

Chapter 2

School Education and Exclusion



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1. Introduction: Education as a Public Good

1.1 Towards a Philosophy of Education

India's philosophical tradition has engaged with the idea of education in multiple ways. Rabindranath Tagore, one of the first to take a wider and more progressive view of schooling, stressed school as being a place not just of learning but of experiencing all the wonders of life—art, music, literature. He took the classroom outdoors, where children could learn as much from nature as they could from textbooks. For Tagore, the role of teachers was to create a pedagogical environment that thrived on curiosity, not competition, on learning from nature as much as from textbooks, on creativity and self-expression, and where self-discipline and not corporal punishment was the norm. This opened up a whole new dimension in thinking about education and stripped it of its earlier, dull, competitive and pedagogically uninteresting form.

M. K. Gandhi's philosophy, enunciated in his notion of 'Nai Taleem', also envisaged a special rapport, based on empathy and mutual respect, between the teacher and the student, where the teacher was in constant dialogue with students, unconstrained by the rigidities of a textbook and curriculum. Its focus was on the idea of education in terms of the overall development of a person's mind, body and soul through engagement of the head, hands and heart.

B. R. Ambedkar's philosophy of education, shaped by a profound experience of inequality and caste-based discrimination, championed the idea of education as a means to social change. For him education was a means of acquiring the properties of rationality and criticality, needed to engage in discursive arguments with the 'other', to convince them of the importance of reason and the danger of prejudice the neglect of prejudice.

It provided for Ambedkar the entry point to the struggles for social justice. In fact, Ambedkar established the political nature of education, as it had a deep significance in the context of the kind of state India was striving to become. In a democracy, every citizen is required to be capable of participating in decisions related to them. In other words, they must have the capacity for rational deliberation. This is possible only through education. It follows, thus, that it is the duty of the state to provide education. In this way, the foundation of education as a public good was laid.

These were the revolutionary thoughts Ambedkar carried to the drafting of the Constitution, in which he played a critical role. The Constitution of India is thus unequivocally committed to the idea of social justice and equality of all citizens, as well as to the responsibility of the state to preserve, protect and assure the rights of marginalized groups and minorities. This is outlined in its Preamble, which lays down the basic and immutable structure of the Constitution, affirming the objective of securing for all citizens of India the basics of dignity, freedom and equality, especially equality of opportunity and status. Equality of opportunity, while open to discussion, has been widely interpreted to include equality in the provision of education, seen as a crucial factor in securing equality of status.

There is a common thread in modern India's legacy of educational philosophy, as embodied in the thoughts of Tagore, Gandhi and Ambedkar. Despite their differences, they all believed in the intrinsic value of education—anchored in its transformative potential to bring about social equity, equal participation and justice. In this sense, they all saw education to be a public good that the state should ensure equitably to all children of this country.

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1.2 The Constitutional Imperative

The significance of education in meeting the objectives of social justice has been recognized in various parts of the Constitution of India. Article 39 of the Directive Principles of State Policy lays out the role of the state in fostering opportunities for social justice and welfare, while Article 45 specifically requires that it endeavour to ensure free and compulsory education up to the age of 14 years. Article 19 of the Constitution provides a fundamental Right to Freedom of Speech and Expression, which is also interpreted as the right to know. Similarly, the educational interests of minority and disadvantaged communities are also constitutionally guaranteed. Article 29 of the Constitution provides for the protection of educational and cultural rights of minorities, whereas Article 30 allows minorities to establish and administer educational institutions. Article 46 of the Directive Principles also places a responsibility on the state to promote the educational interests of the weaker sections of the people with special care, in particular Scheduled Castes (SCs) and Scheduled Tribes (STs). Perhaps the strongest support to education as a constitutional principle has come from Justice P. N. Bhagwati's interpretation of Article 21, concerning the Right to Life, as expressed in the following remarks:

The fundamental right to life which is the most precious human right and which forms the ark of all other rights must therefore be interpreted in a broad and expansive spirit so as to invest it with significance and vitality which may endure for years to come and enhance the dignity of the individual and the worth of the human person . . . The right to life includes right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about, and mixing and commingling with fellow human beings.¹

This provided the basis for the inclusion of education in the list of fundamental rights and was given further credence in the landmark *Unni Krishnan* case in 1993, where a Constitution Bench of the

Supreme Court held that, 'the right to free education up to the age of 14 years is a fundamental right'.² The 86th Constitutional Amendment, passed by the Indian Parliament in 2002, recognized education as a fundamental right of every child between six and 14 years of age.³ However, it was only in 2009 that Parliament passed a law guaranteeing every child the right to free and compulsory education up to the age of 14 years.⁴

Despite robust philosophical debates and the legal, moral and political background to democracy and equality and their relationship to education, the policies framed by the government over the years, as well as their implementation, have left a lot to be desired. Even the special privileges accorded to minorities, or the promotion of education for Dalits and Adivasis, have not enabled many among them to establish the equality of opportunity and status desired in the Constitution. So much so that it would be no exaggeration to say that the single greatest challenge facing the education sector today is inequity in the provision and utilization of educational opportunities across social and economic groups.

The idea of school education as a public good derives from the fact that: (a) its provisioning entails positive externalities and (b) the marginal costs of extending its provisioning to others are relatively low. The case is only strengthened in the context of existing inequities, as already described, since the role of the state is particularly strong in cases where poverty and social exclusion make it difficult for sections of the population to access private provisions for education. Equally importantly, the moral case for such a publicly guaranteed Right to Education lies in the grim and dark reality of millions of children in the country who, due to the specific nature of their vulnerabilities, continue to be deprived of an education. This, coupled with the discrimination faced by children within schools, and the continued inequality of educational opportunities for children based on the accident of their birth, means that India's children require the right not just to free and compulsory education, but the right to free and compulsory *equal* education. Only this would be a true and comprehensive public good.

