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# Breaking the Cycle: Fostering Educational and Health Access for the Children of Sex Workers

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APOORVA BHARDWAJ<sup>1</sup> AND ANKIT YADAV<sup>2</sup>

## ABSTRACT

*Children are revered as the most precious gifts of God, embodying the very essence of a nation's future. Their rights have been recognized nationally as well as internationally. This recognition begins even before their birth. In India, a robust framework of legislation, authorities, and institutions has been established to ensure the holistic development of children, improve their health, maintain their well-being, and nurture them into responsible future citizens of the country. Even after this, the children of sex workers are fighting for the basic needs for survival. Their sufferings are just because they have been born to single mothers selling their bodies for money out of their unbearable circumstances and poverty. The stigma attached to sex work creates a domino effect in the lives of children and fills them with self-hatred, illiteracy, poverty, ill-treatment, etc. These continuing effects can be stopped by education and with the collective efforts of the government and civil society. However, we have witnessed very few efforts from the government's side particularly focusing on children of sex workers prompting the non-governmental organizations (NGOs) to step in and bridge the gap. This paper covers some of the efforts and initiatives undertaken by NGOs for the education and well-being of children of sex workers. We need a collective effort to break the cycle and to convert this nasty picture of life into a beautiful one filled with equality, and dignity.*

**Keywords:** Children, Sex Workers, Education, Healthcare, Non-Governmental Organizations.

## I. INTRODUCTION

*Before you do anything, stop and recall the face of the weakest person you have seen, and ask yourself: Is what I'm about to do going to help him or her regain control of their destiny?*

- Mahatma Gandhi.

India is home to almost 19 per cent of the world's children. More than one-third of the country's

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<sup>1</sup> Author is a Ph. D. Research Scholar at Faculty of Law, University of Lucknow, Lucknow, India.

<sup>2</sup> Author is a Ph. D. Research Scholar at University School of Law and Legal Studies (USLLS), Guru Gobind Singh Indraprastha University (GGSIPU), Delhi, India.

population, around 440 million, are below 18 years of age.<sup>3</sup> It is often argued that for shaping the future of any nation, it is vitally essential to provide an environment where the healthy growth and development of children are ensured. Children are not just the future; they are the most invaluable assets of any nation. The well-being and development of children play a pivotal role in determining the prosperity of a society. Therefore, it is incumbent upon us, as a collective, to provide unwavering care and support to every child, ensuring their holistic growth. In recent years, an increasing number of countries have awakened to this reality and are channelling substantial resources towards safeguarding the rights and well-being of children. This concerted effort encompasses not only their physical health but also extends to economic measures, education, and social support systems. By doing so, we are not only securing a brighter and more promising future for the generations to come but also nurturing a society that thrives on compassion, equality and shared success. This investment in our children is an investment in the very foundation of a prosperous and harmonious nation.

A child is any person below the age of 18 years. As per the Juvenile Justice (Care and Protection of Children) Act, 2015, “Juvenile” or “Child” means a person who has not completed 18 years of age.<sup>4</sup> The legal definition of a child refers to a minor who has not attained majority while the biological definition of a child stresses the fact that a child is a human being from birth to puberty. The United Nations Convention on Rights of the Child (CRC), 1989 in its Article 1 defined *a child as a person below the age of 18, unless and until the law of a particular country sets the legal age for adulthood younger*.<sup>5</sup> Most of the programmes and initiatives taken by the Government of India include children below 14 years of age and a Girl child is a female under the age group of 15-19 years. However, the Census of India defines a child as a person who is below the age of 18.

## **II. THE LEGISLATIVE FRAMEWORK - EVOLUTION OF CHILD RIGHTS PROTECTIONS IN INDIA**

The Constitution of India, a visionary document, upholds a comprehensive framework of fundamental rights that are universally applicable, transcending barriers of race, place of birth, religion, caste, creed, colour, or sex. In addition to these overarching principles, the Constitution also places special emphasis on the welfare and protection of children, recognizing them as the

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<sup>3</sup> Dipankar Bala, et al., *Prevalence of Child Abuse in Eastern India: A Tip of Iceberg*, 2(4) INTERNATIONAL JOURNAL OF CONTEMPORARY PEDIATRICS (IJCP) 353, (Sept. 23, 2023, 08:30 PM) [http://dx.doi.org/10.1\\_8203/2349-3291.ijcp20150\\_973](http://dx.doi.org/10.1_8203/2349-3291.ijcp20150_973).

<sup>4</sup> The Juvenile Justice (Care and Protection of Children) Act 2015, s. 2, cl. 12.

