



Comparative perspectives on  
sex work and the law

*Bhavya Tandon*

Jindal Institute of Behavioral Sciences (JIBS)

4 Credit Course

## SPRING SEMESTER 2026

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Office Hours: By prior appointment on Friday, 12-2PM

Classroom:

The information provided herein is by the Course Coordinator. The following information contains the official record of the details of the course.

### PART I

<b>Course Title:</b> Comparative perspectives on sex work and the law		
Course Code	BE-E-0163	
Course Duration	1 Semester	
No. of Credit Units	4	
Level	UG	
Pre-Requisites	Nil	
Pre-Cursors	Nil	
Equivalent Courses	Nil	
Exclusive Courses	Nil	
Class Timing	...	....

### PART II

#### **Course Description:**

This course critically examines the criminalisation of sex work in different countries. Using comparative lens, the course explores diverse legal system and regulatory models across India, Sweden, the Netherlands and New Zealand. The course engages with key theoretical frameworks including public morality, public health, human rights and harm reduction. Students will explore the complex intersection of law, gender and society in regulating sex work, while also considering the limits of criminal law in balancing the interest of sex workers with those of public order.

#### **Course Intended Learning Outcomes:**

- Develop an understanding of laws governing sex work in India
- Compare sex work laws across different countries.
- Examine competing models: legalisation, criminalisation, regulation and decriminalisation.
- Critically study the Swedish abolitionist model and the Dutch legalisation model
- Apply feminist, criminological and human rights perspective to debate on sex workers' rights and position.
- Assess the viability of discrimination as policy approach.

## **Assessment Process:**

The course will be majorly taught using class discussions, anecdotes, presentations, readings, and experiential exercises. The evaluations will include in-class activities, individual and group presentations, written assignments, quizzes, and projects.

### **Percentage breakdown of Grade:**

**70% internal (Social media campaign, group presentation, class test and class participation) & 30% end semester (closed book) exam.**

#### **1. Class Participation 10 Marks:**

Class participation is an essential aspect of learning that plays a significant role in the overall success of a course. Your participation will be evaluated to determine your level of engagement, critical thinking, and communication skills. You must actively engage in the course activities and discussions to earn a maximum of 10 marks for class participation. This means attending all classes, arriving on time, and being prepared with the necessary materials. You should also demonstrate a willingness to participate in group activities, ask questions, and offer insights on course material.

**This is an ongoing assessment.**

#### **2. Group presentation 40 marks:**

For the group presentations, each group will be responsible for presenting a module corresponding to their group number (i.e., Group 1 presents Module 1, Group 2 presents Module 2, and so on). The presentations are designed to be creative and engaging, allowing for a variety of formats to best showcase your group's understanding and insights.

**Presentation Format:** Your presentation can take any of the following forms, depending on your group's preference:

- Podcast: Create an audio discussion or interview exploring the module topic.
- Comic Strip: Illustrate the concepts of the module in a creative and visual manner.
- Act/Skits: Perform a short drama or role-play to demonstrate key points of the module.
- Movie Review: Analyze and review a movie that relates to the module, discussing its relevance to the topic.
- Case Review: Present and analyze a real or hypothetical case study relevant to the module.

**Presentation Time:** 40 minutes. This includes any setup time, presentation, and demonstrations.

- Q&A Session: 20 minutes. After your presentation, the class will have an opportunity to ask questions, and your group should be prepared to discuss and elaborate on your topic.

**The date of the presentation is as specified in the Word document shared, along with the list of group members.**

#### **3. Case study 20 Marks:**

To answer a case study, you must meet the following criteria:

1. Understanding the case- analysing the relevant facts, legal issues, and outcomes.
2. Legal analysis- relevant legal concepts and principles to the case
3. Critical thinking- evaluating the strengths and weaknesses of the case, considering alternative perspectives, and proposing potential solutions.

### **Important Notice:**

In the event that you miss any of your assessment deadlines, **no alternative test or makeup opportunity will be provided**. It is crucial to attend the test, be present on the day of your group presentation and send in your social media campaign results as scheduled to avoid any loss of marks.

