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FROM MARGINS TO MAINSTREAM: OVERCOMING EDUCATIONAL AND SOCIAL BARRIERS FOR CHILDREN OF SEX WORKERS IN INDIA

Abstract:

The Children born to sex workers in India occupy vulnerable social and educational positions in society. They are victims of structural discrimination, legal ambiguity, and economic destitution, they are often even denied access to basic rights, particularly education. While Indian Constitution provides for equality before law (Article 14), free and compulsory education (Article 21A), and the protection of children and weaker sections (Articles 15(3), 39(e)-(f) and 46), but these guarantees remain largely unfulfilled in practice.

This paper combats the educational and social exclusions of such children with an interdisciplinary approach of constitutional analysis and empirical evidence from field studies, NGO reports, and jurisprudence. It also examines how stigmas, institutional exclusions, and the absence of affirmative policies make the group marginalised.

The paper provides for solutions through enforcement of constitution articles, case precedents, case studies of red-light areas and policies, challenging state agents, teachers, and civil society to envision each child's dignity, irrespective of their parentage.

Key Words: Marginalisation, Inclusion, Equality, Social Barriers and Enforcement.

(Article 15(3)), the right to education (Article 21A), and directives for uplifting weaker sections (Article 46), these children continue to be excluded from the very systems which was designed to empower them.¹

The scale of this issue is urgent, with Conservative estimates suggesting India has over three million sex workers.² A research by the National Human Rights Commission (NHRC) in 2017 established that children of red-light areas have greater school dropouts, are humiliated at school, and frequently face police harassment or custodial violences.³ They even lack basic documents such as birth certificates or Aadhaar cards, depriving them of their education, health, and government schemes.⁴

Teachers and peers are often seen treating these children as ‘contaminated’ by a presumed immorality of their mothers’ profession.⁵ As a result, many of these children either conceal their identities or drop out early to avoid being ridiculed, particularly from urban slums.⁶

The law, while being progressive in letter, remains conservative in implementation. Despite the presences of several acts like the Protection of Children from Sexual Offences (POCSO) Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015, children of sex workers are rarely recognized as a vulnerable group in policies. They fall through the cracks of schemes aimed at the urban poor or Scheduled Castes/Tribes, because their primary marker of being born to a sex worker, is neither documented nor institutionally recognized.⁷

¹ The Constitution of India, Articles 14, 15(3), 21A, 39(e)-(f), 46. Government of India.

² National AIDS Control Organisation (NACO). *India HIV Estimations 2020: Technical Report*. Ministry of Health and Family Welfare, Government of India, 2021.

³ National Human Rights Commission (NHRC). *A Study on the Situation of Children of Sex Workers in India*. New Delhi: NHRC, 2017.

⁴ Apne Aap Women Worldwide. *Invisible Lives: Education and Access to Services for Children of Sex Workers*. Field Report, 2020.

⁵ Sharma, R. “Stigma in Schools: Children of Marginalized Communities in Urban India.” *Journal of Education and Society*, vol. 11, no. 2, 2018, pp. 47–63.

⁶ Prerana. *Barriers to Education for Children in Red-Light Areas*. Mumbai: Prerana Trust, 2019.

⁷ National Commission for Women. *Status of Women and Children in Red Light Areas of India*. NCW Report, 2018.

This paper addresses this silence. It seeks to map the lived experiences of children of sex workers through a legal-empirical lens and raise critical questions: How can India's constitutional promise of justice and dignity be extended to these children? What are the challenges facing the implementation of inclusive education policies? What community-based models are already emerging as successful? What is the state, judiciary, and civil society's role to play?

In answering these questions, this report aims not simply to prescribe the problem but to invoke a transformation of the system—one that recognizes that all children, regardless of heritage, are owed equal dignity, educational possibility, and full citizenship rights.

1. Understanding the Ground Reality

The children of sex workers in India are not merely socio-economically disadvantaged; they are institutionally invisible. Despite occupying a demographic that is acutely vulnerable, they seldom figure in national surveys or government databases, resulting in the erasure of their needs from mainstream education policy. To understand their exclusion, one has to begin by studying the empirical facts which mark their day-to-day life.

