



WORKING TOGETHER, WITH CONSENT

What the Prajwala Judgment Asks of Police, Shelters and Courts

A shared guide for police officers, protective home staff, Magistrates and District Probation Officers — the duties the Supreme Court has entrusted to each of us

Women's Initiatives (WINS), Tirupathi • Commissioned by Me and My World • July 2026

What is inside this booklet

The judgment gives each of us a part to play — at the raid, at the station, in the court, in the home, and afterwards. This booklet follows a woman's journey through the process.



The ground we share: Sex work is not trafficking; consent is the governing factor

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The distinction the Court asks us to draw

Sex work and trafficking are not the same thing.



Voluntary sex work

An adult who chooses this work for the earnings commits no offence under Indian law. Under the ITPA, only running a brothel and living off another's earnings are crimes. She is not an accused, and not a person to be rescued.



Trafficking

Trafficking is where a person is forced, deceived, threatened, or is a minor. There is no real choice. It is a grave crime by the traffickers and deserves the full weight of our investigation.



Why this matters for all of us. The ITPA long ran both situations through a single mechanism, and gave us little help in telling them apart. In *Budhadev Karmaskar* (2022) and again in *Prajwala* (2026), the Court has drawn the line clearly — so that our efforts reach the women who are genuinely trafficked.



Consent is the governing factor

The principle that runs through every stage of the process — raid, station, court and home.



Her own word comes first

The Court has made her own statement the primary and governing consideration (para 343). Where an adult states that she works voluntarily and does not consent to custody, that statement forms the basis of the Magistrate's decision (direction xvii).



Care can never be imposed

Neither placement in a protective home nor reintegration with family should proceed without her consent (para 349). Rehabilitation, training and counselling are offered, never forced. Where she says no, that answer is to be respected.



What this asks of each of us

For the police, her word — not her papers — settles whether she is voluntary. For the home, her word decides whether she stays. For the Magistrate, her word is the basis of the order. The same principle, at every desk.



'The person who, in most circumstances, is best placed to determine the best path forward is the victim herself.'

— Supreme Court of India, para 344



At the raid: identifying voluntary sex workers

The Court asks the rescue team to draw the distinction first — so that our effort reaches the right people.



Distinguish, then act

The rescue team shall endeavour, to the best of its capacity, to identify whether the persons present are voluntary sex workers, following Budhadev Karmaskar (2022). Trafficking victims need rescue. Voluntary adult sex workers do not.



They are not to be victimised

A voluntary sex worker is not to be arrested, penalised, harassed or victimised during a raid. Her presence at the site is not, by itself, an offence — and the Court has said so in terms.



Record the basis

Note how the distinction was drawn in each case. A clear record shows that the team applied its mind, and it is the officer's own best answer if the rescue is later questioned.



WHAT THE COURT ASKS OF US

On identification:

- The rescue team shall endeavour, to the best of its capacity, to identify voluntary sex workers, per Budhadev Karmaskar.
- Those who work voluntarily are not to be arrested, penalised or victimised.
- Separate genuine victims of trafficking from voluntary workers — the two are not to be dealt with alike.



WHY IT MATTERS The judgment provides that a voluntary sex worker who is harassed or victimised during a raid may bring a complaint. Careful identification protects her — and protects you.



Her word, not her papers

A document check tells us who she is. It does not tell us whether she is voluntary — only she can tell us that.



Papers need not 'match'

A missing, mismatched or out-of-State Aadhaar or address is not evidence of trafficking. It does not make an adult sex worker a victim, and it is no ground on which to detain her.



No detention over documents

Please do not hold, 'rescue' or disbelieve a voluntary adult sex worker merely because her ID is missing, is from another district, or does not match an address. Her own word governs the question.



Her phone, and a call

She keeps her phone at the rescue and in custody, and may make her calls — to family, to a friend, or to a lawyer. Communication is her right, and an unbroken line of contact prevents a great deal of later trouble.



WHAT THE COURT ASKS OF US

In practice:

- Treat a document check as a question of identity only — never as a test of whether she is 'really' voluntary.
- Let her keep her Aadhaar and her phone, and let her make all calls.
- Record her own words. A missing or mismatched ID is not a reason to 'rescue' her.



WHY IT MATTERS Detaining a voluntary sex worker over her papers, or cutting her off from a call, may ground a complaint. Her word, faithfully recorded, is the safer course for everyone.