This chapter examines key policy documents, existing research as well as primary field studies to

analyse the manner in which equity and inclusion have been conceptually approached, formally articulated and practically translated in the accompanying instruments of implementation. The subsequent sections of this chapter are arranged as follows: section two profiles some of the major groups of children facing exclusion from school education, as well as smaller, highly vulnerable groups of children who are almost completely excluded from education. Section three discusses the key processes by which such exclusion occurs. It looks at how programmatic shortcomings, or ‘by-the-system’ exclusions, combine with ‘in-the-system’ discriminatory practices and barriers faced in school by children from marginalized groups. It also looks at the wider socio-cultural and economic context of their families—the ‘home-community–work’ continuum—and the impact this has on their exclusion from schooling. Section four looks at the major consequences of such exclusion from school, not just for children themselves, but more generally for their families, the school system and society as a whole. Finally, section five concludes with a set of key recommendations relating to policy formulation and practical aspects of schooling for excluded children, which can serve to address their exclusion from school education.

2. Groups Facing Exclusion from School Education

Despite the efforts of the government, a large number of children remain highly vulnerable to exclusion from schooling. Such children face a range of barriers that compel them to stay away from school, or, upon entering school, render them unable to continue their education, forcing them to drop out. Crucially, there are close linkages between socio-economic status and educational access, as a result of which children from marginalized groups face significantly higher exclusion from education. Indicators on educational access and attainment presented in Table 2.1 clearly illustrate the exclusionary nature of the education system for five major groups of excluded children—girls, Dalits, Adivasis, Muslims and children with disabilities. This chapter seeks to closely examine the diverse access barriers and mechanisms that result in such exclusion from schooling, with a particular focus on these five groups. In addition, it also discusses

the specific vulnerabilities and concerns that result in the near complete exclusion from education for children belonging to a number of other highly marginalized groups. A common thread across these discussions is the key role played by poverty in perpetuating and exacerbating such exclusions from education, which is discussed in detail in a later section.

2.1 Major Groups of Excluded Children

2.1.1 Girls

The female literacy rate, as per the Census of 2011, stood at 64.6 per cent, below the national average of 73 per cent and much below the male literacy rate of 80.9 per cent.⁵ This gender gap in literacy is consistent across socio-economic groups irrespective of class, caste, tribe, religion or disability. Despite a broad rise in educational attainment levels, girls continue to lag behind. What is particularly worrying is that the government has focussed its efforts in the last decade on removing this gap, but the gains continue to be slow, particularly among marginalized communities. This calls for a more detailed examination of what is preventing girls from accessing education in the manner they should.

2.1.2 Dalits

The literacy rate for SCs in 2011 was similarly below the national average, at 66.1 per cent.⁶ In 2012–13, the drop in enrolment of SC children from the primary (classes I–V) to upper primary (classes V–VII) level was 54.4 per cent, compared to an overall dropout rate of 51.8 per cent.⁷ Accompanying such trends of lower participation in school education among SC children are lower educational achievements. A National Sample Survey Organization (NSSO) Baseline Survey in 2005 in 43 districts in the country found that 58.2 per cent of SC children were able to read and write, compared to 72 per cent of children from non-SC/ST/Other Backward Classes (OBC) households.⁸ Similarly, the National Council of Educational Research and Training’s (NCERT) National Achievement Survey (NAS) of class V students, conducted in 2012 across 6,602 schools in India, revealed that while girls and boys performed similarly when tested in reading comprehension, mathematics and environmental sciences, SC and

Table 2.1 Education Indicators for Major Groups of Excluded Children

	Literacy Rate (%)		Current Attendance Rate Among 5- to 14-year-olds (%)	Drop in Enrolment from Primary to Upper Primary Level (%)	Out-of-School Rate (%)
	2011	2009–10			
Overall	73.0	68.3	87.1	51.8	4.28
Girls	64.6	57.7	85.8	51.4	4.71
Dalits	66.1	58.5	85.2	54.4	5.96
Adivasis	58.9	55.4	81.7	58.5	5.60
Muslims	–	63.7	82.3	58.9	7.67
Children with Disabilities	48.0*	45.3#	–	63.3	34.12

*From Census of India 2001

#From NSS 58th Round (2002)

Sources: Registrar General of India (2011), ‘Literates and Literacy Rate (Primary Census Abstract Data Highlights)’, *Census of India 2011*, New Delhi: RGI; National Sample Survey Organization (2012), ‘Employment and Unemployment Situation Among Social Groups in India’, *NSS 66th Round (2009–10)*, New Delhi: Ministry of Statistics and Programme Implementation; NSSO (2013), ‘Employment and Unemployment Situation among Major Religious Groups in India’, *NSS 66th Round (2009–10)*, New Delhi: MoSPI; NSSO (2003); ‘Disabled Persons in India’, *NSS 58th Round (2002)*, New Delhi: MoSPI; National University of Educational Planning and Administration (2013), *Elementary Education in India: Progress Towards UEE, DISE 2012–13 Flash Statistics*, New Delhi: NUEPA and MoHRD; Social and Rural Research Institute (2009), *All-India Survey of Out-of-School Children of Age 5 and in 6–13-Years Age Group*, New Delhi: MoHRD.

