

Invisible Victims, Born into Stigma: A Social Legal Analysis of the Condition and Rights of Children of Sex-Workers in India

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Abstract

Children of sex workers in India grow up carrying a burden they never chose, the weight of social stigma. From birth, their identities are tied to prejudice, leaving them vulnerable to discrimination, ridicule and systemic neglect. This not only isolates them socially but also restricts their access to basic entitlements such as education, healthcare, housing and a safe childhood. For many the risk of trafficking, sexual abuse or being pushed into the same trade looms constantly in the background. Constitutional guarantees of equality, dignity and protection along with legislations like the Juvenile Justice Act, the Right of Education Act, and the POCSO Act create a strong framework on paper. Even the supreme court have acknowledged the need to secure the rights of sex worker's children. Yet, the ground reality is that deep-rooted prejudice, poor implementation of laws, and lack of rehabilitation structure continue to deny them justice. Alongside legal analysis, this study also looks at the work of NGOs, community initiatives and international obligations under the UNHRC, which together highlight both progress and gaps.

Keyword: Children of sex workers, stigma, constitutional rights, child protection, social exclusion

AIMS AND OBJECTIVES

The aim of this research paper is to critically examine the socio-legal challenges faced by the children of sex workers in India. It also aims to highlight the living conditions, educational opportunities and societal treatment of such children and propose recommendations for strengthening the legal, institutional and social mechanisms to safeguard the interests of these children.

HYPOTHESIS

The social stigma attached to all the profession of the sex workers directly impacts their children in all fields of life. Despite the existence of constitutional safeguards, child rights laws and judicial intervention in India, children of sex workers continue to be "invisible victims".

RESEARCH QUESTIONS

1. What is the socio-legal condition and rights of the children of sex workers and how effective is the law to overcome stigma.
2. How does the phenomenon like the Sonagachi Syndrome illustrate the intergenerational impact of sex worker on their children.

3. What does the surveys and empirical data suggest about public attitudes towards children of sex workers and how do these perceptions reinforce or challenge their marginalization.

RESEARCH METHODOLOGY

The present research adopts a socio-legal approach with empirical methods. The study examines the social realities and provides the recommendations to overcome it.

MODE OF CITATION

The researcher has followed the Oxford standard for the Citation of legal Authorities (OSCOLA), 4th edition for all references in this paper.

Introduction

In the crowded alleys of India's red-light areas, the childhood is rarely innocent. For the children of prostitutes, the playground is often the street outside a brothel, their lullabies mixed with the noise of trade, and their first lessons are shaped by stigma rather than schooling. Unlike other children they not only inherit their mother's blood but also society's prejudice, which follows them into classroom, hospitals and even courts of law. They are the invisible victims of a system that punishes them for circumstances of birth.

The problem they face are not confined to poverty alone. These children grow up under constant social scrutiny, bullied in schools, denied admissions altogether, or branded with labels that crush their self-worth¹. Many are forced to drop out of education and drift towards child labour, petty crimes or worse into sex trade itself. Girls, in particular are subjected to double burden of gender discrimination and inherited stigma which leaves them vulnerable to trafficking and abuse. Boys are not spared either, they are often stereotyped as delinquents or left to fend for themselves without guidance. The emotional burden is heavy, feeling of shame, being cut off from others and confusion about who they are often shape their identity long before they even grow up.

Their plight raises important legal questions. Indian constitution promises equality, dignity and protection for every child under Article 14, 15, 21 and 39(f). Laws such as the Juvenile Justice Act, the right to education act, and POSCO are designed to act as safeguards. Yet for these children, these promises remain distant, more ideal on paper than realities on the ground. Judicial interventions and NGO initiatives have created rays of hope, but systemic bias, weak implementation, and lack of rehabilitation measures keep the cycle unbroken.

Historical background

In ancient India, the children of prostitutes occupied an uncertain and often marginalised position. The status of these children depended largely on the mother's social standing. While the offspring of elite courtesans or ganikas sometimes received education and patronage, those of lower-class prostitutes were denied recognition and inheritance². Religious texts like the Manu Smriti and Narada Smriti branded them as mixed caste (varna-Sankara), restricting their social mobility. Daughters were often pushed into their

¹ Sibnath Deb, *Education for Children of Commercial Sex Workers (CSWs): A Community-based Participatory Approach* (Keynote Presentation, Rajiv Gandhi National Institute of Youth Development, 2020) https://rgniyd.gov.in/sites/default/files/academic_pdf_publication/Education%20for%20Children%20of%20Commercial%20Sex%20Workers-final.pdf accessed 5 September 2025

² Diya Padiyar, "The History of Sex Work in India", Global Indian Network (10 October 2023) <https://globalindiannetwork.com/the-history-of-sex-work-in-india/> accessed 5 September 2025

mother's profession, while sons without support lived on the fringes of society. Even within systems like the Devadasi tradition, children carried the stigma of illegitimacy despite living under temple patronage. Over time, as caste hierarchies hardened, their marginalised deepened, creating a cycle of exclusion that echoes into modern times.