Conduct during the raid

The Court has listed certain non-negotiables. They are the marks of a rescue done well.



No force, no abuse

No person is to be abused verbally or physically, and the rescue must not involve unnecessary force or 'man-handling'. No BNS offence is to be committed in the course of the rescue.



No photographs of the women

The rescue site may be photographed and filmed, but the women must be excluded from all photography and videography. Their images must not travel.



Let her keep her belongings

Rescued persons must be allowed to take their possessions — phones, clothes, valuables and identity documents — at the time of the rescue itself.



Women officers, special care

Two women police officers must be on the team. Special attention and care is owed to children, transgender persons, persons with disabilities and persons who are mentally ill.



These are the Court's non-negotiables. The judgment provides that non-adherence may expose an officer to prosecution, instituted by the woman herself or by a social worker on her behalf. Following them is both the lawful course and the officer's own protection.



WHAT THE COURT ASKS OF US

Taking care during the rescue:

- Rescue on genuine victims of trafficking; leave all voluntary sex workers.
- Escort anyone needing emergency care to a government hospital at once.



At the station: she is not an accused

A rescued person is a victim in the eye of the law — and is to be received as one.



No victim is to be arrested

Rescued persons must be treated as victims at all times, and no victim is to be arrested. Arrest of the woman forms no part of a lawful rescue.



Not in the lock-up

At the station she is to be kept in a comfortable place suitable for victims — never in a lock-up, and never with other offenders — with drinking water, sanitation and food. Contingency funds may be used for this.



Never held overnight

Rescued persons shall not be detained overnight at the police station or the AHTU under any circumstance, for any reason whatsoever. If she cannot be produced the same day, she goes to a protective home.



WHAT THE COURT ASKS OF US

At the station:

- Keep her away from lock-ups and offenders, in a place fit for her care.
- Provide drinking water, sanitation and food (contingency funds may be used).
- Where same-day production is not possible, transfer her to a protective home — never hold her overnight at the station.



WHY IT MATTERS Holding a rescued woman overnight, or in a lock-up, is unlawful detention. The station that moves her promptly is never open to the allegation.



At the station: her lawyer and a woman officer

How a lawful interview is conducted — legal aid present, and the statement taken correctly.



Her own lawyer first

Allow her to contact a lawyer of her own choosing; she need not be confined to the DLSA panel. A DLSA lawyer must also be available from the station's current list for women who have none.



A woman officer records it

A woman's statement is to be taken by a woman police officer — or, where none is available, by any officer but with a female social worker mandatorily present (Section 15(6A), ITPA).



Rights explained, in her language

Individual interviews are conducted with her lawyer present — her own, or the DLSA lawyer if she has none — who informs her of her rights. The interview is conducted sensitively, with a translator where she needs one.



Only when she is ready

Her statement is recorded only once her safety is ensured and her initial trauma has passed. If she is not in a condition to speak, the interview waits. 'No' means no.



WHAT THE COURT ASKS OF US

Getting the process right:

- Her lawyer of choice — or DLSA if she has none — present before questioning begins.
- A woman officer records the statement, or a female social worker is present.
- A medical examination only with her consent, by a female doctor where possible. Let her wait until she is ready.



Production before the Magistrate — forthwith

Prompt production is the single step that protects her liberty and the officer's record alike.



Without delay

Every rescued person must be produced before the appropriate Magistrate (or the CWC, in the case of children) without delay — on the same day, where the documents are ready and the Magistrate is sitting.



If not the same day

Where same-day production is not possible, she is to be transferred at once to a protective home. She is never to wait overnight in police custody for her production.



The presumption, and the answer to it

Under Section 17-B, an officer who removes a woman but does not produce her as required is presumed to have wrongfully confined her (S.127, BNS). The presumption is rebuttable — and a complete, contemporaneous log is what rebuts it.



WHAT THE COURT ASKS OF US

Stay comfortably on the right side of it:

- Prepare the documents quickly, so that same-day production is possible.
- Log the exact time of the rescue and every step after it — that record is your own protection.
- The moment same-day production fails, move her to a protective home.



Before the Magistrate: her consent is the rule

The Court has made the woman's own word the governing consideration. A departure is the exception, and must be reasoned.



Hear her, at the first hearing

At the outset the Magistrate informs her of her right to be heard at every stage, and gives her a genuine opportunity to express her wishes (direction x). Two questions settle much: is this voluntary, and does she wish to be kept?