<sup>5</sup> The United Nations Convention on Rights of the Child (CRC) 1989, art. 1.

cornerstone of a prosperous and just society. This commitment is evident in various articles, including:

1. **Art. 15(3):** This provision empowers the State to enact special measures for the upliftment and advancement of children, ensuring they receive equal opportunities and protection against discrimination.<sup>6</sup>
2. **Art. 21A:** The State is mandated to provide free and compulsory education to all children aged between six and fourteen years, recognizing education as a fundamental right and a key factor in their holistic development.<sup>7</sup>
3. **Art. 24:** This article firmly prohibits the employment of any child below the age of fourteen in hazardous occupations, factories, or mines, safeguarding their physical and mental well-being.<sup>8</sup>
4. **Art. 39(e):** It underscores the importance of safeguarding the tender age of children, ensuring they are not subjected to exploitation due to economic necessity, and preventing their involvement in vocations unsuitable for their age or strength.<sup>9</sup>
5. **Art. 39(f):** This article envisions a society where children have access to opportunities and facilities that enable them to grow in a healthy environment, fostering conditions of freedom and dignity. It also emphasizes the need to shield youth from exploitation and prevent their moral and material abandonment.<sup>10</sup>
6. **Art. 45:** The State is entrusted with the responsibility of actively working towards providing early childhood care and education for all children up to the age of six, recognizing the critical importance of early development in a child's life.<sup>11</sup>

These provisions collectively form a robust legal framework that places children at the heart of India's societal and developmental goals. They reflect a profound commitment to nurturing the potential of each child and ensuring they grow up in an environment that cherishes their rights, well-being, and dignity. By incorporating these Articles, the Constitution of India not only acknowledges the fundamental rights of children but also paves the way for a future where they can thrive and contribute meaningfully to the nation's progress.

India has also formulated several key policies and legislations aimed at safeguarding children's

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<sup>6</sup> INDIA CONST. art. 15, cl. 3.

<sup>7</sup> INDIA CONST. art. 21A.

<sup>8</sup> INDIA CONST. art. 24.

<sup>9</sup> INDIA CONST. art. 39, cl. (e).

<sup>10</sup> INDIA CONST. art. 39, cl. (f).

<sup>11</sup> INDIA CONST. art. 45.

rights and improving their overall well-being.<sup>12</sup> These include:

1. **National Policy for Children, 1974:** In 1974, the Indian government recognized children as invaluable assets and introduced this policy, advocating for comprehensive health programs, supplementary nutrition for mothers and children, free and compulsory education for all up to age 14, and special provisions for marginalized groups.
2. **National Policy on Education, 1986:** This policy highlighted the importance of quality education and equitable access for children across India, with a focus on enhancing educational standards and opportunities.
3. **National Policy on Child Labour, 1987:** Designed to combat child labour, this policy aimed to eliminate the exploitation of children and create a protective environment for their development.
4. **National Nutrition Policy, 1993:** This policy prioritized the nutritional needs of children and mothers, focusing on supplementary nutrition and nutrition education.
5. **Committee Report on Prostitution and Trafficking, 1998:** Alongside a plan of action, this report addressed the issues of child prostitution and trafficking, emphasizing the protection of children from commercial sexual exploitation.
6. **National Health Policy, 2002:** This policy aimed at enhancing the overall health of children by focusing on healthcare access, immunization, and maternal and child health.
7. **National Charter for Children, 2004:** This charter reinforced the commitment to children's rights, emphasizing their welfare, education, and protection.
8. **National Plan of Action for Children, 2005:** This plan outlined a comprehensive approach to address various issues affecting children in India, including their health, education, and protection.
9. **National Policy for Children, 2013:** This is a significant governmental initiative aimed at providing a comprehensive framework for the well-being and development of children in a country. This policy outlines the principles, objectives, and strategies to be followed by the government and other stakeholders to ensure the rights, protection, and holistic development of children. It encompasses various key areas such as health, nutrition, education, protection, and participation, emphasizing the importance of a child-centric approach in all policies and programs. Additionally, the policy highlights

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<sup>12</sup> EGyanKosh - Unit 2, *Policies and Programmes for Children in India*, (Sept. 27, 2023, 10:05 AM) [https://egyan\\_kosh.ac.in/bitstream/1234\\_56789/58906/1/Unit2.pdf](https://egyan_kosh.ac.in/bitstream/1234_56789/58906/1/Unit2.pdf).

the need for multi-sectoral collaboration and advocacy to create an enabling environment for children to thrive.<sup>13</sup>

