

Research Article

Marginalising the Marginalised: An Assessment of Vulnerability of Commercial Sex Workers

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ABSTRACT

Sex workers, usually referred to as prostitutes, have occupied an anomalous position in societies throughout the history. The legal status of prostitution varies greatly between different jurisdictions, from being punishable by death to being completely legal. Commercial sex workers are the ones who solicit sexual favours on the terms of monetary gains and treat it as their source of livelihood. Over the last three to four decades, sex work has undergone dramatic changes in many countries of the world. The boundaries of sex work are vague, ranging from erotic displays without physical contact with the client, through to high-risk unprotected sexual intercourse clients. Individuals may occasionally and opportunistically exact a fee or gift for a sexual favour without perceiving themselves to be sex workers, or they may engage more or less full time in the explicitly commercial provision of sex services. Therefore, a categorisation has been developed based on their place of functioning. Thus, the paper is an attempt to look closely these categories and develop an understanding of the various forms of vulnerability they are subjected to which leads their further marginalisation.

Keywords: Marginalisation, Commercial Sex workers, Vulnerability, India.

INTRODUCTION

Marginalisation can be characterised by a situation in which a particular person or group is not able to contribute to the society to its optimum and at the same time, they are not able to get the benefits and services designated for the society at large. A marginalised person or group is often not able to command services in terms of adequate social needs, which results in the underdevelopment for the same. This leads to an alienation and ends up in the exclusion of the group or individual from the mainstream society.

Every human being is born into the social and cultural world of meaning structures that is already there for her/him to seize upon. A child's growing into this world happens naturally and is nurtured as per the social norms

(Kimball 1974; Vandenberg 1974). Therefore, it is important to understand that there is a strong connection between an individual, community and society at large. The existing social structure, however, is not genuine with all the strata and sections. It has a range of survival from the churning margins to static cores. Women are one such group of demonstration and experimentation of the masculine society.

The construct of womanhood in the awe-inspiring social arena is viewed as women those who were 'biologically female' with specification of sexual organs, heterosexual and bearers of children for the continuation of the human progeny. But this is also not the boundary, there is further categorisation of married women, submissive and faithful to their husbands and belonged to the

dominant religion or ethnic group in society. Married women are viewed with greater regards than unmarried women, able-bodied women than disabled women, high-caste women than poorer, low-caste women and so on and so forth. These prioritisation can change over time-being unmarried, for example, has become less of a taboo in many societies than it was a few decades ago but graduating into the mainstream is still a struggle for those being on the margins. Uma Narayan has written of 'selective labelling' whereby 'those with social power conveniently designate certain changes in values and practices as consonant with cultural preservation and others as cultural loss or betrayal' (Narayan 2000). Thus, women whose sexuality does not conform to prevailing societal expectations are marginalised and the sexual preferences and categories place some groups further on the border line of margins.

Sex workers, usually referred to as prostitutes, have occupied an anomalous position in societies throughout the history, and viewed as social norm crusher of the society. The legal status of prostitution varies greatly between different jurisdictions, from being punishable by death to being completely legal. Commercial sex workers are the ones who solicit sexual favours on the terms of monetary gains and treat it as their source of livelihood. Biswanath in 1984, defined prostitution as the act of performing sexual activity in exchange for money or goods.

Over the last three to four decades, sex work has undergone dramatic changes in many countries of the world. The boundaries of sex work are vague, ranging from erotic displays without physical contact with the client, through to high-risk unprotected sexual intercourse clients. Individuals may occasionally and opportunistically exact a fee or gift for a sexual favour without perceiving themselves to be sex workers, or they may engage more or less full time in the explicitly commercial provision of sex services.

Sharma (2007) described that various forms of prostitution is visible in various forms. In street prostitution, the prostitute solicits customers while waiting at street corners or 'walking the street'. Brothels are establishments specifically dedicated to prostitution, often confined to special red-light districts in big cities. Other names for brothels include bordello, whorehouse,

cathouse, knocking shop and general houses and in Asian countries in some barber shops where sexual services may be offered as a secondary function of the premises.