1.1 Demographic and Educational Landscape

India is estimated to have over 3 million sex workers, concentrated in major urban red-light districts such as Mumbai's Kamathipura, Delhi's GB Road, and Kolkata's Sonagachi.⁸ Many of these women are migrants, trafficked persons, or individuals pushed into sex work due to poverty and abandonment. Their children numbering in hundreds of thousands lived either in brothels, makeshift lodgings nearby, or shelters managed by NGOs. A 2019 Prerana Trust

⁸ National AIDS Control Organisation (NACO). *India HIV Estimations 2020*. Ministry of Health and Family Welfare, Government of India, 2021.

report in Mumbai places the estimate that over 70% of kids in red-light districts do not complete secondary school.⁹

Admission is generally marred with documentation gaps of their birth certificates, residency proof, or parents' identification making normal admission requirements for schools were absent for the majority of children. As per a survey done by Apne Aap Women Worldwide in Bihar and Delhi, 62% of sex workers' children had no official identification and therefore did not qualify for RTE Act benefits or midday meals.¹⁰

1.2 School-Based Exclusion and Stigma

Even when they are enrolled, such children undergo institutionalized discrimination at school. Teachers, unaware or biased, are bound to treat them as morally "stained" because of their mothers' vocation. Stigma comes in insidious modes—seating assignments separating them, hesitation to involve them in group tasks, and fewer amounts of teacher attention.¹¹ Peer bullying encouraged by social stigmas, creates an environment that is psychologically hostile.

A 2018 ethnographic survey in Kolkata's red-light districts found that sex workers children were 3.5 times more likely to be expelled or suspended from school due to alleged behavioural issues, despite similar academic performance compared to other students.¹²

1.3 Domestic Instability and Economic Pressures

⁹ Prerana. *Barriers to Education for Children in Red-Light Areas*. Mumbai: Prerana Trust, 2019.

¹⁰ Apne Aap Women Worldwide. *Invisible Lives: Education and Access to Services for Children of Sex Workers*. Field Report, 2020.

¹¹ Sharma, R. "Stigma in Schools: Children of Marginalized Communities in Urban India." *Journal of Education and Society*, vol. 11, no. 2, 2018, pp. 47–63.

¹² Basu, P. "Shadow Learners: Exclusion and Resilience in Kolkata's Red-Light Areas." *Indian Journal of Child Development*, vol. 6, no. 1, 2018, pp. 19–34.

School attendance is further disrupted by unstable and unsafe home conditions. The majority of children develop in tiny brothel rooms shared with clients, and they are exposed to sexualized environments at an early age. For adolescent girls, the chance of being coerced into the trade is remarkably high. Save the Children (2017) indicated that nearly 45% of 13–18-year-old girls in red-light districts were exposed to pressure to generate income for the family, which pushed them to begin work or trafficking early.¹³

Economic insecurity also forces the majority of boys from school to get into informal work—street vending, mechanic workshops, or drug selling. Early entry into the labor market truncates their schooling and traps them in poverty cycles.

1.4 Health, Nutrition, and Identity Barriers

Malnutrition, poor sanitation, and lack of access to medical care are common in red-light areas. Kids in brothel settlements are 2.8 times more likely to have chronic malnourishment than urban slum peers, a UNESCO report (2014) indicates.¹⁴ This immediately affects cognitive ability and school performance.

The absence of any registration of birth—a right under both the UN Convention on the Rights of the Child (Article 7) and India's Civil Registration System—is to disown citizenship to numerous children. To deny citizenship is to deprive them of Aadhaar, ration cards, school admission, scholarship, and even admission into juvenile justice guarantees.¹⁵

1.5 Psychological Toll and Aspirational Collapse

¹³ Save the Children India. *Vulnerability Mapping in Red Light Areas of India*. New Delhi: SC India, 2017.

¹⁴ UNESCO. *Teaching and Learning: Achieving Quality for All – EFA Global Monitoring Report 2014*. Paris: UNESCO Publishing.

¹⁵ National Commission for Protection of Child Rights (NCPCR). *Children Without Identity: A Study of Birth Registration in Marginalized Areas*, 2019.

Aside from material deprivation, the worst is its psychological impact. Chronic exposure to violence, stigma, and monitoring results in what psychologists would term "aspirational collapse"—loss of hope that there might be something better. A qualitative survey by the Centre for Equity Studies (2020) reported that over 60% of adolescent girls residing in brothel households had suicidal tendencies or clinical depression but less than 2% had ever accessed mental health interventions.¹⁶

Lack of safe spaces—in their homes and in school—leaves these children emotionally isolated and socially fragmented. This psychic harm often goes unseen but perdures into their future academic achievement, social trust, and civic engagement

2. Legal and Constitutional Framework

2.1 Equality, Dignity, and Non-Discrimination

Article 14 of the Constitution guarantees equality before the law and equal protection of the laws to everyone.¹⁷ It includes equality for the historically disadvantaged groups. This is also complemented by Article 15(3), which authorizes the state to make special provisions for women and children and take affirmative action in their interests.¹⁸

In *Anuj Garg v. Hotel Association of India* (2008), the Supreme Court ruled that any classification which continues historical discrimination violates the principle of equality under the constitution.¹⁹ Applying the same reasoning, the exclusion of children of sex workers whether by design must be seen as a violation of **Article 14 and 15(3)**, demanding proactive state intervention.