ST students consistently under-performed with respect to other caste students in all three subject areas.⁹

2.1.3 Adivasis

The literacy rate for STs, as per the Census of 2011, was 58.9 per cent, significantly lower than for the general population.¹⁰ Similarly, the dropout rate from the primary (classes I–V) to upper primary (classes V–VII) level for ST children in 2012–13 was 58.5 per cent,¹¹ also much higher than the overall dropout rate. ST children have lower attendance rates relative to other social and religious groups; in 2009–10, the attendance rate for ST children in the five- to 14-years age group was 81.7 per cent, compared to an all-India average of 87.1 per cent.¹² Similarly, in terms of quality of learning, the NSSO baseline survey of 2005 also found that only 52.4 per cent of ST children between the ages of six and 14 could read and write, the lowest among all social groups.¹³ Similar results were reported for ST students in the NCERT NAS report.¹⁴

2.1.4 Muslims

Literacy data for Muslims from the Census of 2011 is not available. However, the NSS 66th round (2009–

10) estimates the Muslim literacy rate (among persons aged 15 years and above) to be 63.7 per cent, lower than the overall literacy rate (68.3 per cent), but higher than for SCs (58.5 per cent) and STs (55.4 per cent).¹⁵ However, unlike SCs and STs, who have significantly reduced their educational gap relative to other groups (albeit from very low levels), improvements in Muslim literacy rates have lagged behind others, particularly since the 1980s. Comparing data from the NSS 61st round (2004–05)¹⁶ and 2009–10, for instance, the literacy rate for SCs and STs increased by 8.1 per cent and 11 per cent, respectively. In contrast, the Muslim literacy rate increased by 6.5 per cent in rural areas, and 4.2 per cent in urban areas. The current attendance rate for Muslim children aged between five and 14, at 82.3 per cent, is the lowest among social and religious groups, with the exception of STs.¹⁷ Similarly, the all-India-survey of out-of-school children aged between six and 13 years in 2009 by the Social and Rural Research Institute (SRI) estimated that 7.67 per cent of Muslim children were out of school, which was significantly higher than the overall out-of-school rate of 4.28 per cent, and those for girls (4.71 per cent), SCs (5.96 per cent) and STs (5.6 per cent).¹⁸

2.1.5 Children with Disabilities

Comprising about 2.2 per cent of the country's population in the 2011 Census,¹⁹ persons with disabilities face some of the highest levels of exclusion from the school education system in India. In the absence of reliable recent data on educational access and achievement for persons with disabilities, data from earlier periods is presented here. As per the Census of 2001, at an aggregate level, persons with disabilities had a 48 per cent literacy rate.²⁰ Similarly, the NSS 58th round (2002) estimated the literacy rate among persons with disabilities (aged five years and above) to be 45.3 per cent.²¹ Less than 30 per cent of persons with severe disabilities were literate, and even for those with mild disabilities, the literacy rate was only around 50 per cent.²² Data from the 2009 SRI survey of out-of-school children found that among children with disabilities, 34.12 per cent were out of school. The out-of-school rate was as high as 58.57 per cent for children with multiple disabilities and 48.03 per cent for children with mental disabilities.²³ Across the board, a large proportion of children with disabilities do not progress beyond primary school. According to the NSS 58th round data, just over 10 per cent of severely disabled persons and 20 per cent of moderately disabled persons achieve middle school or higher education.²⁴

2.2 Highly Excluded Groups: Children the State Forgot

In addition to the major marginalized groups hitherto discussed, there exist a significant number of children who live in extremely difficult circumstances, and due to the specific nature of their vulnerabilities face formidable, and often insurmountable barriers in their access to schooling. Such barriers—the absence of home and family, extreme levels of social stigma, the compulsion to work or migrate, and fear and insecurity associated with conflict, among others—compel the child to stay away from school altogether or drop out of school. Some examples include: (a) street children; (b) children without adult care and protection; (c) children in conflict with the law; (d) child workers; (e) children of parents in stigmatized occupations, like sexwork, waste picking

and manual scavenging, and children engaged in these occupations; (f) HIV positive children and children of HIV positive parents; (g) migrant children; (h) children from de-notified, nomadic and semi-nomadic tribes, and particularly vulnerable tribal groups and; (i) children living in conflict-affected areas.

There is extremely little information on educational access and achievement for children from such highly vulnerable groups. However, the available evidence highlights that they make up a significant proportion of the child population in India, and in particular of illiterate and out-of-school children. For instance, a study of Delhi's street children conducted in 2008 found that about half of them were illiterate, and only about 20 per cent had received some formal education.²⁵ As per United Nations Children's Emergency Fund (UNICEF) estimates, there were 11 million street children in India in 1994,²⁶ a number which is likely to have gone up significantly since then. About 145,000 of the estimated 2.1 million living with HIV/AIDS in India in 2011 were children below the age of 15.²⁷ Child Rights and You (CRY) in India estimates that there are about five million children in commercial sex work in the country, 71 per cent of whom are illiterate.²⁸ According to the government, there were about 12 million working children in the five-to 14-years age group in 2001,²⁹ but unofficial estimates put the number at as high as 60 million.³⁰ An estimated six million migrating children do not attend school,³¹ while at least 500,000 people were internally displaced due to conflict and violence in India by the end of 2011.³²

For such children, the presence of a more expanded network of schools is insufficient, and without very special efforts they will continue to face an almost complete exclusion from the education system. The inability of existing education policies and programmes in India to adequately address the needs and vulnerabilities of such children thus has a severe negative impact on the country's ability to achieve true universalization of school education.

3. Key Processes of Exclusion from School Education

3.1 Faulty Design of Law and Policy, or Exclusion 'By the System': A Critical Analysis of the Education Policy in India

This section attempts to underline how the evolution of education policy in India beginning in the post-independence period of the 20th century did not satisfactorily address the challenges of inequity and exclusion from education of children from marginalized sections of society. It examines the failures of state policy in providing quality education to all within the framework of universalization, keeping in mind the special needs of the marginalized.