10. **National Plan of Action for Children, 2016:** This plan is a comprehensive strategic framework designed to ensure the overall well-being and development of children in a country. This plan outlines specific goals, objectives, and action steps that government bodies, NGOs, and other stakeholders should undertake to address the diverse needs of children across various sectors, including education, health, protection, and social inclusion. It serves as a roadmap for implementing policies and programs aimed at safeguarding the rights and enhancing the quality of life for children, with a focus on their holistic growth and development.<sup>14</sup>

In 1985, the Department of Women and Child Development was established within the Ministry of Human Resource Development, further underlining the government's commitment to the welfare of children and women in the country. These policies and legislations collectively form a framework to promote child rights and enhance the well-being of children throughout India.<sup>15</sup>

In 1992, India committed itself to upholding the Convention on the Rights of the Child (CRC), marking a significant stride towards safeguarding children's rights. Subsequently, the enactment of the Juvenile Justice (Care and Protection of Children) Act in 2000 represented a comprehensive legal framework dedicated to ensuring justice and opportunities for the growth and development of India's children. This Act drew its foundation from both the Indian Constitution and the four fundamental rights outlined in the UN Convention on the Rights of the Child: the rights to survival, protection, development, and participation.<sup>16</sup>

In an important legislative development, the 2000 Act was later replaced by the Juvenile Justice (Care and Protection of Children) Act, 2015. This new legislation fortified India's legal infrastructure, aligning it with global standards for the protection and rehabilitation of children. The Act pivots towards rehabilitation rather than punitive measures for children entangled in conflict with the law, seeking to provide them with the opportunity for reform and seamless reintegration into society. Additionally, the Act prioritizes the establishment of Child Care

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<sup>13</sup> Ministry of Women and Child Development - Government of India, *The National Policy for Children, 2013*, (Sept. 29, 2023, 09:10 PM) <https://wcd.nic.in/sites/default/files/npenglish08072013.pdf>.

<sup>14</sup> Ministry of Women and Child Development - Government of India, *The National Policy for Children, 2016*, (Sept. 29, 2023, 08:50 PM) <https://wcd.nic.in/sites/default/files/National%20Plan%20of%20Action%202016.pdf>.

<sup>15</sup> Ministry of Women and Child Development - Government of India, *Annual Report - 2021-2022*, (Sept. 29, 2023, 10:00 PM) [https://wcd.nic.in/sites/default/files/WCD\\_AR\\_English%202021-22%20NEW%20%281-11-2022%29.pdf](https://wcd.nic.in/sites/default/files/WCD_AR_English%202021-22%20NEW%20%281-11-2022%29.pdf).

<sup>16</sup> Ministry of Women and Child Development - Government of India, *Manual - Living Conditions in Institutions for Children in Conflict with Law*, (2017) (Sept. 29, 2023, 08:00 PM) <https://wcd.nic.in/sites/default/files/Final%20Manual%2024%20April%2020175.pdf>.

Institutions, ensuring environments that are both secure and nurturing. Furthermore, the Act places significant emphasis on alternative care options like foster care and adoption for children in need of protection and care. This demonstrates a holistic approach towards safeguarding the well-being and future prospects of vulnerable children. Overall, the Juvenile Justice Act, 2015 represents a profound commitment to nurturing the potential and ensuring the well-being of India's children, reinforcing their rights and dignity as enshrined in both the Indian Constitution and the Convention on the Rights of the Child (CRC).<sup>17</sup>

The Protection of Children from Sexual Offences (POCSO) Act, 2012 is another important legislation in India, which was framed to safeguard children from sexual abuse and exploitation. It defines various forms of sexual offences against children and prescribes stringent penalties for offenders. The Act also prioritizes the best interests of the child during legal proceedings, with provisions for special courts and child-friendly procedures.<sup>18</sup> Along with the Act, POCSO Rules, 2012 were also framed which complement the Act by providing detailed procedures and guidelines for the implementation of its provisions. They cover a wide range of aspects including the appointment of special public prosecutors, the conduct of trials, and the role of various stakeholders in the protection and support of child victims. Recently, the POCSO Rules, 2012 were replaced by POCSO Rules, 2020 which empowers the Special Court to pass an order for interim compensation to meet the needs of the child for relief or rehabilitation at any stage after registration of the First Information Report.<sup>19</sup>

The National Charter for Children enacted on February 9, 2004, stands as a resolute commitment by the Government towards the holistic development of children. This visionary document not only outlines a clear agenda but also manifests the Government's unwavering dedication to securing a wholesome and joyous childhood for every child. At its core lies a profound aim: to redress the underlying factors that hinder the healthy growth and progress of children. Moreover, it seeks to rouse collective consciousness within the community, urging it to stand as a safeguard against any form of maltreatment towards children, while concurrently fortifying the pillars of family, society, and the nation.<sup>20</sup>