Her statement is the basis of the order

Her own statement is to be accorded primacy and shall form the basis for the Magistrate's decision (direction xvii). Where she affirms voluntariness and the report does not cogently contradict her, the Court directs release (direction xvi(a)).



Record her words as she says them

Her clear answer, in her own language, is what an appellate court will later read. An order resting visibly on her recorded statement is an order that stands.



'The person who, in most circumstances, is best placed to determine the best path forward is the victim herself.'

— Supreme Court of India, para 344



Her lawyer of choice — and her own voice

Direction (ix) places a lawyer at her side as a safeguard for her. It is her protection, not a hurdle between her and the court.



The lawyer she trusts comes first

Let her bring the lawyer she chooses with DLSA lawyer as fallback only if she has none.



She may also speak for herself

A lawyer may not always be at hand. Her right to be heard is her own: she may state in clear terms that she works voluntarily, and the court is to hear her (direction x).



No step til she is represented

VPP asks that no substantive step be taken until legal representation is available. Its purpose is to protect her, but it should not become a reason to keep her waiting in custody while counsel is 'being arranged'.



Free legal aid, and the right to appeal

Legal and social aid must be provided free of cost for her to file any application or appeal. No woman should be pushed into debt to reach a lawyer.



Reading direction (ix) as it was meant. The Court's object is that she is heard — through counsel of her choice, or in her own voice. Where a Magistrate treats the lawyer as her shield rather than as a formality to be completed, the direction does exactly the work it was written to do.



WHAT THE COURT ASKS OF US

At every hearing:

- Her own lawyer first; DLSA only where she has none.
- Her lawyer must not be the offender's lawyer.
- She may be heard in her own words even where no lawyer is present, and her release should not be delayed in the name of arranging counsel.



Interim custody: short, and genuinely temporary

The inquiry report is due within seven days. Those seven days are real days in a woman's life.



The seven-day inquiry

After rescue, where a woman states that she works voluntarily, a preliminary inquiry is ordered and the report is due within seven days (direction xiii).



Temporary means temporary

Seven days is the outer limit, not the expected duration. Where the threshold question can be resolved sooner, the Court's own principle is best served by resolving it sooner.



What those days cost her

During this period she may be unable to earn, unable to care for her children or parents, and unable to explain her absence at home. These consequences do not wait for the report.



Liberty first, where the answer is clear

Where she asserts voluntariness and nothing before the court cogently contradicts her, the direction is release (dir. xvi(a)). An inquiry, where needed, can often run while she is free.



The Court's own logic. Voluntary adult sex work is not an offence under the ITPA. Interim custody is therefore a measure that enables the inquiry — not a consequence she has earned. Keeping it brief is simply to take the judgment at its word.



WHAT THE COURT ASKS OF US

In practice:

- Resolve the threshold question as swiftly as the facts allow.
- Consider earliest release where she asserts voluntariness.
- Let any interim custody be justified on the record, and genuinely brief.



The exception in paragraph 352 — narrow by design

The Court permits a departure from her wishes in exceptional circumstances. Its own text sets the bar high.



What the exception permits

The Magistrate retains a discretion, in exceptional circumstances, to depart from her wishes where release would expose her to a real risk to her safety, or where her consent is the product of coercion, tutoring or undue influence. Reasons must be recorded in writing (para 352).



The standard the Court itself sets

Direction (xvii) permits her word to be displaced only on 'cogent grounds', for reasons recorded in writing. Para 352 itself begins from the premise that consent is the norm and the primary governing factor. The exception is drawn narrowly, and is meant to be used rarely.



The care this asks of the bench

The risk of tutoring is real, and the Court was right to provide for it. The care it asks is that the finding rest on something concrete — a specific, recorded indicator — and not on the bare fact that she asserts she works voluntarily. That assertion is the very thing the judgment gives primacy to; it cannot, by itself, be the evidence that defeats it.



'Consent must be the norm and the primary governing factor. The magistrate must retain the discretion, in exceptional circumstances, to depart from the victim's expressed wishes.'

— Supreme Court of India, para 352



The inquiry: private, neutral, and answerable

The Court has built three safeguards into the inquiry. Each of them protects the finding as much as it protects her.



Held in private

The preliminary inquiry shall be held in a private setting, without the presence of the police or of any person who may have influence over the victim (direction xiv). A woman speaks freely only where no one with power over her is in the room.