3.1.1 The Journey Until 2001

The first National Policy on Education (NPE) was framed in 1968, following the recommendations of the Education Commission led by D. S. Kothari. It explicitly mentioned a common school system 'to promote social cohesion and national integration'³³ but made no suggestions for how to bring it about, other than providing 'free student-ships' to children from indigent families. The special objective of girls' education and mainstreaming children with disabilities into regular schools was also mentioned, but with no corresponding policy or programme specifics. Thus, while the NPE of 1968 did acknowledge the need for equalizing educational opportunities, without the corresponding support in the form of financial and organizational structures or even programme design it failed to have the desired impact. The first attempt at laying down a National Policy on Education thus did not go beyond providing some broad principles.

The next NPE of 1986, subsequently revised in 1992,³⁴ did give a boost to the attention paid to basic education, but it remained based on the presumption of a lack of demand among the poor and marginalized. Hence, physical access was increased in a bid to reach out to sections of the population that were perceived to be left out, but little thought was given to addressing the social causes that affected demand. Unfortunately, the increase in physical access was done at a huge cost to quality, underlying the elitist tendency in

policy thinking, which sanctioned poor quality facilities for the poor and marginalized. This has had a disproportionate impact on the opportunities available to children of economically and socially marginalized families—keeping them on the fringes of quality education and the chance to get ahead.

Nevertheless, the NPE (1986/1992) did move several steps in that it made separate mention of education for SC and ST children, minorities, girls, other educationally backward sections, and children with disabilities (although they were referred to as the 'handicapped'). It also made special mention of increasing people's involvement, especially women, and establishing accountability in relation to objectives and norms. However, the specific suggestions for each of the excluded groups revolved around the following basic interventions: (a) incentives for SC/ST and other educationally backward classes; (b) separate hostels for SC children and *Ashram* schools for ST children; (c) schools in SC and ST neighbourhoods and areas; (d) curricular reform to include tribal culture and objectively reflect minorities, (e) innovative methods for participation of SC children and promoting integration of children from minority backgrounds so as to promote national integration, (f) recruitment of 50 per cent female teachers and emphasis on recruitment of SC teachers, and (g) Navodaya Vidyalayas with reservation for SC and ST children. However, even this focus did not result in universalization since, as discussed in the previous section, several categories of children remained excluded from the system entirely.

These interventions, limited as they were in scope and design, did not have the desired impact, as they also remained poorly financed and administered. Instead of giving greater priority and resources to education, the government in fact took recourse to a range of cost-cutting and quality-diminishing measures such as setting up Education Guarantees Centres (EGCs) and appointing 'para-teachers'—both of which were not required to subscribe to any given norms of quality or training. Para-teachers, being under-qualified and under-paid had neither the capacity nor the incentive to perform the very challenging task of teaching children—many of whom were first generation learners. This led to a further diminishing of quality and an increase in the exodus away from government schools, and

the growth of a parallel private system of basic education.

On the other hand, different ‘classes’ of schools developed within the government system itself, with the setting up of so-called ‘model’ schools such as the Sarvodayas and Navodayas, while turning a blind eye to the mass of regular government schools where most of India’s children and almost all of its children from socially and economically weaker sections were being sent.³⁵ In these special schools, meant for ‘special’ children, the expenditures per child were far above that in other schools. The argument made was that they allowed children of greater ‘merit’ to have the opportunity to study in schools that would allow them to realize their full potential. The blatant contradiction with the constitutional provision of equality of opportunity could not be starker.

In fact, what these initiatives have done is to create what Vimala Ramachandran calls ‘hierarchies of access’.³⁶ The adoption of a segmented approach in dealing with the education of children from deprived and excluded sections of society has led to the provisioning of sub-standard facilities for them. Instead of focussing on improving the quality of government schooling for all, which would have provided children from all walks of life the ‘equality of opportunity’ they needed to join the mainstream of social and economic life, the government has followed a fractured and piecemeal approach with a disproportionate reliance on ‘incentives’ to attract children from neglected sections of society into the fold of formal education. Moreover, the inability or unwillingness to gather information on the social aspects of exclusion, discrimination and marginalization has affected policy makers’ ability to address the causes of marginalization and tackle them systematically. Hence, children from excluded sections with physical access often find themselves excluded within the system, as classroom practices continue to keep them out and in many instances force them to drop out.

It is no wonder that the 1990s saw a huge rise in the number of private schools that mushroomed all over the country to take care of both the rise in demand, as well as the exodus from government schools. In many states, this impetus was supported through subsidized land and other incentives to the private sector. It has correctly been argued that

the rise in private provision has seriously diluted the idea of basic education as a public good. Sadly, it has not contributed to better quality education either. In fact, the poor state of government schools, which provide a benchmark of quality, has ensured that the alternative private schools are of only marginally better quality, if at all. The growth of the private sector has also contributed to gender inequalities being perpetuated, as typically only boys are sent to private schools while girls continue to be sent to the cheaper government facilities.

The first 50 years after independence are thus marked by a gross lack of political will towards the education sector, evidenced by the limited resources allocated to it and the singular lack of imagination shown in the efforts made to address the issue of equity and universalization.

3.1.2. Education for All – Sarva Shiksha Abhiyan

In 2001, the Indian government launched its most ambitious education programme — the Sarva Shiksha Abhiyan (SSA). This was meant to be the vehicle that would take India towards fulfilling its Millennial Development Goals (MDGs) of education as well. However, the competing goals of economic growth and social justice resulted in the latter taking a backseat, as maintaining the country’s image as an ‘emerging market’ took precedence. While SSA was launched with much fanfare, and the policy rhetoric reflected its commitment to achieving universal education, the manner in which the policy was framed had fundamental flaws. The government’s response to the human development crisis at this point took a policy turn that had far-reaching consequences in the following decades.