The Charter extends specific safeguards to children facing challenging circumstances, those with disabilities, and those hailing from marginalized and underprivileged backgrounds,

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<sup>17</sup> *ibid.*

<sup>18</sup> National Human Rights Commission of India, *POCSO*, (2021) (Sept. 27, 2023, 09:30 AM) [https://nhrc.nic.in/\\_sites/default/files/10PROTECTION%20OF%20CHILDREN%20%20SEXUAL%20OFFENCES.pdf](https://nhrc.nic.in/_sites/default/files/10PROTECTION%20OF%20CHILDREN%20%20SEXUAL%20OFFENCES.pdf)

<sup>19</sup> LiveLaw, *Compensation To Be Paid Within 30 Days: New POCSO Rules Comes Into Force*, (2020) (Sept. 27, 2023, 10:00 PM) <https://www.livelaw.in/news-updates/pocso-rules-2020-comes-into-force-153763>.

<sup>20</sup> Ministry of Women and Child Development - Government of India, *Resolution - National Charter for Children, 2003*, (Sept. 29, 2023, 08:45 PM) <https://www.childlineindia.org/pdf/National-Childrens-Charter-2003.pdf>.

ensuring they are shielded from all forms of abuse. To uphold these rights and reinforce their implementation, the establishment of the National Commission for Protection of Child Rights in February 2007 was a pivotal move. This commission plays a pivotal role in not only enforcing children's rights but also lending robust support to the effective execution of laws and programs dedicated to children. The National Charter for Children thus stands as a beacon of hope, heralding a future where every child in India thrives in an environment of safety, dignity, and boundless opportunity.<sup>21</sup>

The Child Labour (Prohibition and Regulation) Act, 1986 serves as a pivotal piece of legislation, firmly prohibiting the employment of children under 14 years of age in 13 distinct occupations and 57 processes known to pose significant risks to their well-being and health. Notably, the Ministry of Labour and Employment almost 20 years after the initial legislations reinforced these provisions by issuing a notification, expressly barring the engagement of children below 14 years as domestic servants or in establishments like tea shops, dhabas (roadside eateries), restaurants, hotels, motels, resorts, spas, or other recreational centres. This directive, enforced on October 10, 2006, marks a crucial stride in safeguarding the rights and well-being of young individuals.<sup>22</sup>

The 86th Constitutional Amendment marked a pivotal moment in our nation's history by introducing Article 21A, enshrining the fundamental right to free and compulsory education for children between the ages of six and fourteen years. This somewhere paved the way for the enactment of the Right of Child to Free and Compulsory Education (RTE) Act, 2009. This act serves as the embodiment of the transformative vision outlined in Article 21A, affirming that every child possesses an unassailable entitlement to a full-fledged elementary education of commendable and uniform quality within the confines of a formal school that adheres to prescribed essential norms and standards. Further, the word "*free and compulsory*" means that no child shall be liable to pay any kind of fees and charges, which may prevent him from pursuing and completing elementary-level education. Compulsory education ensures admission, attendance and completion of elementary education by all children of 6-14 age groups. It also makes provisions for a non-admitted child to be admitted to an age-appropriate class and prohibits screening procedures for admission of children. However, these provisions often remain unimplemented in both letter and spirit, falling short of the intended objective of

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<sup>21</sup> *ibid.*

<sup>22</sup> Helen R. Sekar, et al., *Performance of Labour Administration: A Critical Analysis of Cases Filed under Child Labour (Prohibition and Regulation) Act, 1986*, V.V. Giri National Labour Institute - Noida (2015) (Sept. 26, 2023, 07:45 PM) <https://vvgnli.gov.in/sites/default/files/2015-114.pdf>.

the Act.<sup>23</sup>

### III. THE CHILDREN OF THE SEX WORKERS - “THE HIDDEN FACES”

Throughout this paper, it is important to acknowledge that much of what has been discussed regarding children does not entirely encompass a distinct group of them. It is indeed unfortunate yet undeniable that these children collectively form a distinct class, and their presence is nearly ubiquitous across the country. These distinct classes of children are the ‘Children of Sex Workers’, who despite their widespread presence, face a unique set of circumstances or what we may call difficulties that set them apart from their peers. This reality though disheartening, cannot be ignored being the fact. The Children of Sex Workers are considered the most vulnerable population of the society. They are ostracized simply because of the profession of their mother. They are stigmatised and socially isolated from the so-called mainstream society. They are sometimes referred to as the “*hidden face of society*” because their circumstances make it harder for them to access education, healthcare, and other essential services.