According to Chattopadhyay (2006) the term is also used loosely by some to refer to sexual activities of which they disapprove, such as sexual promiscuity or sex outside marriage. Cultural usage varies widely, and the use of the term as a pejorative indicates acts that are not formally considered prostitution in a cultural context. Pornographic actors and actresses get paid for having sex, but are not generally referred to as prostitutes. If a woman has sexual intercourse with a man who supports her financially but does not live with her, then she is called a mistress, and is again not normally considered a prostitute. If a man has sexual intercourse with a woman who supports him financially but does not live with him, then he is called a kept man, and is again not normally considered a prostitute.

In an International Labour Office report on 'The Sex Sector in South Asia', Lim & Kinnell (2005) explained that the growing scale, economic significance and increasing international dimension of sex work have heightened concerns related to public morality and social welfare, violation of human rights of sex workers, sex workers' working conditions, the commercial sexual exploitation of the child victims of sex work and public health-related threats. Even though the sex sector or the sex industry tends to be widespread with economic exploitation and corruption and is often connected to organised crime and drug abuse, governments have found it difficult to tackle these problems because of the sensitivity and complexity of the issues involved of those working in it. Sex work is mainly an economic activity and has foundations in deeply ingrained patriarchal values and beliefs of the society. However, the measures targeting sex work disregard these economic and social foundations and focus mainly on moral and religious issues (Lim and Kinnell 2005).

Feminist writers, sex workers' rights movement activists, social workers and members of sex work organisations (Prostitutes of New York) across the globe have written extensively on the need for change in the prostitution policy (Solon and Wahab 2000). Organisations

such as COYOTE (Call Off Your Old Tired Ethics), California Prostitutes, Education Network (Cal-Pep), Black Stockings, Hooking is Real Employment (HIRE) and Prostitutes of New York (PONY) have given recommendations on legalisation, decriminalisation and right to self-determination of individual sex workers and have led debates and discussions on their stand on prostitution.

TPOLOGY OF THE SEX WORKERS

In any given geography, sex workers are not a homogeneous group. Sex workers can be categorised into six types, based on where they work and more specifically on where they recruit or solicit clients and not where they live or actually entertain the clients. The major typologies in India are described below as per NACO guidelines (NACO Annual Report-2004) from the intervention perspective.

1. Street-based sex workers are those who solicit clients on the street or in public places such as parks, railway stations, bus stands, markets, cinema halls. They usually work in individual basis but they may stand in groups in identified spots called hot spots.
2. Brothel-based sex workers are those whose clients contact them in recognised brothels, that is buildings or residential homes where people from outside the sex trade know that sex workers live and work. For example, Kamathipura in Bombay, Sonagachi in Calcutta or GB Road in Delhi. Typically, a brothel is a place where a small group of sex workers is managed by a Madam (Garhwali) or an agent. Usually, the sex worker pays a part of her earnings to the Garhwali. This category is more organised and this is an institutionalised form of sex trade. The brothels are known among the clients.
3. Lodge-based sex workers are those who reside in what is known as a lodge (a small hotel) and their clients are contracted by the lodge owner, manager or any other employee of the lodge on the basis of sharing the profits. These sex workers do not publicly solicit for clients.
4. Dhaba-based sex workers are those who are based at dhabas (roadside resting places for truckers and other long-distance or roadside motels. Like lodge-based

sex workers, these sex workers also do not publically solicit clients rather they are accessed by clients who come to these locations. In some cases, the sex workers are also contacted by the dhaba owners and they could move from dhaba to dhaba based on their contacts. As they have a defined mobility they develop a network with the group which is efficient in bringing the clients to this category and they work as their managers/pimps and eventually also have a share in the income of the sex workers.