The SSA funds come with extremely strict and inflexible financial norms determined at the central government level with no possibility of local inputs or reform. As a result, the ability to use funds based on need is severely reduced, leading to a scenario of unspent funds in the face of massive need. This was particularly disastrous for marginalized children and equity. In particular, the category of ‘equity’ in the SSA’s list for financial allocations is worth mentioning.³⁷ It is meant to increase equality of access to marginalized sections and carries with it an amount of Rs 10 million per district. However, it also carries a the rider that 50 per

cent of this amount must be spent on Information and Communication Technology (ICT) alone. One is hard pressed to understand the link between the two. The other 50 per cent tends to be under-utilized due to a lack of innovative ideas emanating from the state education departments. Thus, while on paper SSA has allocated a substantial amount for 'equity', in reality it amounts to little.

Other elements meant to have an impact on equity, such as gender co-ordinators, suffer from lack of appropriate training, resources and programme inputs that could make them effective for the roles conceived for them. It is extremely important that such design flaws be exposed and discussed in the public domain if actual reform in the manner in which 'education for all' is being implemented is to change.

With research and the efforts of activists shedding light on specific issues affecting exclusion in education, the policy regime acknowledged the need for special efforts to reach the 'unreached'. However these efforts took the form either of scattered incentives to 'motivate' parents to send children to school, or of farming out of responsibilities among different arms of the government machinery (rather than being implemented by the Ministry of Human Resource Development [MoHRD] and state education departments). Thus, the Ministry of Tribal Affairs set up '*Ashram Schools*' for tribal children; scholarships for Scheduled Caste children were established by the Ministry of Social Justice and Empowerment; 'modernization' of *madrasas* was attempted for Muslim children; and so on. Besides fostering separatism in provisioning, the low priority these ministries enjoyed in the allocation of resources meant that very limited resources were available for their efforts, leading to poor quality of services. The incentives, on the other hand—limited and poorly administered as they were—could not compensate for the very poor quality of education provided in 'government schools'. Besides, they were targeted at only a limited section of the marginalized. Street and homeless children, children from migrant families, children of nomadic tribes and even children from minority communities were not given incentives. In fact, the focus of inclusion was skewed towards Dalit and Adivasi children, and the girl child.

SSA systems meant for tracking the progress of elementary education at the national level also, sadly, contribute to exclusion. This system, called the District Information System on Education (DISE) relies on a questionnaire filled by teachers in all government schools (and now many private schools as well). Laudable as the objectives and the effort have been, they suffer from several shortcomings. Teachers essentially transfer information from school registers on to DISE formats. A household-level survey, which could provide valuable information about issues of exclusion, marginalization, etc., is not conducted at all. In fact, the data on out-of-school children is also compiled in a flawed manner. Instead of looking at attendance, only enrolment levels are checked. In reality, children attending school very irregularly must also be included in the list of out-of-school children, as they are virtually out of the school system and are potential dropouts. Further, many categories of highly excluded children, including street children, migrant children, nomadic children, children in conflict zones and a host of others, are completely out of the purview of DISE. Besides, lack of verification of information put together solely by teachers, without a process of community or parental participation, has raised serious doubts about the veracity of DISE data.

Bringing children from marginalized backgrounds into the education system is perhaps the biggest challenge facing the universalization of elementary education today. Authentic and timely data on the status of these children and the problems preventing them from coming to school regularly are thus an extremely crucial part of any policy that seeks to rectify the imbalance. Without such regular and reliable data, policy and planning run the risk of not being able to catch up and the problem remains inadequately estimated and diagnosed.

Finally, the lack of priority given to this sector, in terms of committing the financial, human and administrative resources required, has continued even after the passage of the Right to Education (RTE) Act, in 2009. Moreover, the widespread acknowledgement of the poor quality of government schools, particularly in terms of learning achievements (albeit measured through standardized tests of literacy and numeracy), has contributed greatly to a discrediting of the

government school system. So much so that even the state machinery appears to be throwing its hands up and looking towards the private sector for solutions — either directly or indirectly, through the so-called public-private-partnerships (PPPs).

What is becoming tragically apparent is that after a few decades of efforts towards universalization—however ill-conceived and misdirected—there is again a shift towards higher and more elite forms of education [redacted] is, the education policy appears to have come full circle, while leaving the core promise of ‘equality of opportunity’ still pending. This is especially apparent in the approach of the 12th Plan, which appears to be in sharp contrast to the previous plan period, where the focus was on inclusive growth. This rather contradictory movement within government is inexplicable as it is co-terminus with its own initiative of making elementary education a fundamental right through the passage of the RTE Act, which mandates that all children be provided at least eight years of elementary education by the state. It is especially disturbing that given these shortcomings, the government is proceeding with undeterred focus on secondary and higher levels of education, as though it has achieved the desired results as far as elementary education is concerned.

The Achievements

Despite the contradictions in policy and the pitfalls in implementation, one cannot deny that improvements in the educational status of children from all sections of society have taken place. For this, the increase in physical access that came about from government efforts must be given credit. Large parts of the country that were devoid of any educational facilities did acquire schools; the MoHRD did develop an administrative structure separately for education down to the block level, and then with the passage of the 73rd Constitutional Amendment,³⁸ this was extended to the Panchayat level. A large data system in the form of the DISE has also been developed, which provides ‘school report cards’ for scores of schools across the country. Basic data on school infrastructure, enrolment and teacher appointments are available in the report card. A National Curriculum Framework (NCF), which lays down the philosophy towards learning, taking into account the diversity in culture and systems of knowledge across the country, has provided an

excellent base on which to build an appropriate structure for textbook writing, evaluation methods and classroom interaction.

The 86th Constitutional Amendment in 2002 and the consequent passage of the RTE Act in 2009 are also big steps in the right direction. Not only does the RTE Act acknowledge basic education as a fundamental right for all children, it also lays down the minimum parameters of quality education for all children. In that, it is a frontal attack on the hierarchical and divisive systems that have for so long persisted in the delivery of education.