When we talk about the Sex Workers’, they are a group whose identity is subsumed in the work they do. So deep is our obsession with their profession that we fail to recognise these women as humans, like the rest of us with a life story and that even they can have parents, lovers, siblings and children of their own.<sup>24</sup> Such is the collective social hatred against this group that along with them, we ostracize anyone who has any relation to them. In our quest to “*sanitize*” the culture, we ignore the impact this sanitization drive would have on the children born to women who are working as female sex workers and have absolutely no role to play in society’s degradation rather, they are themselves victims of the choices made by their mothers.

According to Mandiuc (2014),<sup>25</sup> the transfer of social stigma from female sex workers to their children can have a highly negative impact on their personality as not only it can expose them to discrimination and abuse but it also impairs their socialization process. Within the realm of socialization, the family is considered one of the strongest agents of socialization where identification with a significant other of the same gender holds great significance. In this regard, growing up in a female sex worker's household, these children somewhere lack positive role models and unfortunately, most of the girls born into these households end up following their mother’s footsteps whereas the boys often find themselves surviving as pimps, petty criminals,

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<sup>23</sup> Department of School Education and Literacy - Government of India, *Right to Education*, (2021) (Sept. 26, 2023, 08:35 PM) <https://dse.education.gov.in/rte>.

<sup>24</sup> A.M. Mandiuc, *The Impact of a Prostitute Mother on the Child Life Circumstances*, 2(2) Journal of Research in Education, 1 (2014) (Sept. 26, 2023, 10:30 PM) <https://www.semanticscholar.org/paper/The-impact-of-a-prostitute-mother-on-the-child-life-Mandiuc/d7c9bb835c73cb91ad4d45640798520de1615bc9>.

<sup>25</sup> *ibid.*

and druggists. Further, the living conditions within brothels exacerbate the challenge. Female sex workers are often forced to entertain multiple clients in the same room where they are living with their children, creating a highly distressing environment.<sup>26</sup> This situation frequently leads to profound emotional turmoil in the children, manifesting in behaviours such as aggression, disobedience, a feeling of malice towards their mothers, and sadly, even resorting to substance abuse as a coping mechanism.<sup>27</sup>

Also, the children living in the red light area lack the basic support system from the family or the community. They lack trustworthy peers in their lives who can guide them. After they become young, their parents start neglecting them and there is a lack of trust and bonding between the two. The lack of awareness often compels them to make wrong decisions and puts them in risk situations, which usually results in low self-esteem and self-worth.<sup>28</sup> Even some people in our society consider them as untouchables. We generally consider untouchability to be only related to caste and religion but untouchability with these children is beyond this generalization. This long-term impact of untouchability and unacceptability leads to “*Self-hate*” among children. Thus, it becomes crucial to recognize the specific needs of these children and work towards providing them with the necessary support, including access to education, healthcare, and opportunities for a stable and fulfilling future.

A study conducted in brothels in Mumbai showed that a vast majority of women involved in the commercial sex industry were only in it out of necessity, and to earn for their children and provide them with better lives. Many of these mothers also hope to educate their children as much as possible so that they can make better lives for themselves and help their mothers out of the sex industry.<sup>29</sup> Following their mother’s wishes for their lives, the children of sex workers also have varied aspirations and dreams for their future. In a phenomenological study, the children drew themselves as police officers, collectors, nurses, engineers, and many other varied professions. Significantly, many children imagine themselves as police officers and collectors, as these are professions that have immunity to all mistreatment and harassment in the eyes of these children, due to which they aspire to be like those people.

However, here we are confronted with another harsh reality of our society. Despite the

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<sup>26</sup> H.J. Fisk, *Uncovering The Realities Of Prostitutes And Their Children In A Cross National Comparative Study Between India And The U.S.*, The University of Utah (An Unpublished Doctoral Dissertation) (2013).

<sup>27</sup> H. Adhikari, *Attachment of Stigma in Sex Workers Milieu (Family & Community): A Hindrance of Psychosocial Development of Their Children*, 1(2) *Atilim Sosyal Bilimler Dergisi*, 95 (2012).

<sup>28</sup> Indrani Sinha & Shamita Das Dasgupta, *Mothers for Sale: Women in Kolkata's Sex Trade - A Study undertaken by Sanlaap, a Non-Government Organization*, *Dasgupta Alliance* 24 (2009).

