living off someone else's earnings from sex work are crimes.



Trafficking

Trafficking is when a person is forced, tricked, threatened, or is a minor. In such cases, there is no real choice. This is a serious crime by the traffickers and has no connection to voluntary sex work.



Why this matters for you. For decades, Magistrates and social workers mixed these two very different things together, and women who chose this work were treated like victims and locked up. In 2022 and 2026, Supreme Court said this is wrong — and gave you the rights you to push back against forced rescue and rehabilitation.



You should not be picked up at all

If you are a voluntary sex worker, rescue is not for you.



Not to be arrested or 'rescued'

During a raid, voluntary sex work is not illegal. Police must not arrest, punish, harass or victimise you. The 2026 judgment reinforced an earlier judgment, *Budhadev Karmaskar v. State of West Bengal 2022*.



Not to be removed if you say so

Under Section 15, police must leave you if you are working voluntarily and cannot remove you.



A question, up front

If you are taken to a Magistrate anyway, they must first check: is this woman a voluntary sex worker who does not want to be kept in a shelter home? If you demand it, you should be let go.



PROTECT YOURSELF

If they still take you in:

- Ask for a lawyer at once (see page 6). A short time in shelter before any decision is still real harm — you can raise it.
- Stay calm and say clearly, in your own words: 'I am an adult. I do this work by my own choice. I do not want to be rescued or kept in a shelter home.'
- Ask them to write down exactly what you said.
- Saying 'no' to a 'shelter' can never be used against you later.



Your statement comes first

The Judgment says the Magistrate must give your consent primacy — first place.

1

You speak

At the first hearing the Magistrate must ask you: do you do this by choice, and do you want to be kept? Answer as you wish.



2

A short check

If you say it is your choice, a social worker does an inquiry. It must be done in private — no police, and nobody else who has power over you in the room.



3

You are believed

Your own word must be put first. You should be released — unless there is a real, written reason that you are truly in danger or were forced to say it.



PROTECT YOURSELF

Watch out — the ‘tutoring’ trap:

A Magistrate is allowed to set your word aside if s/he decides it was ‘coached’ or made under pressure. This power can be misused. So: give the same clear, steady answer every time; ask that your exact words be recorded.



‘For the purpose of the inquiry, the victim's own statement shall be accorded primacy and shall form the basis for the Magistrate's decision.’

— The Supreme Court, 2026



A lawyer of your choice

You can bring a lawyer of your own choosing — whoever you trust. Only if you have no lawyer, ask for free Legal Aid (DLSA). And learn to speak for yourself.



At the police station

You may call the lawyer of your choice — whoever you trust. A lawyer will not always be there, so be ready to speak for yourself too. Only if you have none, ask for free Legal Aid (DLSA).



In front of the Magistrate

You may have your own lawyer at a hearing. But a lawyer may not always be present. Say clearly that you do this work by choice, with no coercion or pressure.



The choice is yours

You decide who represents you — no one can force a lawyer on you or stop you from choosing your own. Nobody can override your choice.



Learn to speak for yourself

Lawyers may charge high fees and may not be present every time. Learn to present your own case. Keep track of dates, names, and facts.



PROTECT YOURSELF

Ask for these — out loud and early:

- ‘I want to call my own lawyer.’ If you have none: ‘I want a free lawyer from the legal services (DLSA), now.’
- Ask your lawyer to note the date and time you were picked up — long delays before a hearing are not allowed, and you can complain about them.
- Tell your lawyer if you were not allowed to keep your phone, money, or ID papers. You have the right to have your belongings returned. You also have a right to have your children stay with you.



Nothing without your consent

You cannot be put in a home, or 'sent back' to your place, against your wishes.



A shelter home

You do not have to accept a locked home. You cannot be kept in one unless YOU agree. If you are inside, no one may limit whom you meet or whom you call on your phone, force you to speak only to family, or demand that your 'papers match'.



Being sent back to your place

No order sending you to your family can be passed without your consent. If you have built your own life elsewhere, you do not have to go back — you are not 'lost property' to be returned.



If you are kept in a home beyond 7 days, you can apply to the Magistrate to be released after 90 days — and you keep the right to appeal. Rehabilitation can never be forced on you.