¹⁶ Centre for Equity Studies. *Living on the Edge: Mental Health of Adolescents in Sex Worker Households*, 2020.

¹⁷ Constitution of India, Article 14.

¹⁸ Constitution of India, Article 15(3).

¹⁹ *Anuj Garg v. Hotel Association of India*, (2008) 3 SCC 1.

Furthermore, Article 21 interpreted in *Maneka Gandhi v. Union of India* (1978), includes not only the right to life but also **the right to live with dignity**.²⁰ This becomes essential in the context of children of sex workers, who are systematically denied dignity through social stigmas and educational exclusion.

2.2 Right to Education and State Responsibility

Article 21A enacted by the 86th Amendment, grants for free and compulsory education to each child between 6 to 14 years of age.²¹ This becomes law through *the Right of Children to Free and Compulsory Education (RTE) Act, 2009*.

The Court declared that "education is a preparation for life". This landmark case obliges the state to go beyond tokenism and put in place institutional mechanisms by which education is made available both in form and in substance. In *Unnikrishnan J.P. v. State of Andhra Pradesh* (1993), the Supreme Court made education as a right derived from Article 21, thus forming the foundation to Article 21A.²²

But even these advances, for all that they have done, have been patchy in implementation. Schools in red-light areas are, physically or administratively, non-existent or non-operational. In *Bachpan Bachao Andolan v. Union of India* (2010), the Court reiterated that identification and admission of children from vulnerable groups are the responsibility of the state.²³ Their failure to do so, in children of sex workers, is dereliction of constitutional duty.

2.3 Directive Principles and Socio-Economic Justice

²⁰ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

²¹ Constitution of India, Article 21A.

²² *Unnikrishnan J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645

²³ *Bachpan Bachao Andolan v. Union of India*, (2010) 7 SCC 575.

DPSP's though non-enforceable, provides guidance in framing policies. Article 39(e) and (f) call upon the state to ensure that **children are not forced by economic necessity** and that they are given **opportunities and facilities to develop in a healthy manner**.²⁴

Article 46 provides for the promotion of the **educational and economic interests of the weaker sections**, particularly of Scheduled Castes and Scheduled Tribes. While children of sex workers are not a constitutionally recognized category, their conditions are often comparable or worse than those of statutorily protected groups.

The **Supreme Court in *Olga Tellis v. Bombay Municipal Corporation (1985)*** held that economic compulsion cannot be a valid reason to deprive individuals of their fundamental rights.²⁵ This logic squarely applies to children forced to drop out of school due to economic deprivation and social stigma associated with their background.

2.4 Protective Statutes and Judicial Endorsement

A range of child-centred legislation complements constitutional mandates. The *Juvenile Justice (Care and Protection of Children) Act, 2015* considers children living in brothels or at risk of abuse as "children in need of care and protection", necessitating for state intervention, rehabilitation, and education.²⁶

Similarly, the *Protection of Children from Sexual Offences (POCSO) Act, 2012* promotes child-friendly process and recognizes the vulnerability of children in unsafe homes.

In *PUCL v. Union of India (2001)*, the Supreme Court transformed the **right to food into an enforceable right**, asserting that state inaction in delivering welfare schemes is unconstitutional.²⁷ Applying this reasoning, denial of midday meals or school admissions due

²⁴Constitution of India, Article 39(e)-(f), Article 46.

²⁵ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

²⁶ *Juvenile Justice (Care and Protection of Children) Act, 2015*, Section 2(14)

²⁷ *People's Union for Civil Liberties v. Union of India*, (2001) Writ Petition (Civil) No. 196 of 2001.

to lack of documents violates not only statutory but constitutional rights, particularly in the case of children of sex workers.

3. Case Studies

3.1 Mumbai – PRERANA: Night-Care Shelters and Intergenerational Change

Mumbai, home to **Kamathipura**, one of India's oldest red-light districts, is also the operational base for **Prerana**, an NGO that has pioneered child protection in brothel areas since 1986. Its Night-Care Centre (NCC) approach is a safe and non-sexualized space that provides children with a nightly haven of safety—when exposure to risk is most elevated.