<sup>29</sup> R.L. Dalla, et al., *Children of Mumbai's Brothels: Investigating Developmental Prospects, Primary Relationships, and Service Provision* *Family Relations: Interdisciplinary Journal of Applied Family Science* 68,104, (2019) (Sept. 28, 2023, 08:20 PM) <https://doi.org/10.1111/fare.12347>.

enactment of the Right to Education (RTE) Act in 2009, which explicitly grants children of sex workers the same educational privileges, they frequently find themselves unjustly deprived of their rights. Regrettably, even after successful admission to the schools, these children often encounter various forms of discrimination emanating from both teachers and their peer groups. This deeply entrenched bias of society not only hampers their educational journey but also exacerbates the challenges they already face.

A study was conducted in 2019 to identify the factors that affect the education of the children of sex workers in Sangli, Maharashtra, and found that teasing and bullying by the peers and teachers of these children affected their experience in school and even caused some of them to drop out of school.<sup>30</sup> This is unfortunate, but expected behaviour, due to the stigma of living as a child of a sex worker. The effect of these kinds of negative peer interactions on self-efficacy reveals that low self-efficacy is associated with bullying and victimization behaviours, which in itself begins a vicious cycle of low self-efficacy and behaviours such as bullying that help the children feel more in control.

Moreover, upon closer examination, it becomes evident that the current education system inadequately caters to the specific needs of children of sex workers. There is a lack of accessibility to vocational education, a crucial avenue for skill development and empowerment. This oversight denies these children a valuable opportunity to acquire practical skills that could significantly enhance their prospects for a brighter future. Addressing these multifaceted issues is imperative in order to foster an educational environment that truly nurtures the potential of every child, regardless of their background.

Also, there have been instances where teachers have displayed disrespect and disregard for these children, exacerbating the challenges they face. The demands on teachers, already burdened, leave them with little capacity to provide the additional support and understanding these children require.

Apart from that, the children of sex workers also face various health hazards owing to the environment in which they live. The children of the sex workers experience a range of other adversities related to health. There exists a dire lack of access to necessities such as clean and potable drinking water, essential sanitation services and adequate sewerage facilities are conspicuously absent. The children suffer from nutritional deficiencies due to the scarcity of nourishing foods, compounding the daily health challenges faced by these children. Normally,

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<sup>30</sup> Akshay Sakat, *Educational Status of Children of Sex Workers in Sangli*, ResearchGate (2019) (Sept. 26, 2023, 09:20 PM) [https://www.researchgate.net/publication/331811727\\_educational\\_status\\_of\\_children\\_of\\_sex\\_worker\\_in\\_sangli/citation/download](https://www.researchgate.net/publication/331811727_educational_status_of_children_of_sex_worker_in_sangli/citation/download).

sex workers feed the newborn the food they have, which is not always nutritious, and at times it is also not good for their health.<sup>31</sup> One study from Mumbai reported that malnutrition is a common problem for the children of sex workers.<sup>32</sup> The children often suffer from water-borne diseases due to the lack of sewerage system leading to poor drainage in the area. The diseases are accentuated in the monsoon season as the carriers of vector-borne diseases multiply.

Also, the sex workers are not very concerned when it comes to immunising their children, polio drops being the exception. The children are also prone to the risks of HIV and other venereal diseases as their mothers are at high risk of HIV, and they make their children equally vulnerable to contracting the disease. The girl children are more prone to such diseases as they might be forced to enter their mother's profession at early stages in their life. The children of sex workers are prone to sexual exploitation and violence along with physical and psychological violence.<sup>33</sup> As mentioned earlier, the poor school environment, parental abandonment and psychological issues lead to their social marginalization. This issue of the emotional health of children due to the physical and verbal abuse at home remains unaddressed. Some children were even found to consume alcohol and tobacco products like *Beedis* at an early age. There were instances of drug abuse among the young children. The mental health challenges are very common for the children of the sex workers as they do not lead an ideal life as a part of a nuclear family and lack social support. Common mental health challenges include anxiety, depression, suicidal ideation, and emotional breakdowns.<sup>34</sup> They are often labelled as the Most at Risk Population.<sup>35</sup>

#### IV. SOME INITIATIVES - "A RAY OF HOPE"

In recent times, several Non-Governmental Organizations (NGOs) have taken up the crucial task of operating within red-light districts to establish and implement comprehensive child support services. Their primary objective is to combat the perpetuation of second-generation prostitution and to cultivate alternative pathways and opportunities for the children residing in these environments. However, research has illuminated that a comprehensive approach, one that encompasses both the child and their familial and broader social networks (including schools,

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<sup>31</sup> G. Pardeshi & S. Bhattacharya, *Child rearing practices amongst brothel-based commercial sex workers*, 60(7) Indian Journal of Community Medicine, 288 (2006).