Her statement, and reasons for differing

Her own statement is the primary input. Where the social worker's assessment differs from it, the report must record specific and concrete reasons (direction xv). She and her lawyer must then be given an opportunity to respond to the report before any order is passed (direction xvi).



An assessment kept independent

Where the body assessing whether a woman is voluntary is also the body that would receive her, the finding — however conscientiously reached — is harder to defend if questioned later. Keeping assessment separate from occupancy protects the assessor's own credibility.



WHAT THE COURT ASKS OF US

For the inquiry to hold:

- In private: no police, and no person holding influence over her.
- Her statement recorded as she gives it; any departure explained in writing.
- She and her lawyer may respond to the report before any order is passed.
- Let occupancy and funding play no part in the assessment.



A NOTE FOR ALL OF US Keep the finding of voluntariness at arm's length from the interests of the home that would receive her — then the question need never arise.



In the home: consent and the freedom to leave

A protective home is a place of care, not a place of detention. Consent is the governing factor here too.



Nobody is held by default

Holding a woman even briefly, before any inquiry, is not a neutral waiting period — for her it is time away from her earnings, her children and her home. The Court does not treat custody as the starting point, and nor should the home.



Allow exit

An adult who does not consent to stay cannot be kept. Where a woman works voluntarily and the order permits her release, keeping her against her will is not care — and the home that releases her promptly is doing exactly what the judgment asks.



No forced rehabilitation

Rehabilitation, training or counselling can never be imposed (para 348). They may be offered warmly and often — but her wishes govern what happens to her.



IN PRACTICE

With every resident:

- Ask on arrival whether she consents to stay — and record her answer in her own words.
- Where she does not consent and works voluntarily, support her release.
- She may change her mind; consent must be present and continuing.
- Never present a stay as compulsory, or tie it to the return of her belongings, her children or her papers.



In the home: contact with the world outside

Where a resident states that she works voluntarily, the home does not stand between her and the people she trusts.



Whom she speaks to is her choice

She may meet whom she wishes and call whom she wishes. Staff need not screen, restrict or approve her visitors or her calls. Communication is her right, and it is also the simplest safeguard against any later allegation about her treatment in the home.



Not 'family only'

Her contact need not be confined to blood family. She may speak with her friends, her chosen lawyer, or anyone else. Whom to trust is a decision that belongs to her — and in many cases her family is precisely who she has not told.



No 'papers must match' test

Please do not require that her Aadhaar or other documents 'match' an address, or each other, as a condition of contact, of release, or of the return of her belongings. A mismatch proves nothing either way.



IN PRACTICE

Day to day:

- Let her keep and use her own phone. It need not be confiscated or rationed.
- Allow visitors of her choosing to meet her, in privacy.
- Her phone, money, ID and children stay with her — never withheld, and never made conditional on staying or on 'good behaviour'.
- A resident who can reach her lawyer and her family is a resident whose stay is visibly consensual. That is the record every home wants.



Carrying her words to the Magistrate

The Court has given her own statement primacy. The home's part is to see that it arrives intact.



Her words, not our reading of them

When a resident is produced before the Magistrate, what must reach the court is her own statement, accurately and in her own language. However well-meant, the home's view of what is 'best' for her is not a substitute for what she said.



Record faithfully

Where the home assists with an inquiry or report, record what she actually says. Where the home's assessment differs from her account, the reasons must be specific, concrete and in writing (direction xv) — and she must have the chance to answer them.



The suggestion of 'tutoring'

A Magistrate may set her statement aside on cogent grounds that it was the product of coercion, tutoring or undue influence. A home that suggests tutoring without concrete grounds hands the court a reason to override the very statement the judgment protects. Raise it where there is real evidence of coercion — and raise it plainly where there is.



'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, direction (xvii)



Dignity, no stigma, real care

The standards the Court sets for every protective home, and for every resident in it.



Never as a criminal

Every woman is received as a person with dignity, and never as an offender, at every stage.



No shaming

She is not to be judged, insulted or made to feel ashamed by any member of staff because of her work.



Real care

Food, clean water, a safe place, medical care and counselling are her rights — not favours.



Children and belongings

Her children and her belongings, including her phone, stay with her. Care includes keeping a family together.



Tell her her rights

Inform every resident, in her own language, of each right and each benefit to which she is entitled.



Her choices count

Care must fit her situation and her wishes — settled with her, not for her.