1. Social Exclusion and stigma

Children born to sex workers often endure severe social marginalisation from an early age. They face rejection from peers, schools and neighbourhood.³ One of the most harrowing issues is the constant exposure to danger and neglect, especially for young girls nearing puberty. In Kolkata's red-light district of Kalighat, children are often left unsupervised.

2. Psychological distress and emotional trauma⁴

The persistent racism inflicts lasting emotional harm. These children are often subjected to profound identity crisis as their legitimacy and future are doubted even before they can understand their circumstances. The fragile environment of these red-light areas along with the violence and narcissism further compromise their psychological development which limits their growth.

Children of female sex workers in Karnataka : Situational realities and hidden vulnerabilities

The investigation conducted in collaboration with local NGO involving 385 children (186 girls and 199 boys) between the ages of 10 and 25 reveals wide spread social isolation, unmet basic needs and emotional distress.⁵

Educational disruption and socioeconomic hardships

Nearly 46.3% children had dropped out of school, reason being the financial hardships and the burden of household responsibilities to emotional distress rooted in societal humiliation. Over 60% are engaged in unskilled labour, underling limited opportunities for advancement and increased labour exploitation risk.

Stigma, Health risks and social alienation

A total of 51.5% of children reported experience of societal humiliation, which eroded their self-esteem and mental health. The health indicators were equally alarming, approximately 15% of the children were HIV positive reflecting the dangerous conditions and inadequate access to healthcare.⁶

Legal Vulnerability and Family Dynamics

Over 21.6% had been involved in police cases, underscoring the need for legal protection and support mechanisms. Many mothers entered sex work as teenagers and thus possessed low or no education, earned small incomes which reduced their livelihood opportunities.

³ Megan España, Sharvari Karandikar, Rebecca J. McCloskey & Rebecca Reno, *The Journey through Sex Trafficking, Motherhood, and Building Resilience: A Qualitative Study among Women Living in Kamathipura Red-light Area*, ResearchGate (publication no. 349718471)

https://www.researchgate.net/publication/349718471_The_Journey_through_Sex_Trafficking_Motherhood_and_Building_Resilience_A_Qualitative_Study_among_Women_Living_in_Kamathipura_Red-light_Area accessed 7 September 2025.

⁴ D C Nanjunda and S Jyothi Lakshmi, *Children of Female Sex Workers: A Study of Situation and Vulnerability in Karnataka* (Artha – Journal of Social Sciences, vol 23, no 4, December 2024) 81–103 https://www.researchgate.net/publication/394270834_Children_of_Female_Sex_workers_A_Study_of_Situation_and_Vulnerability_in_Karnataka accessed 2 September 2025.

⁵ D C Nanjunda and S Jyothi Lakshmi, *Children of Female Sex Workers: A Study of Situation and Vulnerability in Karnataka* (Artha – Journal of Social Sciences, vol 23, no 4, December 2024) <https://journals.christuniversity.in/index.php/artha/article/view/5424> accessed 12 September 2025.

⁶ J Beard, G Biemba, M I Brooks, J Costello, M Ommerborn, M Bresnahan, D Flynn and J L Simon, 'Children of Female Sex Workers and Drug Users: A Review of Vulnerability, Resilience and Family-Centred Models of Care' (2010) *Journal of the International AIDS Society* 13 Suppl 2 S6 <https://pmc.ncbi.nlm.nih.gov/articles/PMC2890975/> accessed 12 September 2025

National level estimate

According to estimates from the Ministry of women and child development (2004) which was published in 2014, India has around 2.8 million sex workers, out of which 36% are children. The report also provided detailed state and union territory level estimates, revealing significant regional variation for instance Andhra Pradesh accounted for about 320,024, Karnataka had around 200,701, Maharashtra approximately 401,300 and Tamil Nadu about 303,750 individuals involved in prostitution.⁷

Furthermore about 80% of the children of sex workers are concentrated in five metropolitan cities namely Mumbai, Delhi, Chennai and Bangalore.⁸

North Karnataka Study (2019)

A detailed study conducted in North Karnataka (2019), involving 809 identified female sex workers, found that 85% reported having at least one child, with median number of children being two per worker.⁹

