



UPSC & STATE PCS CURRENT AFFAIRS · UJIYARI.COM

EDITORIAL ANALYSIS

A Victim-Centric Shift: The Prajwala Judgment on Sex Trafficking

 THE HINDU

28 August 2026 ·

SOCIAL ISSUES

POLITY

GS2

GS4

CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

ALSO FROM THE CREATOR

BharatNotesFree UPSC notes, MCQs, PYQ analysis. **100% Free.**bharatnotes.com → **ADVERTISE****Advertise with Ujiyari**

Reach thousands of UPSC aspirants daily.

 epicbharat@gmail.com

A Victim-Centric Shift: The Prajwala Judgment on Sex Trafficking

 The Hindu

28 August 2026

GS2

GS4



INTERVIEW ANGLE

"The judgment says a woman who chose sex work voluntarily can still be rescued, because a trafficker can coach a victim to claim she chose it. That protects the coerced and overrides the autonomous. Where would you draw the line, and who should draw it?"

Source: [Original editorial](#)

The Hindu

 Every fact web-verified against primary sources

THE LIFT LINE

The petition was filed in 2004. It was decided in 2026. In between, schemes were designed, advisories were issued and the law was amended, and the woman at the centre of it all was still not a person with rights. That is what took 22 years to fix.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

This is a rare piece: a landmark judgment explained by the litigant who spent 22 years pursuing it. It supplies GS2 material on victim-centric justice, GS4 material on dignity and consent, and a live example of the Supreme Court legislating in a [statutory](#) vacuum under Article 142. The consent question is also a first-rate interview probe.

GS Paper 2: Mechanisms, laws, institutions and bodies constituted for the protection and betterment of vulnerable sections; the judiciary's role in enforcing fundamental rights. **GS Paper 4:** Human dignity, autonomy and informed consent; compassion versus [paternalism](#) in public service.

BACKGROUND AND CONTEXT

Prajwala, an anti-trafficking organisation based in Hyderabad, filed a public interest litigation in **2004**, out of frustration with a broken system and the absence of institutional mechanisms.

The petition produced results along the way:

OUTCOME	WHAT IT DID
Ujjwala scheme	Safe homes for victims of trafficking
NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme	Legal services framework for victims
Union Home Ministry advisories	Directed that trafficking be treated as organised crime
NIA designation	The National Investigation Agency empowered to investigate human trafficking
An anti-trafficking Bill	Circulated, but not enacted

Despite all of it, the author writes, the situation of the victim on the ground did not radically change. Changes in terminology gave an illusion of progress while the victim remained on the fringes of the criminal justice system.

The Bench of **Justice J.B. Pardiwala and Justice R. Mahadevan** heard the matter **18 years** after filing, and took a further **four years** to deliver judgment in **May 2026**.

THE ANALYSIS

What actually changed

Rehabilitation becomes a right, not a favour. This is the load-bearing shift. Previously, safe homes, material support and reintegration were services the state or an NGO provided. The judgment reframes them as entitlements of the victim, which means their denial becomes actionable rather than merely regrettable.

The judgment grounds this in the **right to live with dignity**: not to be treated as a commodity, to be provided material support for a meaningful existence, and to be recognised with respect. It also affirms **informed consent as an adult victim's entitlement**.

The three categories, and the hard problem inside them

The judgment holds that **all women in sex work are victims**, and identifies three groups:

- ❶ Those **coerced** into it
- ❷ Those who were coerced but have **normalised the experience**
- ❸ Those who entered **voluntarily**

And it holds that **all three may be rescued**, including the third.

That is a strong position, and the reasoning is practical rather than moralistic. The Court quotes the observation that despite the deep disagreement between those who argue for and against prostitution, **there is broad agreement that the risk of exploitation and abuse is inherent to the practice** (Point 407). And at **Point 351** it identifies the operational problem directly: *“A trafficker may tutor or coerce a victim into claiming that she is a voluntary sex worker, or into withholding consent to rehabilitation or reintegration, thereby ensuring her return into his control under the garb of choice and consent.”*

This is the honest core of the judgment and its hardest point. If consent can be manufactured, then consent cannot by itself be the test for whether the state may intervene. But a rule that overrides stated consent in order to protect the coerced necessarily also overrides the genuinely autonomous. There is no formulation that avoids this. There is only a choice about which error to risk, and a procedure to keep it small.