With the help of legal support, education sponsorship and hostel-based programs, Prerana has integrated over 2,500 children into mainstream education, many of whom have subsequently undertaken higher studies and vocational training.²⁸ Its campaign also led to policy changes such as the declaration of red-light children as "in need of care and protection" under the JJ Act, forcing the Maharashtra government to accord them top priority in state rehabilitation programs.

A 2017 evaluation by TISS stated that children in Prerana schemes were 75% more likely to reach secondary education compared to peers who remained in brothel residences.²⁹

3.2 Kolkata – SANLAAP: Residential Education and Psychosocial Support

Kolkata's Sonagachi red-light area is Asia's largest, housing thousands of sex workers and their kids. Sanlaap, established in 1987, runs residential homes for sexually exploited minor girls who were rescued and children of sex workers.

Sanlaap education system helps in life skills training, mental health, and arts-based therapy, recognizing trauma as a barrier to learning. The Centre for Studies in Social Sciences

²⁸ Prerana. *Night Care Centre Impact Report*. Mumbai: Prerana Trust, 2020.

²⁹ Tata Institute of Social Sciences (TISS). *Evaluation of Brothel-Based Interventions in Mumbai*, 2017.

(CSSSC) studied that they found the girls in Sanlaap residential schools were scoring 20–30% more in state board examinations compared to those studying at municipal schools without the additional support.³⁰

Moreover, their policy advocacy has influenced child welfare committees to **interpret the JJ Act proactively**, ensuring that red-light children are not sent back into abusive environments.

3.3 Delhi – APNE AAP: Empowerment Through Education and Legal Literacy

Delhi’s **GB Road** is marked not only by vulnerability but also by increasing grassroots mobilization. Apne Aap Women Organisation works with women in prostitution and their children, with a focus on community schooling and legal empowerment.

Through a “Ten-Asset Model”, the NGO links children to school by facilitating for their Aadhaar enrollment support, school transfer certificates, and ensuring access to midday meals. Apne Aap has enabled admission of over 1,800 children in government schools and skill centers in Delhi and Bihar up to 2020.³¹

They also file strategic litigation and RTI petitions to hold local authorities accountable. A landmark success involved a 2018 PIL that compelled Delhi’s Directorate of Education to issue a circular waiving ID requirements for children of sex workers under the RTE Act.³²

3.4 Pune – Saheli HIV/AIDS Karyakarta Sangh: A Health-Education Interface

³⁰ Centre for Studies in Social Sciences (CSSSC). *Educational Attainment in Vulnerable Populations: The Case of Red-Light Districts*, Kolkata, 2018.

³¹ Apne Aap Women Worldwide. *Annual Impact Report*, Delhi, 2020.

³² Delhi High Court Order in *Apne Aap v. Government of NCT Delhi*, W.P. (C) No. 2245/2018.

In Pune, Saheli, a community-based women sex workers' organization, integrates prevention of HIV with education. The model engages with HIV-positive women's children through bridge schooling and health check-ups.

Through collaboration with the National AIDS Control Organisation (NACO), Saheli's initiative managed to reduce dropout for HIV-positive sex workers' children by 40% between the years 2015 and 2019.³³

Saheli also works in partnership with Pune Municipal Corporation to conduct teacher-sensitization workshops, which have been observed to yield positive effects in reducing classroom stigma, according to a 2019 Maharashtra State AIDS Control Society report.

3.5 International Models

3.5.1 Brazil – Bolsa Família and Conditional Cash Transfers

Brazil's **Bolsa Família Program (BFP)**, though not targeted at children of sex workers, has become a global benchmark in linking education with poverty alleviation. Families receive cash transfers conditional on their children's **school attendance (85%+), immunization, and health checkups**.

A World Bank evaluation disclosed high enrollment rates and a 16% drop in dropout rates among adolescent girls in high-risk urban settings.³⁴ Applications of this model to India's children of sex workers could promote school attendance while affirming caregiving needs at home.

3.5.2 Philippines – Pantawid Pamilyang Pilipino Program (4Ps)

³³ Saheli HIV/AIDS Karyakarta Sangh. *Bridging Health and Education: Community Models in Pune*, 2019.

³⁴ World Bank. *Bolsa Familia Program: Results and Impact*, Washington D.C., 2015.

4Ps is the country's flagship conditional cash transfer program that employs gender budgeting and support for out-of-school children, and children from poor but marginalized households like those residing in sex worker families.