5. Home-based or 'secret' sex workers operate usually from their homes, contacting the clients on phone or through word of mouth. They sometimes have middlemen too. Generally, they are not known to be working as sex workers in their neighbouring areas. They can be housewives, students for an additional income.
6. Highway-based sex workers are those who recruit their clients from highways, usually from among long-distance truck drivers. These sex workers may have other occupations as the prime source but a large population of their occupation group often engages in commercial sex regularly and in significant volumes. Bar girls, Tamasha artistes and Mujra dancers come under this category.

The categories used here are often overlapping and fluid. For example, a sex worker may be street based for some-time and then go into a contract with a lodge owner to become lodge based.

VULNERABILITY OF COMMERCIAL SEX WORKERS

Vulnerability is the lack of power of individuals and communities to minimise or modulate their risk of exposure to any form of psycho-social phenomenon, which affects their functioning in a negative manner and limits their capacity to utilise the services and support that are provided to a population in general. Vulnerability in the context of the paper would try to capture three dimensions of HIV risk, violence and access to support services in addressing the same. While addressing the problem of HIV/AIDS among the economically productive and sexually active sections of population, specific emphasis needs to be given not only to high risk groups (CSWs and IDUs) but also to specific groups in general

population like students, youth, migrant workers in urban and rural areas, women and children. Most of the migrant labor is in the unorganized sector, are highly mobile and live in unhygienic conditions in urban slums (Bhandari 1990). This is also to understand the higher migration rate propels prostitution and risks at a larger level.

Prostitution or the practice of indulging in promiscuous sexual relations for money or other favors is an age-old institution in India. (Biswanath: 1984) This has been one of the oldest professions in the human race and thus the cycle of violence is more complex and thus adds on to the vulnerability of the population. Factors that appear to heighten sex workers' vulnerability to and risk of HIV infection and violence includes:

- **Stigmatisation and marginalisation:** The incidence and spread of Human immunodeficiency virus/Acquired immunodeficiency syndrome (HIV/AIDS) are disproportionately high among groups who already suffer from a lack of human rights protection and experience discrimination. This includes groups that have been marginalised socially, culturally and economically. Discrimination against People living with HIV/AIDS denies them access to treatment, services and support and hinders effective responses. It creates a climate in which decisive action from the government may be sidestepped. There have been cases of refusal of treatment and other services to AIDS patients in hospitals and nursing homes both in Government and private sectors. The study experiences that sexual transmission is the most rapid medium of transfer and also talks about the stigma and discrimination faced by the HIV infection (Chindiramani 2002).
- **Limited economic options, in particular for women:** Women in general have very limited economic options specifically due to limited or very little skill. It is easy to enter into the profession to support them economically.
- **Limited access to health, social and legal services:** Laws and policies to protect sex workers (and their clients) are often non-existent or inadequately enforced. For example, sex workers everywhere have little hope of successfully

bringing charges against someone who rapes them. In contrast, laws, policies perpetuate poor working conditions for sex workers and encourage unscrupulous behaviour by third parties are common. This combination of circumstances makes both sex workers and their clients more vulnerable to HIV infection. In case of violence, they are not able to lodge complaints or claim any legal support due to undefined status regarding commercial sex in the Indian legal system. Absence of any comprehensive policy regarding the same had worsened the condition. Lack of access to health, social and legal services limits sex workers' options when seeking to care for their health, protect themselves from HIV and sexually transmitted infections (STIs) and get the assistance they or their families may need to address social or legal matters.