The safeguard, and whether it holds

The Plan does not leave the override unqualified. It requires:

- A **threshold enquiry by a magistrate within one week** of rescue
- Conducted **with the assistance of social workers**
- So that a person who genuinely entered voluntarily **has the option to leave**
- With a **deeper enquiry** where the social worker’s assessment indicates consent manufactured through threats, **coercion**, force or undue influence

The design is sound in principle: a short deprivation of liberty, judicially reviewed on a fixed clock, with expert assistance. Whether it holds in practice depends on the availability of trained social workers at every magistracy and on magistrates treating the enquiry as **substantive** rather than formal. That is an implementation question, and it is where comparable protections have failed before.

The Victim Protection Plan as interim law

The Bench issued the Plan **in exercise of its powers under Articles 32 and 142**, and it will **operate as law until Parliament passes a new statute**.

Its principal directions include:

- **Notification of all Anti-Human Trafficking Units as police stations**, which is significant because it gives them the power to register a First Information Report and investigate directly instead of routing everything through a jurisdictional station
- **Clear demarcation of roles** across rescue, rehabilitation and reintegration
- **Defined timelines** and an unambiguous **code of conduct** for those conducting rescues
- Steps the judicial officer must take to ensure the victim is heard at every stage, and is **the only deciding authority over her own life**

In the Court's words, the Plan "should reflect a commitment to the victims that this Court will accord them the dignity that was always theirs."

DATA AND INSTITUTIONS VAULT

PRELIMS-GRADE FACTS:

Prajwala vs Union of India, decided May 2026 by Justice J.B. Pardiwala and Justice R. Mahadevan; petition filed in 2004, a span of 22 years.

The judgment issues a Victim Protection Plan under Articles 32 and 142, which operates as law until Parliament legislates.

Article 32 is the right to constitutional remedies, itself a Fundamental Right, called the "heart and soul of the Constitution" by Dr B.R. Ambedkar.

Article 142 empowers the Supreme Court to pass any decree or order necessary for complete justice.

Article 23 prohibits traffic in human beings and forced labour, and is enforceable against private persons as well as the state.

The principal statute is the Immoral Traffic (Prevention) Act, 1956. Trafficking is also an offence under Section 143 of the Bharatiya Nyaya Sanhita, 2023, which replaced Section 370 of the Indian Penal Code.

Ujjwala is a scheme of the Ministry of Women and Child Development for prevention of trafficking and for rescue, rehabilitation and reintegration.

NALSA, the National Legal Services Authority, is constituted under the Legal Services Authorities Act, 1987; its patron-in-chief is the Chief Justice of India.

Anti-Human Trafficking Units operate at district level; the judgment directs that they be notified as police stations.

Sunitha Krishnan is the founder of Prajwala and the author of the article.

*the **Ujjwala scheme for trafficking victims** under the Ministry of Women and Child Development is entirely distinct from **Pradhan Mantri Ujjwala Yojana**, the LPG connection scheme under the Ministry of Petroleum and Natural Gas. Identical name, unrelated subject. This is a standard Prelims confusion.*

Section 370 IPC no longer exists. *Trafficking of persons is now **Section 143 of the Bharatiya Nyaya Sanhita, 2023.** Citing the repealed provision dates an answer immediately.*

THE DEBATE

For the judgment's expansive definition: traffickers routinely coach victims to claim voluntariness; police in the field cannot reliably distinguish a trafficked person from a voluntary sex worker during a raid; and a narrower rule would leave the most controlled victims outside protection, which is precisely the population the law exists for.

Against it: treating every woman in sex work as a victim removes agency from adults who have made a lawful choice, and rescue that is not wanted is detention by another name. Sex workers' collectives have long argued that raid-and-rescue operations cause them measurable harm, and that the state should target coercion rather than the work.

Where the judgment lands, and it is defensible: it takes the expansive definition **and pairs it with a rapid judicial exit**. The magistrate's threshold enquiry within a week is the **concession** to autonomy. The question that remains open is entirely practical: whether that enquiry will be real. A safeguard that exists on paper and is performed as a formality converts a protective judgment into a detaining one.

HOW TO THINK ABOUT THIS

The transferable frame: **when consent can be manufactured, consent alone cannot be the test**. This appears far beyond trafficking. It appears in bonded labour, in child marriage, in manual scavenging, in coerced religious conversion, and in **unconscionable** contracts. In each, the law faces the same structure: the stated preference may be the product of the very domination the law exists to end.

The mature response is not to ignore consent, and not to accept it uncritically. It is to build a **procedure that tests whether consent is free**, on a short clock, before an independent authority, with expert assistance. Judge any such law by the quality of that procedure, because that is where the entire protection actually lives.