These are no mean achievements. However, in order to address the persistent concerns, especially as they relate to exclusion and inequality, each of these efforts needs to be oriented towards addressing the specific problems faced by children who continue to be deprived of the full benefits of quality education. Thus, more specific data needs to be collected on the issues plaguing children from socially and economically marginalized groups; the curriculum framework and the textbooks need to develop practical methods of transacting the philosophy of education laid down in the NCF of 2005; the social aspects of exclusion and marginalization need to be factored in; the provisions of the RTE Act need to be enforced in letter and spirit; adequate resources need to be deployed to improve the overall quality of government schools; and, above all, greater political will towards overcoming this fundamental malaise needs to be displayed at all levels.

3.1.3 The Right to Education

The persistent gaps, the realization that India would not be able to meet its Millennium Development Goals (MDGs) obligations in time and the growing clamour for a greater push from public policy towards universalizing elementary education culminated in perhaps the most significant development in this sector so far. The Right of Children to Free and Compulsory Education Act, commonly known as the Right to Education (RTE) Act, was passed by the Indian Parliament on 4 August 2009, and came into effect from 1 April 2010.

The RTE Act has several radical features, which need to be mentioned: (a) for the first time it has attempted to lay down the parameters of what a

regular school of *minimum*³⁹ quality must be. Thus the basic requirements of infrastructure, teacher qualification, curriculum design and classroom transactions (including evaluation) have been enunciated in the act⁴⁰; (b) it has outlawed corporal punishment and discrimination in all its forms, adding to the existing legislations against abuse and discrimination; (c) it has included the private sector within its purview, insisting that the same parameters of quality apply to them as well; and (d) it has also called for a 25 per cent reservation, in the incoming class in private schools for children from socially and economically marginalized communities. All these features, if enforced, can transform the quality of schools, especially

government schools, and enable children from all walks of life to acquire at least eight years of basic education of a decent quality.

However, the passage of the act has been met with unprecedented criticism, cynicism and even condemnation. The following are possible reasons: first, there is severe opposition to the very provisions in the RTE Act that would bring greater diversity into classrooms and help to bridge the huge divide that exists between different sections of society. The private sector is appalled that children from the disadvantaged (DA) and economically weaker sections (EWS) of society will be given the opportunity to study in the same classrooms as

The Role of Private Schools under the Right to Education (RTE) Act

Any attempt to ensure a fundamental right to education for every child in India would be untenable without the participation of the private sector, which at present plays a large role in the provisioning of school education across the country. To this end, private schools have been brought under the rubric of the act by requiring them to maintain the same minimum standards and norms that apply to government schools. In order to ensure that prohibitive private school fees do not create barriers to entry for a vast section of the population (unlike in government schools, where access is free), the act also mandates that 25 per cent seats in private schools in the incoming class be reserved for children from economically and socially marginalized communities. The cost of school education for these children will be borne by the government, and they will also be provided mid-day meals, as would children in any government school.

As one of the basic goals of education is to enable children to be citizens of their countries, and of the schools to contribute to the nation-building project, these goals are not met in exclusivist environs of private schools, when the very premise of these institutions is based on differentiating one citizen from the other on the basis of economic advantage. Besides, the range of talent, skills, experiences and perspectives that children from different economic and social backgrounds bring to the classroom adds immensely to the learning of children who are completely cut off from the realities that children from disadvantaged backgrounds experience. This is not a simple matter of adding 'diversity' to the classroom; there are real, concrete ways in which children learn from one another, including children of privilege from those of disadvantaged backgrounds.

In other words, while the discussions around the so-called 'quotas' have centred around providing an 'opportunity' to children from the weaker sections of society, it is important to bear in mind that, in fact, the opportunity is as much for the privileged children as for the under-privileged. Another relevant point is that the objective of section 12([1][c]) of the RTE Act is not of 'reservation in private schools' but of 'regulation of private schools', in a manner that allows them to continue to play a role in the delivery of elementary education as conceived of by the Constitution and laid down in the RTE Act. It is these considerations that must govern the practices of the private schools and not those of incentives or the economic logic of the private sector.

The majority of the private schools, however, continue to consider these provisions an unjustified burden imposed on them by an incompetent state that must provide education itself without meddling with the autonomous functioning of schools. In 2010, a consortium of 350 unaided private schools petitioned the Supreme Court, contending that the RTE Act violated their constitutional right, guaranteed under Article 19(1)(g), to practise any business ('trade'), and their right to equality before law, right to liberty and right against non-discrimination based on religion, caste and other considerations enshrined under Articles 14, 21 and 15(1), respectively. The Supreme Court upheld the constitutional validity of the RTE Act and reasoned that while the state is the chief duty-bearer, it could place a horizontal responsibility on private educational institutions in public interest, since the advancement of education is not a business enterprise but a charitable goal. Recognizing the fact that provision of education cannot be equated with a business enterprise, the court pointed to the 'public' nature of education. In May 2014, a five-member Constitutional Bench examined a review petition for the judgment and reaffirmed the court's 2012 position, but excluded minority institutions from the purview of the RTE act.

children from elite families. The horror has been so great that they have taken the matter to court citing constitutional privileges accorded to citizens. This matter has raised several fundamental questions about the way education is perceived and the constitutional principles it is challenging by taking this legal position. It is extremely important that not only the idea of elementary education as a public good should be reiterated, but the law of the land (in this case the RTE Act) should be applied equally to the private sector as well.

Second, no special provisions have been made for children from marginalized communities, such as street children, children from migrant or nomadic families, children in conflict zones, etc., This was expected to be dealt with through state rules, but none of the states have made rules or guidelines that specifically deal with such children.