- **Limited access to information and prevention means:** Limited information, skills, negotiating power and access to means of prevention may lead directly to behaviour that puts sex workers and clients at risk of HIV infection. Unprotected commercial sex usually occurs because one (or both) of the participants does not care to protect their sexual health, does not know how to do so or lack the means to do so (for example, condoms, lubricant, safe-sex skills). Sex workers also often lack the personal power to negotiate safe sexual practices, and may be working under the threat or fear of violence in retaliation for trying to do so. Risk of HIV infection is compounded when sex industry managers actively discourage or do not support safe sexual practices and where working conditions limit opportunities to negotiate safe sex.
- **Gender-related differences and inequalities:** Being female the commercial sex workers have to face problems of specific gender as well. The spread of HIV infection has been associated with female sexual behaviour that is not consistent with gender norms. While we have a growing body of evidence those women from the Globe having experiences of alarming rates of physical abuse and sexual violence, we have little evidence about the magnitude and nature of violence and discrimination against marginalised women, including lesbians, disabled women and sex workers as in most of the

cases they are not reported or documented. Violence against women who are marginalised on the basis of sexuality or gender expression appears to be particularly widespread, yet it remains under-reported and un-addressed because of stigma and discrimination.

- **Sexual exploitation and trafficking:** Violence, including sexual violence, against sex workers by clients, pimps and police has been reported in all regions. Sex workers may find, for example, that trying to negotiate after sexual practices and/or insistence on condom use may result in violence. Violent sex often causes sensitive mucous membranes to tear, further increasing the possibility of HIV transmission. Sex workers may have greater vulnerability to HIV if they cannot access services to prevent, diagnose and treat STIs, particularly if they are afraid to come forward because of the stigma associated with their occupation and rejection in the society.
- **Exposure to risks associated with lifestyle (for example, violence, substance use):** Commercial sex workers are also prone to various health risks due to their lifestyle. The proportion of substance abuse, intake of alcohol and other forms of violence are comparatively higher, which makes them vulnerable to various social and psychological risks too.

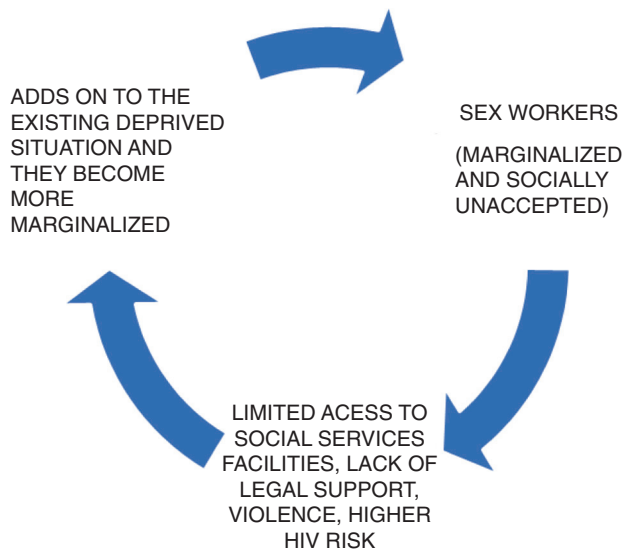


Figure 1: The continuation cycle of marginalisation

One form of marginalisation transcribes itself into the continuation of the other. The figure mentioned above describes how the manifestation of marginalisation takes place in case of commercial sex workers. Sex workers are marginalised as they are socially unaccepted, which in turn limits their access to various social services and measures that are available to the general public. The deprivation caused by this restriction forces them again in the vicious circle to prostitution and exploitation (Aggleton and Warwick 1999).

In continuation to this, it is important to note that certain typologies (brothel-and lodge-/dhabha-based sex workers) tend to have higher client volumes than home-based sex workers, and they therefore have a higher-risk profile, requiring special focus even within the category of female sex workers. Street-based sex workers due to their mobile nature they are vulnerable to the exploitation by the clients, which could be physical, sexual or economic as well. They may be underpaid, sometimes beaten and coercive and group sex may also be forced with them. Pornography is reported as a potential threat to them. She is hardly able to negotiate for safe sex with the client. They are frequently harassed by the police officials also. Procurement of sexual favours by them is also very common. Access to health services is also very limited as they usually do not want to disclose their status. The brothel is less vulnerable to the sexual abuses and they are in a better position to negotiate for safer sex. However, they are subjected to sheer economic exploitation on the basis of distribution of their income to the Pimps, Madame and to the brothel owners. These groups are again vulnerable to various forms of exploitation. Lodge-and dhaba-based sex workers are again subjected to economic exploitation as they do not solicit clients on their own and thus have to submit themselves to the demands of the lodge owner or broker. Usually, they do not travel and work for specific lodges. Home-based sex workers are the worst affected in terms of health as they are secretive in nature and most of the times their families and neighbourhood are not aware of them being sex workers.