For GS4: this is the clearest available illustration of the tension between **autonomy and beneficence**. Note that the judgment does not resolve it by choosing one. It sequences them: protection first, autonomy tested immediately after.

WAY FORWARD

- ❶ **Parliament should legislate**, because the Plan is expressly interim, and a judicially framed code is a poor long-term substitute for a statute debated and enacted.
- ❷ **Resource the threshold enquiry**, since the safeguard depends on trained social workers being available to every magistrate within a week of any rescue.
- ❸ **Notify and staff Anti-Human Trafficking Units as police stations**, giving effect to the direction rather than recording it.

- ④ **Make rehabilitation entitlements budgeted and justiciable**, since a right without an appropriation is a declaration.
- ⑤ **Publish outcome data on rescues**, disaggregated by the magistrate's threshold finding, so the country can see whether the autonomy safeguard is operating or being performed.

PYQ LINKAGE AND PRACTICE

Connects to standing themes on **Article 23 and human trafficking, judicial activism under Article 142, and victim-centric criminal justice**. Practice question: *“Where consent may itself be a product of coercion, the law must test consent rather than accept or ignore it. Examine with reference to recent Supreme Court jurisprudence on sex trafficking.”*

Source: A Victim-Centric Shift: The Prajwala Judgment on Sex Trafficking — Ujjiyari.com | Free UPSC & State PCS Editorial Analysis

● KEY ARGUMENTS AT A GLANCE

Writing in *The Hindu*, Sunitha Krishnan, founder of Prajwala, argues that the Supreme Court's May 2026 judgment in *Prajwala vs Union of India*, delivered by Justices J.B. Pardiwala and R. Mahadevan, is historic because it places the sex-trafficked person at the centre of every stage of criminal justice, converting rehabilitation from charity dispensed by the state or a non-governmental organisation into an enforceable right of the victim, and because the Victim Protection Plan issued under Articles 32 and 142 will operate as law until Parliament passes a new statute.

✓ SUPPORTING

- The 22-year history of the petition, filed in 2004 and decided in 2026, is itself the argument: schemes such as Ujjwala and the NALSA scheme for victims of trafficking followed from it, the Union Home Ministry issued advisories treating trafficking as organised crime and designated the National Investigation Agency to investigate it, and yet the position of the victim on the ground did not change.
- The judgment defines the victim expansively to include all women in sex work, those coerced, those who were coerced and have normalised the experience, and those who entered voluntarily, and holds that all three categories may be rescued, on the reasoning that a trafficker may tutor a victim into claiming voluntariness in order to retain control under the guise of consent.
- The Plan builds in a safeguard against that expansiveness through a threshold enquiry by a magistrate within a week of rescue, assisted by social workers, so that a person who genuinely entered voluntarily has the option to leave, with a deeper enquiry where the assessment suggests manufactured consent.



MAINS ANSWER FRAMEWORK

QUESTION

The Supreme Court's Victim Protection Plan in Prajwala vs Union of India operates as binding law until Parliament legislates. Examine the significance of the judgment for victim-centric criminal justice, and discuss the constitutional basis and limits of such judicial law-making. (250 words)

RELATED DAILY ARTICLES

28 Aug **Current Affairs Today — August 28, 2026**

28 Aug **President Creates a Ladakh High Court Bench Using...**

28 Aug **Mediation Council of India Notified Three Years After...**

28 Aug **Jan Dhan at Twelve: 59.09 Crore Accounts, and the...**



CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator

[in linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)[Read Full Article on Ujiyari →](#)<https://ujiyari.com/editorials/2026/08/th-prajwala-victim-centric-trafficking-2026/>

ALSO FROM THE CREATOR

BharatNotes

Free UPSC study platform — subject-wise notes across all 4 GS papers, Prelims MCQs, Mains answer frameworks, PYQ analysis & progress tracking. **100% Free • No Login Required.**

[Start Preparing → bharatnotes.com](#)

📌 OPPORTUNITY

Advertise with Ujiyari

Reach **thousands of serious UPSC & State PCS aspirants** daily through our PDFs, website, and social channels.

Ideal for: Coaching institutes • EdTech platforms • Book publishers • Exam prep apps

[✉ epicbharat@gmail.com](mailto:epicbharat@gmail.com)

Write to us for rates & media kit

Free UPSC & State PCS Current Affairs · ujiyari.com · bharatnotes.com