Third, the act is being called a right to schooling, but not education, claiming that too much attention is being paid to ‘infrastructure’ as opposed to ‘learning’ parameters. This is factually incorrect, as several provisions in the Act relate precisely to learning aspects — such as teacher qualification, Continuous and Comprehensive Evaluation (CCE), ban on corporal punishment and discrimination, and curriculum in accordance with constitutional values. What is correct, however, is that these provisions, in order to be properly enforced, require resources, training and a host of other efforts, which at present do not appear to be forthcoming. This is a genuine concern about, and criticism of, the act.

A Right without Fundamentals

Perhaps the biggest challenge faced by the RTE Act is that it has not fundamentally altered the manner in which elementary education is perceived by those involved with the enforcement of the act. The fact that children still do not have access to schools, are being forced to drop out of school or are not learning adequately reflects serious shortcomings in the implementation of a scheme that has not been grasped by those in charge of its enforcement.

The lack of understanding of the enormity of the task and its ramifications is most starkly evident from the fact that a proper assessment of the financial needs under RTE is yet to be made.

Besides, the huge investments required to revamp the education and training of teachers, so that they meet the standards stated in the act, have not been initiated. Similarly, the special attention that is required to enable excluded and marginalized children, including the provision of ‘special training’ to mainstream dropouts, have remained neglected areas even three years after the act came into effect.

Despite the legal connotations, no accountabilities have been fixed within the MoHRD and state education departments to take up the grievances that arise. No rules have been framed for grievance redressal to allow people to stake a claim to their rights under the act. No publicity or awareness campaigns have been undertaken to inform people of all their rights and entitlements. This last omission, in particular, shows the lack of political and administrative will towards the fulfilment of this important constitutional mandate.

The attack on the RTE Act that was launched by private schools and some groups representing minority institutions has led to the unfortunate exclusion of minority educational institutions from the purview of the act. As the Constitution promises minorities the right to run their own educational institutions, the Supreme Court has interpreted this privilege in a rather narrow sense, giving them the legal freedom to opt out of the requirements of RTE. This has dealt a blow to the idea of ‘inclusion’, which is an important aspect of the RTE Act. One can only hope that this can be reviewed again in the near future.

Last, the act has given a boost to de-centralization by giving an important role to Panchayati Raj Institutions (local authorities) as well as to School Management Committees (SMCs), formed with 75 per cent parent membership. However, these sections of the act have been either completely neglected, as in the case of the local authorities, or treated very cursorily, as in the case of SMCs. This neglect, too, shows the lack of political and bureaucratic will towards implementing the act in its true spirit.

3.2 Institutional Failures and Bias, or Exclusion 'In the System': Experiences of Discrimination Inside Schools

Official data from DISE shows that while we have successfully managed to enhance enrolment to almost 100 per cent, many children, particularly from SC, ST Muslim communities, and disabled children, drop out without completing elementary education or school education till class X.⁴¹ School and classroom experiences are important factors in the non-retention and poor performance of these children. Moving from the policy domain to the lived realities of excluded children, this section documents a range of 'in-the-system' discriminatory practices and barriers, manifested, for instance, in poor infrastructure, pedagogical inadequacies and discrimination, and bias and neglect by teachers towards children from marginalized groups, among others. Such practices and barriers prevent schools and classrooms from becoming the learning, transformative, inclusive spaces they are meant to be, and result in the exclusion of a large number of children from these marginalized groups.

3.2.1 Physical and Spatial Disadvantages in Accessing Schools

Government reports suggest that the stated policy of providing a primary school within 1 kilometre of a habitation and an upper primary school within 3 kilometres of a habitation have been fulfilled in almost all eligible areas in the country.⁴² However, this policy does not ensure that all children are able to access these schools. In urban areas, a school within the mandated distance is not sufficient to accommodate all the children in the catchment area, given the high population density. Even when schools are available, heavy traffic may prevent young children from accessing the school, given that their parents are not able to take the time to bring children to, and take them back from, school. As the Ministry of Urban Housing and Poverty Alleviation reports:

Education infrastructure is poorer in cities with larger population base and higher urbanization, thus increasing the possibility of marginalizing children of urban poor from education. There is still a huge gap in achieving universal access to education in all

cities, impacting the disadvantaged children the most.⁴³

An estimated 4 per cent of habitations in the country (especially in remote and hilly areas in Himachal Pradesh, Uttarakhand, Uttar Pradesh and the northeast, tribal belts of Chhattisgarh, Madhya Pradesh and Orissa, and desert areas of Rajasthan) do not have primary schools within walking distance of homes.⁴⁴ This almost immediately excludes several children from accessing education as they cannot travel long distances to attend school. K. Sujatha notes that 'the population and distance norms formed by the government have not been beneficial to tribal locations because of their sparse population and sporadic residential patterns'.⁴⁵ In addition, these locations are bereft of basic infrastructural facilities like transport and communication. This also ties in with parental anxiety, where parents are unwilling to send their daughters to schools that are located far off from their villages. In such scenarios, girls will drop out almost immediately. Further, even where primary schools are available, non-availability of middle and high schools in the vicinity places further limitations on the educational motivation and aspirations of tribal children.

Distance from school also serves as a barrier for Dalit children, against whom caste bias and widely prejudicial societal beliefs often lead to objections and harassment by dominant communities when they walk through the village roads to reach school. Such concerns become pronounced when there may be other social or economic conflicts between Dalits and the dominant community.

Inadequate or non-existent school access is also a major concern for children in conflict-affected areas, including regions facing Naxalite insurgencies, communal violence and social unrest. The forced displacement of people from their homes, particularly in cases of communal conflict or tension between two religious or ethnic communities (recent examples being the Jat–Muslim clash in Muzaffarnagar in 2013 and the Bodo–Muslim clashes in Assam in 2012) often leads to a discontinuation of education for children, since most relief camps are devoid of even basic services, let alone schools. Similarly, damage to schools during such conflict, as well as their subsequent occupation for security or police

operations can severely affect school access for children. For instance, nearly 300 schools were reportedly blown up by Maoist rebels between 2006 and 2009, with Bihar, Chhattisgarh and Jharkhand being the most affected states.⁴⁶ In this context, efforts by civil society organizations to provide 'educational relief' are critical but generally too haphazard in their design and scope to offer an alternative on par with formal education.

