

Identification of Sex Workers by NACO to implement the directives of Hon'ble Supreme Court in IA 80140 / 2020, in Criminal Appeal No(S).135 / 2010 vide Orders dt 29.09.2020

SC Directions to States

With reference to Supreme Court Case No IA 80140/2020, in Criminal Appeal No(S).135/2010, regarding the support to Sex workers during Covid – 19 pandemic, the Supreme Court by its order 29/09/2020 has directed on the States as follows:

"It is incumbent on the Central Government and the State Governments/ Union Territories to rescue the sex workers who are in dire straits. Starving sex workers are entitled to be provided with dry rations. Therefore, we direct the State Governments and the Union Territories to provide dry rations to the sex workers who are identified by National Aids Control Organization (NACO) without insisting on proof of identity. The District Legal Services Authorities are directed to take active steps in assisting the distribution of dry rations to the sex workers without insisting on proof of identity".

"The State Governments and Union Territories are directed to file compliance reports within a period of four weeks from today giving details of the distribution of dry rations to the sex workers".

In so far as the matter relating to the identified Sex Workers to be facilitated by NACO is concerned, SACS may follow the process indicated below, while coordinating with State Govt. for this purpose

- (I) SACS will prepare a matrix of district wise NGOs/CBOs under NACP and their contact details using the following template and upload the same on the official SACS web portal. This will also be shared with NACO and all concerned line departments. This information may be updated every month.

Name of the District	Name of the TI/LWS NGO/CBO & Address	Number of SWs (FSW, MSM & TG) registered	Name and Contact details of Project Director	Name and Contact details of Project Manager
	1.			
	2.			
	3.			

- (II) SACS will organize a virtual meeting with all the TI/LWS NGOs/CBOs, having registered SWs, and will disseminate the following:
- Ensure that no personal details are to be shared without consent and no breach of confidentiality as provided in the HIV/AIDS Prevention and Control Act, 2017.
 - All registered SWs who self-identify and are registered with TI/LWS NGOs/CBOs for HIV prevention services will be contacted, written consent taken for sharing their personal details with the line departments.
 - Details of Sex Workers who have given written consent to NGO/CBO implementing TI/LWS projects will be shared with line departments.*
 - In case of SWs do not give consent, NGO/CBOs implementing Targeted Intervention and Link Workers Scheme will organize a camp to identify SWs, who then will be offered the option of participating in camp, where line departments can be invited to participate in and to:*
 - Prepare Ration Card
 - Open Bank Account
 - Any other activity for welfare / social protection
- (III) Civil Society Organizations/Community Based Organization/Networks working in the States/UTs/district will be consulted to identify the SWs who are not registered with TI projects.
- (IV) State/District level Community Advisory Boards formed in the States for various NACP related activities like, p-MPSE, BSS-Lite etc. must to be involved in the entire process, wherever applicable.
- (V) The SACS and Technical Support Units (TSU) in the States/UTs will oversee reaching the correct target population.
- (VI) A Committee under the Chairmanship of PD/APD including JD – TI, JD – IEC, TSU and representatives from Sex Workers will monitor the activities and report to NACO every week for first four weeks and thereafter on a monthly basis.

*Shobini
14/10/2020*

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