Andhra Pradesh Data (2006)

In a study conducted in Andhra Pradesh in 2006 with 5,102 female sex-workers, 76.7% reported having at least one living children and the average number of children was 2.2 per worker.¹⁰

Sonagachi Syndrome

In Sonagachi, Kolkata's largest red-light district children born to sex workers face layers of disadvantage like stigma, discrimination, interrupted or limited schooling, threat of being swept up in "rescue" operations without their consent or family involvement and the economic precarity of their mothers which often forces them into supporting roles or responsibility at an early age. However, these children are also asserting their rights, forming collectives such as Amra Padatik ("We are foot soldiers") demanding dignity for their mothers and claiming citizenship and voice rather than being passive recipients of pity. Education initiatives led by the sex worker community are helping many children access mainstream schooling and other opportunities. The picture is thus mixed: severe challenges, but also resilience, community agency and hope.¹¹

Conditions of CHILDREN OF SEX -WORKERS

Information about the lives of children of sex workers is very limited across the world. Only a few studies highlight their health conditions or educational opportunities.

Although the Right to Education Act, 2012 reserves 25% of seats in schools for socially disadvantaged children, it is unclear how far this promise has been fulfilled.¹²

⁷ Ministry of Women and Child Development, *Resettlement Scheme for Sex Workers* (Press Information Bureau, Government of India, 7 February 2014) <https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=103218> accessed 3 September 2025.

⁸ Sonal Pandey, *Trafficking of Children for Sex Work in India: Prevalence, History, and Vulnerability Analysis* (Explorations, e-journal of the Indian Sociological Society, vol 2, no 1, April 2018) 21-43 https://www.researchgate.net/publication/327744199_Trafficking_of_children_for_Sex_Work_in_India_Prevalence_History_and_Vulnerability_Analysis accessed 3 September 2025.

⁹ Prakash Javalkar et al, 'What Determines Violence Among Female Sex Workers in an Intimate Partner Relationship? Findings from North Karnataka, South India' (2019) 19 *BMC Public Health* 350 <https://doi.org/10.1186/s12889-019-6673-9> accessed on 3 September 2025.

¹⁰ D Dandona, L Dandona, G A K Kumar et al., *Demography and Sex Work Characteristics of Female Sex Workers in India* (2006) 6 *BMC International Health and Human Rights* 5 <https://doi.org/10.1186/1472-698X-6-5> accessed on 3 September 2025

¹¹ Oishik Sircar and Debolina Dutta, 'Beyond Compassion: Children of Sex Workers in Kolkata's Sonagachi' (2011) 18(3) *Childhood* 333.

¹² Sibnath Deb, 'Education for Children of Commercial Sex Workers (CSWs): A Community-based Participatory Approach' (Rajiv Gandhi National Institute of Youth Development, Ministry of Youth Affairs and Sports, India).

In reality, many children of sex-workers struggle to access education. For example, while children from poor families who attend school receive mid-day meals, most children of sex-workers miss out on both education and this government support.

Nutrition is a major concern. Many sex-workers feed their babies whatever food is available, which is often not nutritious and can even harm the child's health. Studies from Mumbai show that malnutrition is widespread among these children.

Immunization is another neglected area, many receive only partial vaccination or none at all, leaving them exposed to preventable diseases.

Social support for these children is minimal. Most grow up with only their mothers, as families are absent. The sex-workers undergo multiple pregnancies and medical termination which ultimately affect their health and the health of their children. Initially, they avoid having children, fearing it may affect their work. But over time, many wish for children to reduce loneliness and to have a sense of family.

In Bangladesh, studies have shown that children of sex-workers face serious health risks such as birth defects, stillbirths, illnesses and neonatal deaths. These problems are linked to poor maternal health, malnutrition, substance abuse, lack of breastfeeding, and continued sex work during pregnancy.

Education is another huge challenge. Many children cannot enrol in schools because they lack birth certificates or because schools demand the father's name, which is often unknown. Clients usually refuse to acknowledge paternity, and mothers often conceal their profession due to stigma. As a result, many children are excluded from education altogether. Even those who manage to get admission often do so by using someone else's name as the father.

Further, these children face financial struggles, bullying and discrimination in schools. At home they also lack a proper study environment, especially in the evening when their mothers are working.