<sup>32</sup> M. Kakeri, et al., *A health status review of children of commercial sex workers residing in a metropolitan city area*, 7(8) PARIPEX - Indian Journal of Research 10 (2018).

<sup>33</sup> Asm Amanullah & Md. Nazmul Huda, *A Study on the situation of Children of Sex Workers and their Children in and around Daulatdia Brothel*, ResearchGate (2012) (Sept. 27, 2023, 09:20 PM) [https://www.researchgate.net/\\_publication/292783386\\_A\\_study\\_on\\_the\\_situation\\_of\\_children\\_of\\_sex\\_workers\\_and\\_their\\_children\\_in\\_and\\_around\\_Daulatdia\\_brothel](https://www.researchgate.net/_publication/292783386_A_study_on_the_situation_of_children_of_sex_workers_and_their_children_in_and_around_Daulatdia_brothel).

<sup>34</sup> G. Ragesh, *Human Right Violations against Female Sex Workers by Police Personnel*, 2(1) International Journal of Research and Scientific Innovations, 101 (2015).

<sup>35</sup> J. Beard, et al., *Children of Female Sex Workers and Drug Users: A Review of Vulnerability, Resilience and Family-centred Models of Care*, Journal of the International AIDS Society 13 (2010).

peer groups, etc.), proves markedly more effective than addressing children in isolation. This approach not only addresses the immediate needs of the child but also takes into account the intricate web of relationships and influences that shape their development and prospects.

In the heart of Kolkata's Red Light District, Sonagachi, the children of sex workers formed their group named Amra Padatik (*"We Are Foot Soldiers"*). This collective effort operates under the umbrella of the Durbar Mahila Saamanwaya Committee. They work to gain the dignity of their mothers and establish their rights as Children of Sex Workers. There is a culture of fear and stigma associated with their lives. This organization works to make these children politically sharp citizens and decision-makers of their own lives. They participate in the decision-making and policy framing regarding the issues that concern them.<sup>36</sup>

On the other hand, small family-owned businesses in villages, towns, and communities need workers, both skilled and unskilled, to keep their businesses running. To help, Apne Aap Women Worldwide, a Non-Governmental Organisation created Mahila Mandals (Self-Help Groups) for 1500 women and girls who were at risk or had been forced into prostitution in Mumbai, Kolkata, Delhi, and Bihar. They connected them with local small businesses and even international markets. They followed several steps to set up these Mahila Mandals in each area. They started by having small group meetings and inviting people to join Apne Aap. Each member got a safe place in a community centre that Apne Aap set up right in the middle of the red-light area or slum. They also made sure that every member could send their children to the Apne Aap crèche at the community centre.

Another Non-Governmental Organisation named Kranti, founded by Robin Chaurasiya<sup>37</sup> works to empower children of sex workers aged 12-22 and other exploited women from Mumbai's infamous Red Light Area - Kamathipura. The children are taught in an unconventional manner to become agents of social change, to help them overcome their upbringing and set foot on a new path that will redeem them of all their silent sufferings. At Kranti, there is a list of endless programs relating to education, therapy, art, music etc. But the main focus is on love and compassion. The girls are encouraged to talk about what brings them down and are told to respect where they come from. It works like a healing centre where they are allowed to forget the many atrocities their innocent minds have dealt with and where they learn to forgive

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<sup>36</sup> Oishik Sircar & Debolina Dutta, *Beyond compassion: Children of sex workers in Kolkata's Sonagachi. Childhood*, 18(3) Sage Journals (2011) (Sept. 23, 2023, 09:00 PM) <https://doi.org/10.1177/0907568211408361>.

<sup>37</sup> Robin Chaurasiya is woman of Indian origin, from Indore. She is born and brought up in the United States of America. She has completed her under graduations in Psychology and Political science. She also holds a postgraduate degree in gender studies. She served as a Lieutenant in the United States Air Force for the longest of time until she was eventually kicked out for being a lesbian, under the 'Don't Ask, Don't Tell' principle.

themselves and love themselves just a little more.

“SANLAAP” is one of the largest Non-Governmental Organisations (NGOs) in West Bengal dedicated to supporting women involved in prostitution, their children, and trafficking victims. Their approach emphasizes individualized care for each child, ensuring the basic needs of every child. Through initiatives like ‘SNEHA’, established in 1993, which includes three shelter homes in Kolkata and two in other districts, houses over 150 girls, including traffic victims and those exploited commercially. ‘SNEHA’ offers comprehensive services encompassing education, mental health support, vocational training, economic empowerment, legal assistance, etc. Additionally, SANLAAP operates drop-in centres named ‘SOPAN’ in Khidirpur and Kalighat, providing non-formal and supplementary education, along with tailored vocational training for children of sex workers. The legal arm of “SANLAAP”, ‘SALAH,’ addresses the legal requirements of girls in red light areas and vulnerable situations, working tirelessly to distinguish children in prostitution from children of prostitutes. Furthermore, ‘SALAH’ conducts orientation and awareness programs for the Local Police and Border Security Forces (BSF) on matters of trafficking and sexual exploitation of girl children.