VIOLENCE WITH COMMERCIAL SEX WORKERS AS MARGINALISED

Violence is the final expression of the subordination of and discrimination against women as a gender, and against other individuals and groups, such as sexual

minorities and sex workers, by virtue of their work and sexual preference. While we have a growing body of evidence those women from the Globe having experiences of alarming rates of physical abuse and sexual violence, we have little evidence about the magnitude and nature of violence and discrimination against marginalised women, including lesbians, disabled women and sex workers as in most of the cases they are not reported or documented. Violence against women who are marginalised on the basis of sexuality or gender expression appears to be particularly widespread, yet it remains underreported and un-addressed because of stigma and discrimination. This violence takes many forms. Among the most visible are sex trafficking, which destroys the lives of several million women and girls worldwide each year. But violence against women who are lower down in the social hierarchy is in general much less visible than abuses perpetrated against those inside what Rubin has called society's 'charmed circle' (Rubin and Gayle 1984). Violence against those who are deemed 'respectable' is noticed by society and acted against by its institutions, but abuses against the marginalised are often not even recognised as violence, let alone publicised or deemed worthy of concern. United Nations Women Report 2010 reports that around 80% of sex workers have been assaulted while at work.

Marginalised women are not only subject to abuse at the hands of family members, their communities and other sections of the society but also the state act as perpetrator many a times rather than a protector. Those whose sexual behaviours are according to the social norm are well protected by the authorities and well served by government services and schemes, but those who fall across the line are either ignored or mistreated. The institutions of the state-be they the police, armies, schools, health services or the law-are blind to the problems of the marginalised, and too frequently see the latter as deserving targets for physical and mental assault, or for the denial of rights. In many cases, the forms of this violence, as well as the victims, are invisible. According to Freedman and Lynn P, censoring, manipulating and controlling information concerning reproduction and sexuality are a human rights violation. Many may not think denial and deprivation of information, or giving selective information is a human rights violation for which states and non-state actors need to be accountable because it does not have

the 'stomach turning' quality of a report on torture of prisoners or rape of women. Denying women information about health services or about sexually transmitted diseases, for example, is an abuse of rights, which can result in serious harm to health but generally goes unreported. Most of the countries criminalise sex work. Even laws that purport to promote human rights often contain exceptions that repress marginalised women. The Indian Constitution protects freedom of speech, but this is subject to 'reasonable restrictions,' including those which uphold 'morality' and 'decency.' These restrictions also cover materials that are considered 'lascivious or appeal to the prurient interest,' and have often been used to censor press articles or films about marginalised women (Sharma and Jana 2004).

The packaging of marginalised women into discrete groups can accentuate the violence they face, including at the hands of the law. The International Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking as 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.'

They are frequently harassed by the police officials and even raids and sting operations by the media have made life more miserable for them. They keep on changing their residence once they get noticed or identified as sex worker within a community. This results in a gap between the services of the agency and the clients as well. Some mechanism of group formation of these sex workers for sharing purpose, making them assertive towards a healthy sexual behaviour, to help them in case of sexual violence by the police or clients and for negotiating purpose is required to help them identify their rights and ensure safety for themselves. Mock sessions for the peer educators for the capacity building to convince the use of condoms, for providing information regarding HIV in an appropriate manner are some of the measures that need to be taken to improve the conditions of sex workers and reduce the risk of HIV and make the interventions by the organisations effective for the target group.

Various forms of exploitations and discrimination are also very evident among the sex workers. The condition of extreme poverty and economic constraints make them more vulnerable to the implications of the infection. The legal framework is also not very supportive towards the protection and prevention of atrocities to them. Lack of credit facilities, education and social taboos attached to them had made the situation worse.