Psychological Well-being of children of sex-workers

The children of sex workers face multiple factors which negatively affect their mental health, including separation from parents, sexual abuse, early sexual experience, low school enrolment, exposure to their mother's interactions with clients and social stigma. Boys from such background are at risk of becoming criminals, drug users or developing suicidal thoughts and in some cases even attempting suicide due to their harsh life circumstances. Frequent police raids in red-light areas add to their trauma.¹³

The NHRC RECOMMENDATIONS

The NHRC Open House Discussion suggested many steps to ensure dignity and equal opportunities for children of sex workers and those from marginalized communities. One of the most important recommendations was to extend free and compulsory education up to 18 years and setting up safe learning spaces like classrooms within brothel areas or "Dream Villages" and making school admissions easier by allowing the use of a guardian's name instead of insisting on both parent's name.

The discussion also stressed that these children need care that goes beyond protection, focusing instead on their rights with personal care plans, family-based support and privacy in sensitive matters such as teenage pregnancies.

¹³ D C Nanjunda and S J Lakshmi, *Children of Female Sex Workers: A Study of Situation and Vulnerability in Karnataka* (2019) Artha – Journal of Social Sciences 18(4) 81
https://www.researchgate.net/publication/394270834_Children_of_Female_Sex_workers_A_Study_of_Situation_and_Vulnerability_in_Karnataka accessed 12 September 2025.

Existing government schemes like Mission Vatsalya and the SMILE Scheme should be implemented more effectively so that children get proper rehabilitation and family support . Legal reforms were also highlighted , including stronger protection under the Bhartiya Nyaya Sanhita , stricter action against child labour , and changes in documentation so that the mother's or guardian's name is enough for official records .

On the social side , the community programs like "Police Pathshala" to build trust with authorities and safe environments that help break the cycle of intergenerational sex work. Finally, to protect the children in the digital world by ensuring quick removal of harmful content and enforcing privacy safeguards so that these children can grow up with dignity and equal chances in life .¹⁴

Empirical Insights into the Condition of Children of Sex Workers

In a survey conducted for this research paper , which was filled out by 120 participants ranging in age from 17 to 82 years, included a diverse group of respondents such as students, academicians, advocates, etc . It aimed to assess their knowledge and opinions on the conditions and lives of children of sex workers. In response to the question, "*Are you aware of the issues faced by the children of sex workers?*" 61% of the participants stated "Yes," showing a significant level of awareness. Meanwhile, 28% responded "Somewhat," indicating partial knowledge, and 11% answered "No," reflecting a lack of awareness. These results suggest that although many respondents recognize the challenges faced by these children, understanding often remains incomplete, highlighting the need for greater awareness and sensitization across different sections of society.

When asked a question to public for their opinion on whether children of sex workers should study alongside their own , the responses revealed both acceptance and underlying hesitation . While a majority of 63.6% welcomed the idea without any concern , a significant portion 29.7% agreed but concerns , indicating that despite their willingness , deep -seated biases and apprehension remain . A smaller percentage ,3.4% were uncertain and another 3.4% openly opposed the idea , further reflecting the stigma attached to this issue . These 'concerns' highlight that social prejudice continues to influence attitudes ,suggesting that while integration is largely supported , meaningful efforts are still required to address and reduce societal fears and stereotypes.

To understand the social behaviour of children of sex workers , the survey revealed , that 61.2% of respondents believed these children usually hide their identity , reflecting the strong stigma and discrimination associated with their background . Another 32.8% felt that they might conceal it depending on circumstances , while only 6% believed they do not hide their identity at all . This data highlights how the fear of social exclusion and judgement compels many children of sex workers to suppress their true identity , underscoring the deep-rooted prejudices that continue to shape their lived experiences.

The survey demonstrates the overwhelming presence of prejudice faced by children of sex workers inn society . A vast majority 84.7% of respondents , agreed that these children face social stigma because of their parent's profession , while 11.9% acknowledged that such stigma is experienced sometimes and only 3.4% denied its existence altogether .This overwhelming consensus highlights that discrimination against these children is not an isolated perception but a deeply entrenched social reality , which continues to marginalise them and limit their opportunities for equal acceptance and growth.¹⁵

¹⁴ National Human Rights Commission, '*Minutes of the meeting of the Open House Discussion on the Rights of Children of Sex Workers and Children from Marginalized Communities*' (Open House Discussion, New Delhi, 30 September 2024).

¹⁵ Gaurav Jain v. Union of India AIR 1997 SC 114

JUDICIARY'S TAKE ON THE RIGHTS OF THESE CHILDREN

In the case of **Gaurav Jain v. Union of India**, a PIL was filed concerning the rehabilitation of children of sex workers. The court did not rule in favour of the petitioner. It held that establishing separate schools and hostels exclusively for these children could not be deemed necessary. However, it emphasized that children should not be left in an unsafe environment where girl children might face harassment or abuse. The judgement further affirmed that it is the responsibility of the state, along with NGOs, to assist in the rehabilitation of sex workers and their children, ensuring they can live with dignity, access education, receive financial support and be protected from returning to prostitution.