A medical examination may be conducted only with her consent, by a female doctor where possible, with no men in the room. A resident may also decline to give a statement until she feels safe and ready, and her refusal is to be respected. 'No' means no.



After release: follow-up that does not expose her

The home inquiry and the follow-up are framed as care. Done without thought, they can broadcast the very thing she needs to keep private.

Exposure is the danger



Staff arriving in her village to ask about her can reveal her work to her family and neighbours. The consequences — stigma, pressure, danger — fall entirely on her, and cannot be undone.

A contact route she controls



The simplest safeguard costs nothing: give her a point of contact she controls — a number she may use if she chooses — in place of unannounced visits. Follow-up that she has agreed to is follow-up she will actually use.

Guard the records



Protect not only her name but those of her children and her family. Records that travel can expose an entire household. Keep them, and share them, strictly within the legal process.



IN PRACTICE

Before any inquiry or visit:

- Ask whether she consents to a home or community visit — and whether it would expose her.
- Where she objects, support her request for a private point of contact that she controls.
- Take no photographs, and share no details outside the legal process.
- Every member of the team — police, NGO, witnesses and home staff alike — is bound to prevent any leak, including to the media.



Three risks to guard against

None of these arises from bad faith. Each arises from a system under pressure — and each can be guarded against.



Risk 1 — The assessment that is not at arm's length

Where the body assessing whether a woman's work is voluntary also runs the home that would receive her, occupancy and the finding sit uncomfortably close together.

The safeguard: Keep the finding separate from the institution that would house her. Let bed numbers and funding play no part in the inquiry — and be seen to play none.



Risk 2 — Exposure through routine checking

Home inquiries and follow-up visits are part of the process and are meant kindly. Done without thought, they can broadcast her work to her family and neighbours — a harm that cannot be withdrawn.

The safeguard: Treat every inquiry and visit as a privacy risk. Prefer a contact route she controls, and obtain her consent first.



Risk 3 — Custody as the default

Holding a woman 'for her safety' before any inquiry, or beyond what she consents to, is the oldest habit of this system. Time in a locked home is not neutral: it is earnings lost and children unattended.

The safeguard: Begin from liberty, not custody. Any stay should rest on consent that is genuine and continuing — which is what the judgment now requires.



Our duties at a glance

One page for every desk. The judgment's own directions, in short.



POLICE — Identify voluntary sex workers first; do not rescue, arrest or victimise them (Budhadev Karmaskar, 2022). Her word, not her papers, settles the question.



POLICE — No abuse, no unnecessary force. Exclude the women from all photography. Let each keep her belongings, papers and phone.



POLICE — Two women officers on the team; special care for children, transgender persons, the disabled and the mentally ill.



POLICE — No victim is arrested; no lock-ups, never overnight. Produce her before the Magistrate forthwith — and log every step, which is your own protection.



COURT — Hear her at the first hearing and record her words. Her statement is the basis of the order; release her where the report does not cogently contradict it (dir. x, xvi, xvii).



COURT — Her lawyer of choice; DLSA only where she has none. The para 352 exception is narrow — cogent grounds, in writing, used rarely. Keep interim custody brief.



HOME — Ask on arrival whether she consents to stay, and record it. Allow exit. No forced rehabilitation. Her phone, money, ID and children stay with her.



HOME & DPO — Carry her own words to the Magistrate faithfully. Treat every home visit as a privacy risk. Keep her identity, and her family's, confidential.



A shared undertaking

The judgment gives each of us a different task and a single principle. The officer who identifies her correctly, the Magistrate who records her words, the home that lets her leave, the probation officer who does not expose her — each is doing one part of the same work. Where our parts fit together, she keeps both her safety and her liberty.



Her word first

Her own statement is the governing consideration at every stage — at the raid, at the station, in the court and in the home.



Her lawyer, her contacts

A lawyer of her own choosing, with DLSA where she has none. A phone she keeps, and calls she may make.



Record with care

An accurate, contemporaneous record protects her rights — and is the best answer to any allegation.

Based on Prajwala v. Union of India, Supreme Court of India, 29 May 2026, and the Victim Protection Plan directions thereunder (ITPA r/w BNS 2023). Commissioned by Me and My World, which engaged Meera Raghavendra (Women's Initiatives, Tirupati), Vasudha Nagaraj (Human Rights Lawyer, Hyderabad) and Prof. Kimberly Walters (California State University, Long Beach) to prepare English-language booklets. A plain-language guide is not a substitute for the full judgment.