### **Grading of Student Assessment**

<b>Letter Grade</b>	<b>Percentage of Marks</b>	<b>Grade Points</b>	<b>Interpretation</b>
O	80 and above	8	<b>Outstanding:</b> Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability.
A+	75 - 79	7.5	<b>Excellent:</b> Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability.
A	70 - 74	7	<b>Very Good:</b> Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyse existing material and originality in thinking and presentation.
A-	65 -69	6	<b>Good:</b> Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills.
B+	60 - 64	5	<b>Fair:</b> Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills.
B	55 - 59	4	<b>Acceptable:</b> Adequate knowledge of the subject matter to go to the next level of the study and reasonable critical and analytical skills.
B-	50 - 54	.. 3	<b>Marginal:</b> Limited knowledge of the subject matter and irrelevant use of materials, and poor critical and analytical

			skills.
P1	45 - 49	2	<b>Pass 1:</b> Pass with Basic understanding of the subject matter.
P2	40 - 44	1	<b>Pass 2:</b> Pass with Rudimentary understanding of the subject matter.
F	Below 40	0	<b>Fail:</b> Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course.

## Course Outline

This course will be spread across five units. The brief description of each unit is as follows:

### **UNIT I: Sex workers and sex work: Introduction (Week 1&2)**

This unit provides a foundation for understanding sex work in its multiple forms and contexts. It introduces students to the key debates around terminology “sex work” versus “prostitution” and the implications of these framings for law, policy, and social perception. The unit situates sex work within broader concerns of gender, sexuality, migration, and labour, while also examining how stigma, morality, and public order discourses have historically shaped legal and social responses. By centring the lived realities of sex workers alongside theoretical and legal perspectives, this unit encourages students to critically interrogate dominant narratives and begin to appreciate the complexity of sex work as both a site of regulation and a form of labour, identity, and resistance.

Readings:

- Scouler, J. (2015). *The Subject of Prostitution: Sex Work, Law and Social Theory* (1st ed.). Routledge. <https://doi.org/10.4324/9781315778433>
- Agustín, L. M. (2007). *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*. Zed Books. (Introduction & Ch. 1).

### **UNIT II: Sex work laws across different countries (Week 2 & 3)**

Debates regarding the normative character of sex work, and how it should be regulated (if at all), are deeply contentious, particularly within the broad church of feminism. Sex work is regulated very differently. We will be looking into different legislations in India regarding curbing human trafficking, and what are the reasons for the poor implementation of these laws. This unit will focus on trafficking in women for sexual exploitation. The laws that sex workers really want. We will explore the question: Is sex work different from other forms of labour? If so, how? Should India seek

to regulate the sex work industry? And should the criminal law be used to address macrosystemic forces like inequality?

Readings:

- Tandon, Bhavya and Nayak, Pratiti (2024) . *Reconsidering criminalisation of prostitution: a comparative critical study of the models in vogue in India, Sweden and the Netherlands*. International Journal of Public Law and Policy. ISSN 2044-7671 | 2044-7663
- MacKinnon, C.A (2011) *Trafficking, prostitution, and Inequality*. Harv. CR-CLL Rev, 46,271.
- Sullivan, T (2005). *Rape, prostitution and consent*. Australian & New Zealand Journal of Criminology, 40(2) 127-142.
- Prabha Kotiswara, “*Born unto Brothels? Toward a Legal Ethnography of Sex Work in an Indian Red-Light Area*” Law and social inquiry . Volume 33, Issue 3, 579-629, Summer 2008

### **UNIT III: Sex work and the ITPA (Week 4 & 5)**

Students would explore the historical evolution of the Immoral Trafficking Prevention Act 1956 from its colonial antecedents, its alignment with international treaties on trafficking, and how it has shaped the legal status and everyday lives of sex workers. The unit highlights how the law criminalises associated activities such as brothel keeping, soliciting, and 3rd party involvement while leaving the act of sex itself in a grey area of legality. By analysing case law, policy reports and credits from feminist and sex workers' perspectives, students will evaluate whether the act protects or in dangerous sex workers

Readings:

- Kotiswaran, P. (2011). *Dangerous sex, invisible labor: sex work and the law in India*. Princeton University Press.
- Ramachandran V. Law, NGOs, and the Governance of Prostitution in India. In: *Immoral Traffic: An Ethnography of Law, NGOs, and the Governance of Prostitution in India*. Cambridge Studies in Law and Society. Cambridge University Press; 2025:19-40.
- *Budhadev Karmaskar v. State of West Bengal* (2011)

### **UNIT IV: Law, Criminalization and the “End Demand” Model (Week 6 &7)**

This unit explores the rise and the global spread of the “end demand” regimes that criminalise buyers and often third parties. The students would examine how client criminalisation reshapes safety by reducing worker's ability to negotiate service terms and sexual health practices, push cash-only transactions that elevate robbery and assault risks, hampering screening because clients hide identifying details and deepening stigma and fear of being outed. Through comparative perspectives and engagement with sex worker testimonies, students will evaluate whether this model achieves its stated goals of reducing exploitation or instead reinforces harm by pushing sex work further underground.