The Department of Social Welfare and Development also applies case management practices for children who are likely to be sexually exploited. Impacts show that 4Ps families are 11% more likely to have their children in school, especially girls.³⁵

5.1 Legal Recognition and Categorization:

One of the fundamental barriers to inclusion is that the children of sex workers are not recognized by law as a special vulnerable group. While the Juvenile Justice (Care and Protection) Act, 2015 provides a broad definition of children in need of care and protection, its enforcement remains haphazard. An amendment or executive notification specifically listing children of sex workers under JJ Act Section 2(14) would therefore be the basis for targeted intervention.³⁶

Furthermore, as suggested in *Bachpan Bachao Andolan v. Union of India* (2010), judiciary monitoring frameworks like State Commissions for Protection of Child Rights (SCPCRs) must be entrusted with adequate powers to conduct periodic social audits in red-light zones.³⁷

5.2 Education Policy Reforms

Despite the Right to Education Act (2009), the high-risk children of sex workers are left outside because they lack documents, face stigma, and have irregular attendance. Three reforms are an urgent necessity:

³⁵ Asian Development Bank. *Evaluation of the 4Ps Program in the Philippines*, Manila, 2019.

³⁶ Juvenile Justice (Care and Protection of Children) Act, 2015, Section 2(14).

³⁷ *Bachpan Bachao Andolan v. Union of India*, (2010) 7 SCC 575.

1. Universal Document-Free Admission: Implement Delhi High Court's 2018 precedent for exempting documentation for high-risk-group children.³⁸
 2. **RTE+ Model:** Augment the Right to Education Act with **nutritional, psychological, and residential support** for high-risk children.
 3. **Special Residential Schools:** The government should set up **red-light rescue and rehabilitation schools**, akin to Kasturba Gandhi Balika Vidyalaya's, offering 24/7 safe shelter, especially for girls.
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5.3 Financial Support and Incentivization

Implement a conditional cash transfer (CCT) program based on Brazil's Bolsa Família or the Philippines' 4Ps. In India, it may include direct benefit transfers (DBTs) to mothers based on their children being in school, having health checkups, and being vaccinated.³⁹

Along with this, there can be a separate education scholarship fund under the National Child Protection Scheme for such children, as in the case of SC/ST/OBC scholarships.

5.4 Psychosocial and Mental Health Integration

Sex worker children also suffer from complex trauma, attachment problems, and social isolation that affect attendance and performance at school. Solutions such as Trauma-informed modules in teachers' training, mandatory deployment of counsellors in red-light area schools and partnerships with organizations like NIMHANS for community-based mental health interventions goes long way in coping mechanisms.

Empirical data from the NGO Sanlaap revealed that children who received therapy sessions once a week had a 30–40% rate of improvement in attendance and school retention.⁴⁰

³⁸ Delhi High Court, *Apne Aap v. Government of NCT Delhi*, W.P. (C) No. 2245/2018.

³⁹ World Bank, *Conditional Cash Transfers and Poverty Alleviation*, 2015.

⁴⁰ Sanlaap Annual Report, *Trauma and Education Recovery Metrics*, Kolkata, 2019.

5.5 Community-Based Preventive Models

NGOs such as Prerana and Saheli demonstrate that sustainable change occurs when sex workers themselves are **stakeholders in change**. Policies should:

1. Recognize **CBOs (Community-Based Organizations)** as implementing partners in SSA (Sarva Shiksha Abhiyan)
2. Provide funding for **night-care shelters**, drop-in centres, and bridge schooling
3. Enable local municipal bodies to form **red-light area education cells** with representation from the sex worker community

Such models have reduced drop-out rates by nearly 45% in parts of Mumbai and Pune.⁴¹

5.6 Judicial Oversight and Accountability

By creating a **national oversight mechanism**, possibly within the NCPCR (National Commission for Protection of Child Rights), to Monitor child protection in red-light districts, and mandating **annual reports by state governments** for efforts made in inclusion of children of sex workers and further, High Courts (under Article 226) and the Supreme Court (under Article 32) must entertain **PILs** addressing systemic exclusion and enforce time-bound compliance with orders.⁴²

5.7 Long-Term Mainstreaming: Beyond Education

Education is only the **first step in systemic inclusion**. A long-term vision must also provide for **Vocational training** under the National Skill Development Corporation (NSDC), Reservation or inclusion in **EWS quota seats** in higher education, providing for Financial literacy and digital inclusion programs. Protection from secondary exploitation such as early

⁴¹ Prerana Trust. *Impact of Community-Based Interventions*, Mumbai, 2020.

⁴² Constitution of India, Articles 32 and 226.

marriage or trafficking. By implementing these measures, and ensuring accountability in enforcement, a positive stride can be brought about to these children.

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