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UPON hearing the counsel the Court made the following
O R D E R

On 10.01.2022, we had directed the State Governments/Union Territories to complete the process of issuance of ration cards/voter cards to all sex workers within a period of two weeks. It was mentioned in the said order that the basis of identification of sex workers should not be confined to the list that had been prepared by the NACO. The State Governments should take into account the list submitted by Community Based Organisations which required to be verified by the concerned District Legal Service Authority/State AIDS Control Society. The competent authorities were directed to issue rations cards after verification of such lists. Barring a few States, the State Governments/Union Territories have submitted their status reports.

State of West Bengal

Mr. Pijush K. Roy, learned Amicus Curiae, submitted that the direction issued by this Court on 10.01.2022 has not been complied with by the State, as the identification of sex workers has not been done properly. The ration cards, voter ID cards and Aadhar cards have not been issued even to those sex workers who have been identified by the concerned authorities in the State.

Mr. Raghent Basant, learned counsel appearing for the State of West Bengal, submitted that guidelines were issued for issuance of Digital Ration Cards(DRC)/Food Coupons to sex workers and transgender persons in August, 2020. As on 11.02.2022, 6227 sex workers were identified in the State. 3784 sex workers have been provided ration cards. Such of those sex workers, who do not have ration cards, have been given Khadyasathi Food Coupons. According to the scheme of the State Government, the coupon holders are entitled to 5 Kgs. of food grains without any payment till 30.06.2022. Mr. Basant submitted that the process for issuance of ration cards for all sex workers who have been identified will be completed soon.

Looking at the sex workers identified by the other States, we are sceptical about the number of identified sex workers in the State. Though Mr.

Basant submitted that the basis for identification is the list submitted by NACO. We direct the concerned authorities in the State Government to take assistance of Community Based Organisations and carry out a fresh exercise of identifying sex workers in the State of West Bengal. The said exercise shall be based on the list submitted by NACO. After collating the information supplied by NACO and the Community Based Organisations, the authorities shall verify those lists and take immediate steps for issuance of ration cards to the sex workers without insisting on proof of identity.

The process as directed above shall be completed within a period of four weeks from today.

State of Maharashtra

According to the information provided by the State of Maharashtra in December, 2021, NACO has identified 25,594 sex workers and 6,731 dependent children. 11,282 sex workers have been issued ration cards. Mr. Sachin Patil, learned counsel appearing for the State, submitted that dry ration is being supplied to all those sex workers who have been identified. In the Order dated 10.01.2022, we directed the State Governments not to restrict issuance of ration cards only to those sex workers identified by NACO. The State of Maharashtra is

directed to invite the Community Based Organisations to identify and submit a list of sex workers which shall be verified by the competent authorities. The benefit of the orders passed by this Court relating to issuance of ration cards shall be extended to the identified sex workers. Needless to say, the State Government shall continue to provide dry ration to sex workers without insisting on proof of identity.

We have gone through the note that has been prepared by Mr. Pijush K. Roy, learned Amicus Curiae, which contains a gist of the status reports filed by the State Governments/Union Territories pursuant to the order passed by this Court on 10.01.2022. UIDAI has suggested to this Court that Aadhaar Card could be issued to sex workers without insisting on proof of identity, subject to their producing a certificate issued by a Gazetted Officer of NACO or a Gazetted Officer of Health Department of the respective State Governments/ Union Territory.

Mr. Jayant Bhushan, learned senior counsel and Amicus Curiae and Mr. Anand Grover, learned senior counsel appearing for the applicant-Durbar Mahila Samanwaya Committee (DMSC) sought time to obtain instructions about the workability of the said proposition.

Having dealt with the Status reports filed by the States of West Bengal and Maharashtra, we feel that it is not necessary to take up the status reports filed by each State, separately. The scrutiny of the status reports filed by the State Governments would show that directions issued by this Court on 10.01.2022, have been implemented in part.

We direct all the State Governments/Union Territories to continue with the process of identification of the sex workers who do not have any proof of identity and who are deprived of distribution of ration. The figures that have been given in the status reports are not realistic. The State Governments shall take support of the Community Based Organisation and not merely rely on the lists prepared by NACO for the purpose of implementing the earlier directions issued by this Court. Apart from ration cards, the State Governments shall also take steps to issue voter ID cards to the sex workers identified by NACO and Community Based Organisations after verification of the lists.

The State Governments/Union Territories shall continue to distribute dry ration to the sex workers without insisting on their proof of identity. The status reports regarding the implementation of the

directions issued by this Court on 10.01.2022 shall be filed within three weeks from today after submitting a copy of the same to Mr. Jayant Bhushan and Mr. Pijush K. Roy, learned Amicus Curiae, Mr. Anand Grover, learned senior counsel and Mr. Jayant K. Sud, learned Additional Solicitor General.

List on 31.03.2022.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master