### Readings:

- McDermid, J., Murphy, A., McBride, B., Wu, S., Goldenberg, S. M., Shannon, K., & Krüsi, A. (2022). "How client criminalisation under end-demand sex work laws shapes the occupational health and safety of sex workers in Metro Vancouver, Canada: A qualitative study." *BMJ Open*, 12(11):e061729.
- Levy, J. (2015). *Criminalising the Purchase of Sex: Lessons from Sweden*. Routledge.
- Östergren, P. (2017). *From zero tolerance to full integration: Rethinking prostitution policies. Working paper 10*.

## **UNIT V: Resistance, Knowledge Production, and Alternatives (Week 10 &11)**

This unit centres sex workers as agents and rights holders, while positioning decriminalisation as the most viable alternative to a punitive or regulatory framework. The unit explores the harms of criminalisation and regulation. Drawing on case studies from New Zealand and New South Wales, where decriminalisation has enhanced occupational health and safety, reduced stigma, and provided avenues for labour protections, students will critically evaluate why international bodies such as WHO, UNAIDS, and Amnesty International endorse decriminalisation. Students are encouraged to synthesise insights from across the course to ask: how can decriminalisation reimagine law not as a tool of stigma and exclusion but as a framework for **justice, dignity, and worker agency** in the sex industry?

### Readings:

- Abel, G. (2014). "A Decade of Decriminalisation: Sex Work 'Down Under' but Not Underground." *Criminology & Criminal Justice*, 14(5), 580–592.
- Amnesty International (2016). *Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*.
- Armstrong, L., & Abel, G. (2020). "Introduction". In *Sex Work and the New Zealand Model*. Bristol, UK: Bristol University Press.

## **Professional Conduct in Classroom**

You are expected to arrive on time in the classroom and follow the classroom decorum. It is expected that you are punctual in class and be seated immediately within the first two minutes so that the class can start on time. Students arriving after a ten minute window from the designated start time will be refused entry/attendance. You are expected to participate in the classroom discussions, activities and presentation. Participation is essential in this class. You are also expected to be respectful when the instructor is teaching. Furthermore, you are welcomed to share your thoughts in the class but you are expected to do that respectfully and be welcoming of other perspectives in the class even if you disagree with the same.

## **Notes on Plagiarism**

*Plagiarism is not acceptable!* Please refrain from copying and pasting paragraphs and sentences from your reading materials. This include copying someone's words, structure, grammar, ideas, thoughts, and phrases and passing them as your own. Too many quotes are not acceptable!

What is acceptable? Using one quote which is not more than 40 words with proper citation. Use citation! It's a must! Present the content you read from your reading materials in your own words! Think and critically analyse the content! The source should be always acknowledged in your written material and presentation. All papers in this class will be checked electronically for plagiarism.

### **Attendance Policy**

Students are expected to attend all classes (100% attendance). A student who fails to attend a class is expected to inform the Course Instructor, orally or in writing, the reason for his or her absence. A minimum of 75% attendance is mandatory, failing which, student is not permitted to take the final exam or end term exam.

### **Safe Space Pledge**

Some parts of this course may discuss a range of issues that might result in distress for some students. Discussions and images in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel troubled due to either the contents of the course, or the conduct of the discussions, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibition and fear. This responsibility lies not only on students, but also the instructor.

### **Disability Support and Accommodation Requirements**

JGU endeavors to make all its courses accessible to students. All students with a known disability needing academic accommodations are required to register with the Disability Support Committee [dsc@jgu.edu.in](mailto:dsc@jgu.edu.in). The Committee has so far identified the following conditions that could possibly hinder student's overall well-being. These include: physical and mobility related difficulties; visual impairment; hearing impairment; medical conditions; specific learning difficulties e.g. dyslexia; mental health.

The Disability Support Committee maintains strict confidentiality in its discussions. The students should preferably register with the Committee in the first week of the semester as disability accommodation requires early planning. DSC will approve and coordinate all the disability related services such as appointment of academic mentors, specialized interventions and course related requirements such as accessible classrooms for lectures, tutorials and examinations.

All faculty members are required to refer students with any of the above-mentioned conditions to the Disability Support Committee for addressing disability-related accommodation requirements.

### **Centre for Wellness and Counseling Services:**

Contact: Email ID: [cwcs@jgu.edu.in](mailto:cwcs@jgu.edu.in)

Mobile: +91 8396907312