Suggestions And recommendation

The most important step society must take for the children of sex workers is to eliminate stigma, prejudice and discrimination, which continue to marginalize and isolate them. These children deserve equal access to quality education in a safe, inclusive and discrimination-free environment, as education is the strongest tool to break the cycle of poverty and exploitation, as education is the strongest tool to break the cycle of poverty and exploitation. For instance, the Apne Aap Women Worldwide initiative in Bihar and Delhi has successfully enabled children of sex workers to access schools by helping them get admission without disclosing their parentage. Similarly, the Udaan initiative in Delhi has provided scholarship and skill training to young girls from red-light areas, helping them imagine futures beyond the trade.

Society must recognize that children should not be judged or condemned because of their parent's profession, rather they should be accepted simply as children with the same rights, aspirations and potential as any other. It is crucial to provide them with respect, a healthy upbringing, safe shelter, nutrition, healthcare and psychological support while ensuring they are not constantly identified or stigmatized as "children of sex-worker"¹⁶. In Sonagachi, Kolkata, The Durbar Mahila Samanwaya Committee has shown how stigma can be reduced when communities themselves step in. DMSC not only runs educational program for sex worker's children but also conducts awareness campaigns in surrounding neighbourhoods encouraging people to treat these children with respect.¹⁷

Strong awareness campaigns, welfare centric government schemes such as Ujjawala and social support systems must be effectively implemented to safeguard their dignity and promote equality. By fostering acceptance, spreading awareness and treating them as an integral part of the community, society can ensure that these children live without prejudice, access their fundamental rights and build a secure, dignified and hopeful future.

Legally, the first step is to ensure that these children are not invisible in the system. They must be recognised as a vulnerable group deserving of special support in education, healthcare and social welfare. Every child deserves an identity and documents like birth certificate or Aadhaar cards should be issued without making them disclose their mother's profession or father's name. Their dignity should never be tied to stigma.

Alongside this, safe spaces like hostels, residential schools and community centres should be created where children feel secure, supported and free to grow. Psychological support is equally essential, many of these children carry hidden wounds of rejection, neglect and they need counsellors and social workers who can listen and help them heal.

¹⁶ National AIDS Control Organisation (NACO), *Annual Report 2020–21* (Ministry of Health and Family Welfare, Government of India 2021) <https://www.naco.gov.in> accessed 12 September 2025.

¹⁷ Smarajit Jana and others, 'Sonagachi Project: A Sustainable Community Intervention Program' (2004) 16 *AIDS Education and Prevention* 5, 405.

Along with formal schooling, vocational training should also be provided to help them attain economic independence at an early stage and reduce their vulnerability to exploitation. Children of sex worker must be given opportunities that can help them stand on their own feet. Skill development, job training and even small entrepreneurship programs can give them a path to independence.

In Kamathipura, Mumbai NGOs like Kranti have worked with daughters of sex workers, training them in leadership, theatre and entrepreneurship. Some of these girls have gone on to study abroad, breaking barriers that once seemed impossible.

Ultimately, improving the conditions of these children is about giving them what every child deserves – dignity, safety, love and a fair chance to succeed. If society learns to look past prejudice and laws step in to actively protect their rights, we can break the cycle of stigma and exploitation. These children are not doomed to repeat the lives of their parents, with the right support, they can grow into doctors, teachers and artists. The real test of our society lies in whether we can see them not as “children of sex workers” but simply as children, deserving of everything childhood should bring.

Conclusion

The condition of children of sex workers highlights stark intersection of poverty, social stigma and systemic neglect. Despite constitutional guarantees of equality, dignity and the right to education, these children continue to face exclusion, discrimination and denial of opportunities that are otherwise available to their peers. While judicial interventions and policies have acknowledged their vulnerabilities, implementation remains fragmented, leaving them vulnerable to cycle of exploitation, illiteracy and marginalization.¹⁸

Recognizing their rights not as charity but as enforceable entitlements is essential for real change. Access to quality education, healthcare and social security, combined with robust rehabilitation and protection mechanisms, must be prioritised. Moreover, the state and society must work collectively to dismantle the prejudice that attaches to their identity, ensuring that children are not judged by their parent's profession. Empowering these children through inclusivity, legal safeguards, and community-based interventions is the only way to secure for them the dignity and opportunities they deserve, thereby fulfilling the true spirit of justice and equality envisioned under the Indian constitution.

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