

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 536 of 2022

Petitioner :- Jaya Pandey And Others

Respondent :- Union Of India Thru. Chief Secy. Labour Deptt. New Delhi And Others

Counsel for Petitioner :- In Person

Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Shree Prakash Singh,J.

Heard Ms Jaya Pandey, the petitioner in person who is pursuing her studies of law in the University of Petroleum and Energy Studies at Dehradun and has invoked the Public Interest Litigation jurisdiction of this Court for issuing certain directions to the respondents-Union of India and State of U.P. so that the life of sex workers may be raised to dignified standards and they may be able to realize the rights like any other citizen under various laws relating to social welfare measures.

Ms Jaya Pandey has relied upon a document signed by Members-States, including India at an international convention known as "Convention on the Elimination of all forms of Discrimination against Women".

Amongst other Members States, India is also a signatory having signed the said covenant on 09th July, 1993.

Drawing our attention to the provisions contained in Article 51 of the Constitution of India, the petitioner has submitted that directive principles as embodied in Article 51 (c) of the Constitution of India obligates the Union of India as also the State of U.P. to foster respect for international law and treaty obligations.

Submission of the petitioner is that in fulfillment of goal as enunciated in Article 51 (c) of the Constitution of India, Union of India and State of U.P. should take appropriate steps to ensure that the covenant, as signed in the convention as aforesaid, is respected and adequate measures are taken to improve the conditions of life of the sex workers.

Ms. Jaya Pandey has drawn our attention to Article 7 of the said covenant according to which State Parties are required to take all appropriate measures to eliminate discrimination against women in the political and public life. Another Article relied

upon the petitioner is Article 11 (1) (e), according to which under the said covenant the State Parties are required to take appropriate measures to ensure *inter alia* that women are able to exercise and enjoy the same rights, particularly the right to social security in cases of unemployment, sickness, invalidity and old age and incapacity to work etc. Article 13 of the covenant provides that all the State Parties shall take all appropriate steps to eliminate discrimination against women in economic and social life particularly the right to family benefits, right to loan and financial credit/help and further, right to participate in recreational activities etc.

Submission of the petitioner is that having regard to the present condition of the sex workers in the Society need of the hours is that Union of India as also the State of U.P. may take appropriate steps to fulfill the obligations arising out of said convention/covenant.

Accordingly, we direct the respondents to file their response to the writ petition within a period of four weeks. A week's time thereafter shall be available to the petitioners to file rejoinder affidavit.

List after expiry of the aforesaid period.

Order Date :- 29.8.2022

Renu/-