PROTECT YOURSELF

Say it plainly, and don't be rushed:

'I do not consent to being placed in a home.' or 'I do not consent to being sent back to my family'. — The Magistrate can only overrule you for a serious, written reason (real danger, or forced words). If you are told you must go, ask WHAT has been written down, and tell your lawyer what was written so that you can appeal.



How you must be treated

Never as a criminal. The Court set nine principles to protect your dignity.



Not a criminal

You must be treated as a person with dignity, never as an offender and not to be shamed at any stage.



Your privacy

Your name and details must be kept secret. No photos of you at a raid.



Care and safety

Your belongings, children, food, clean water, a safe place, medical care and counselling are your rights.



No stigma

You cannot be judged, insulted or treated as less by the police or staff because of your work.



Told your rights

You must be informed, in your own language, of every right and benefit you have.



Your choices count

Care must fit YOUR situation and wishes — decided by you, not for you.



A medical exam can only be done with your consent, by a female doctor where possible. No males in the room. You can also **refuse** to give a statement until you feel safe and ready.



Two more traps to watch for

The judgment gives strong rights — but a few weak spots can still be used against you.



Trap 1 — The inquiry may not be neutral

Sometimes the social worker or NGO that checks whether your work is ‘voluntary’ has close ties with the shelter home. The shelter may gain if their beds stay full. This is a conflict of interest.

Your move: Ask for your lawyer. Trust your lawyer over the inquiry officer. Ask that your own clear statement be recorded, and that any disagreement be explained in writing so you can answer it.



Trap 2 — ‘Checking’ in your neighbourhood can expose you

Home inquiries, asking about you in your area, and follow-up visits are part of the legal process. If you are able, keep your family and neighbours informed before the visits start.

Your move: You can tell the Magistrate and your lawyer that such visits will expose and endanger you, and ask instead for a **private point of contact** you can use only if YOU choose. Your privacy is a protected right.



Be ready before a raid

A little planning protects you. Your phone may be taken, lost, or not allowed inside a shelter home — this is illegal, but it happens. Do not rely on phone alone.



Carry your Aadhaar — a real, printed copy

Keep a physical Aadhaar card on you at all times — not only a photo on your phone. In a raid your phone may be taken away, lost, or barred inside a shelter, and then a picture of your ID is no use to you.

Your move: Keep your printed Aadhaar somewhere safe and always with you. A card in your hand proves who you are even when your phone is gone.



Know key numbers by heart — and on paper

If your phone is taken or lost, you will still need to reach people. Memorise a few important numbers — a close friend, a family member, and your lawyer.

Your move: Write these numbers on paper and keep them with your Aadhaar card. Then even without a phone you can call the people who will **stand with you**. A lost phone should never leave you cut off and alone.



Your rights at a glance

Keep this page. These are the things you can demand.

- ✓ I am an adult and do this work by my own choice — rescue is not meant for me.
- ✓ I must not be arrested, harassed or punished during a raid.
- ✓ My own statement must be believed and put first.
- ✓ I can bring a lawyer of my own choosing, whoever I trust — Legal Aid (DLSA) only if I have none. I can also speak for myself and say clearly that I work by choice.
- ✓ I cannot be kept in a home or sent to family without my consent.
- ✓ I must be treated with dignity and respect, never as a criminal or made to feel ashamed.
- ✓ My name, my children and family's names and privacy must be protected.
- ✓ If kept in a home, I can apply to be released after 90 days, and I can appeal through my lawyer.



You are not alone

This judgment recognised you as a person with rights — not a problem to be fixed. Rights on paper only become real when you know them and demand them.



Your lawyer, or free aid

Call your lawyer first, whoever you trust. If you have none, ask for the DLSA — their help is free.



Sex worker collectives

Sex worker groups and NGOs can stand with you, explain the process, and connect you to a lawyer.



Keep your papers

Keep your ID, phone and this booklet safe. Note down dates, names and what was said to you.

*Based on **Prajwala vs. Union of India**, Supreme Court of India, 29 May 2026. Written by Meera Raghavendra (WINS) and Dr. Kimberly Walters (CSULB). This booklet is not a substitute for legal advice on your own case.*