Some points to think

The social foundations of sex work can make a distinction between the process of entry into sex work and living as sex workers. Individual sex workers' cultural and social structures determine the reasons for entry into sex work. However, policies on sex work do not recognize this distinction (Fredrick 2000). Similarly Criminalisation of sex work contributes to an environment in which, violence against sex workers is tolerated, leaving them less likely to be protected from it. Many sex workers consider violence 'normal' or 'part of the job' and do not have information about their rights. As a result, they are often reluctant to report incidences of rapes, attempted (or actual) murders, beatings, molestation or sexual assault to the authorities. Even when they do report, their claims are often dismissed. For example, studies among street-based sex workers in Vancouver, Canada, and in New York City show that a majority of incidences of harassment, assault, rape, kidnapping and murder are not reported to the police. Where they are reported, the police do not register the complaints and in the few instances where they are registered, many of the perpetrators are not convicted. While some women engage in sex work voluntarily, there are others who are coerced into sex work through means such as trafficking. The latter often experience physical and sexual violence during and after being trafficked into sex work. For example, research from Indonesia and India has indicated that sex workers who are rounded up during police raids are beaten, coerced into having sex by corrupt police officials in exchange for their release or placed in institutions where they are sexually exploited or physically abused. The raids also drive sex workers onto the streets, where they are more vulnerable to violence. Sex workers also find it difficult to negotiate safer sex with intimate partners and clients in the context of physical and sexual violence perpetrated by some of them. Sex workers often do not

have access to STI and HIV/AIDS services. The reasons for this are varied, but violence or fear of violence and discrimination play a role (WHO 2005).

Prostitution constitutes another situation in which women are unusually vulnerable to HIV infection, yet for multitudes of women without skills or resources, it offers the best opportunity for making a living. Sex workers may lack knowledge about HIV and how to protect themselves. But even if well informed they may find it hard to insist on safe sexual practices for fear of violence, or fear that an unwilling client will take his business elsewhere. Furthermore, prostitution is illegal in many places and simply carrying condoms can be taken by police as evidence of sex work. Prostitution's illegal status often drives it into the shadows and makes it hard to reach vulnerable people with lifesaving information and supplies. Among the most powerless and vulnerable people in the world are children and women coerced into the sex trade by traffickers, for they have multiple sex partners and no autonomy whatsoever. In India, there is evidence that sex workers face various forms of violence including evictions from their houses and colonies or fired from part-time work because the law perpetually has nothing to offer to them for protection against discrimination and the authorities are equally blind, insensitive and helpless blind to their plight. They are deprived from their basic rights and services as well. Neglect or violation of the rights of people affected by HIV may include restricted or denied access to health services, education, and social programs. People affected by HIV may progress toward the realization of their rights and better health if the enabling conditions exist to alleviate the impacts of personal, societal, and programmatic issues on their lives. This requires policies and programs designed to extend support and services to affected families and communities (Gagnon & Simon, 1973).

Social exclusion represents a major advance in our thinking, precisely because it goes beyond the material explanations for inequality; more importantly, because it addresses the role of dominant ideologies and social disadvantage that perpetuate the particular forms of discrimination and exclusion that certain women experience by virtue of their disabilities, sexual orientation or occupation in sex work. These groups know that their experience of exclusion or 'imperfect inclusion' as called

by Sen (2000). There is combination of multifaceted factors including poverty and material factors and the most contributing factor is the social stigma attached to their identities than their location in the social ladder. The prejudice of the dominant social norms leaves no scope for their integration in the mainstream as a contributing member rather a sympathetic approach of being a victim of her own actions. The situation is not much different for women from more privileged, high-status families as well. This highlights the hidden or invisible impact of exclusion-the way in which the values and norms of the mainstream affect the self-image of people who deviate from them, by virtue of their physical, sexual or other identities.

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