These are just a few examples before us, several other individuals, Non-Governmental Organizations, and other small groups are working for the betterment of these children at their level. Even they do face several hardships such as the unavailability of proper infrastructure facilities and other resources to sufficiently cater for the needs of the children. But we see a clear lack of interest on the part of the government and their officials to provide at least basic support to the children of sex workers.

Ultimately, we need to understand that these are some of the key factors in breaking the intergenerational cycle of sex work, poverty, and school dropout among the children of sex workers. These serve as a powerful instrument for empowering these children, offering them the capacity to make informed life choices and providing options that they would not have otherwise. Through education, they gain the necessary tools to bolster their self-confidence and foster a sense of security. Consequently, education and basic healthcare facilities contribute to the formation of a healthy community and are essential for every child’s holistic development and prosperity.

## **V. CONCLUSION**

After this comprehensive study, we found ourselves grappling with a fundamental question: do we genuinely want the situation to change? Regrettably, we were unable to provide a resounding affirmative response. From the highest echelons of government to the hallowed halls of the

judiciary, from the stalwarts of civil society to the very individuals entrusted with governance, everyone seems to possess a litany of justifications, yet none appears willing to confront the harrowing plight of the children. As a society, it is our collective failure to safeguard the best interests of these innocent children. This is something we all need to think and feel with our collective conscience.

Children are innocent by nature as Rousseau puts it “*all things are as good as their creator made them, but everything degenerates in the hands of men.*” Rousseau sought to protect and develop the pearl of goodness in children by shielding them from the deforming effects of societal institutions. Children in today’s time are most unsafe. The increasing number of cases reported in the newspaper every day of child abuse and rape has robbed children of their innocence and made them vulnerable. Charles Dickens said in *Great Expectation*, “*In their little worlds in which children have their existence, there is nothing so finely perceived and so finely felt, as Injustice.*” The primary need of every human being including children is justice. Everybody should have the right to justice.<sup>38</sup>

It is imperative to acknowledge that Children of Sex Workers are not explicitly categorized under any specific legislation or charter. Instead, they are encompassed within broader classifications such as ‘*children in difficult circumstances*’ or ‘*children from marginalized and disadvantaged communities*’. This classification, while inclusive, fails to address the unique and intricate protection concerns that these children encounter. As such, there is a pressing need to recognize and address the distinct challenges faced by this vulnerable group, ensuring tailored support and safeguarding measures.

In the recent judgement of *Buddhdev Karmaskar vs. State of West Bengal*<sup>39</sup>, the Hon’ble Supreme Court has issued guidelines for the benefit of sex workers where it directed that ‘the children of sex workers should not be separated from them only because they are in the sex trade. This judgement is a progressive one in terms of protecting the dignity of sex workers. Sex workers are part of society so are their children but due to the social stigma attached to the work, children of sex workers suffer a lot. Be it education, health, poverty, the life with dignity, they face difficulties in fulfilling even the basic needs of life. The horrifying thing is that they are at high risk of being exploited in the profession of their mother. Most mothers in sex work are illiterate, sole parents and sole earners, not having dignified lives and struggling for money. They are unable to provide their children with formal education. This situation makes them the

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<sup>38</sup> Preface - *Child Rights in India: Law, Policy, and Practice*, Oxford Academic (2012) (Sept. 28, 2023, 08:20 PM) <https://doi.org/10.1093/acprof:oso/9780195670820.002.0011>.

<sup>39</sup> *Buddhdev Karmaskar v State of West Bengal*, (2022) SCC OnLine SC 704 (India).

more vulnerable section of society. It is the responsibility not only of the government but also of civil society to come together and fight for the basic rights of children to break the shackles of illiteracy and help them come out of this vicious cycle of poverty.

Thus, the Children of Sex Workers need the full protection of the law, and the government bears a significant responsibility in ensuring their access to justice. In addition to governmental efforts, voluntary organizations, along with the active engagement of individuals, civil society and the media, wield substantial influence in advocating for these children's rights, raising awareness, and even influencing the passage of crucial legislation for the safeguarding of our children. This collective endeavour is vital in breaking the cycle and creating a safer and more nurturing environment for the children of our society.

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