For migrant children and children of nomadic and semi-nomadic communities, cycles of movement and routes of migration that may not coincide with school cycles can lead to difficulty in securing admissions mid-session or for parts of the session as necessitated by the patterns of migration. Moreover, due to the lack of hostel facilities for children who stay back when parents migrate seasonally, children often lose out on schooling both in their native place and in migrating areas.

3.2.2 Inadequate School Infrastructure and Facilities

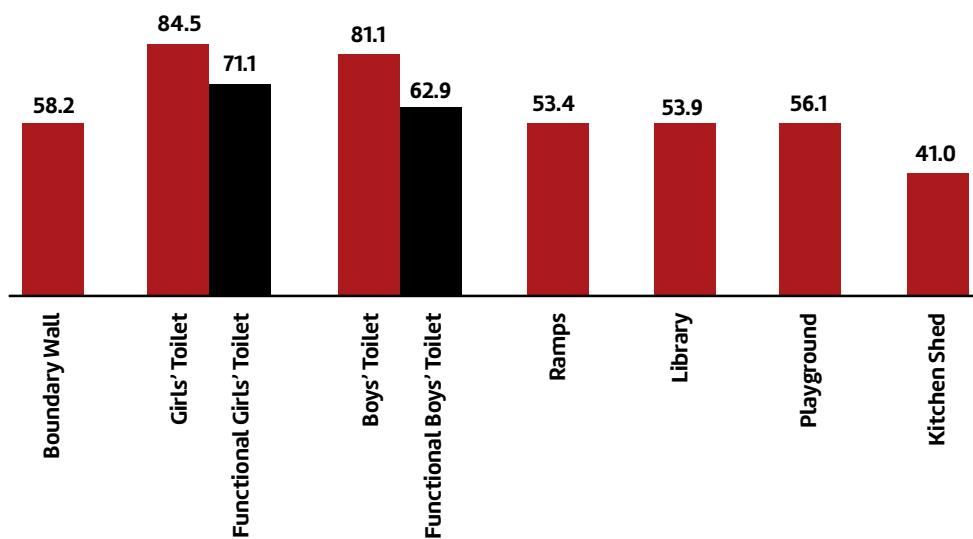
Overcrowding and a lack of basic facilities in schools can exacerbate the exclusion of disadvantaged children. Even as the RTE Act lays down nine essential infrastructure facilities⁴⁷ to be provided in

all elementary schools, the large majority of schools are devoid of them. Despite concentrated attention and budget allocations to build adequate schools and classrooms with necessary infrastructure facilities and equipment, at the end of the three-year RTE deadline in March 2013, less than 10 per cent of the 1.3 million government schools in the country were RTE compliant in terms of infrastructure and teacher availability.⁴⁸

A review of school infrastructure-related indicators (see Figure 2.1) shows that while progress has been made in some areas—for instance, in the construction of school buildings and provision of drinking water facilities—a number of major gaps continue to exist. While such infrastructure shortfalls are felt by all students, some of them have a particularly detrimental impact on children from marginalized groups. Many schools still do not have separate girls' toilets, which often leads to girls dropping out of school, especially after puberty, or staying home during menstruation. Similarly, the absence of ramps severely restricts school access for children with disabilities.

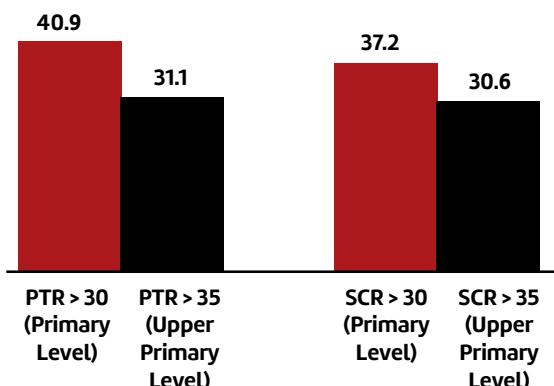
The DISE statistics also show that about one-third of schools, at both the primary and upper

Figure 2.1 Percentage of Schools with Different Infrastructure Facilities



Source: Arun C. Mehta (2013), *Elementary Education in India: Progress Towards UEE, Analytical Tables 2011–12*, New Delhi: NUEPA and MoHRD.

Figure 2.2 Percentage of Schools with Higher than Targeted Pupil–Teacher Ratio (PTR) and Student–Classroom Ratio (SCR)



Source: Mehta (2013), *Elementary Education in India*.

primary levels, had more than the mandated number of students per classroom and students per teacher (see Figure 2.2). High student–classroom and pupil–teacher ratios mean that the teacher has to take charge of a large class and is unable to give individual attention to students. Dalit children in Bihar have reported that they do not attend schools regularly as there is not enough space in the classroom, in addition to the poor teaching.⁴⁹ Extremely overcrowded schools, at times with about 100 children per classroom or teacher, and inadequate infrastructure, water and toilet facilities, have been reported in a number of million-plus cities.⁵⁰

A study by Dhaatri reported the inadequate infrastructure and poor facilities in the *Ashram* schools run by the Tribal Welfare Department in Andhra Pradesh.⁵¹ In some places, hostels or dormitories were non-existent, and classrooms doubled up as dormitories. There was a lack of safety and security for adolescent girls, toilets were few in number and badly maintained, some girls' hostels had male wardens, and no medical staff — all creating a vulnerable situation in these residential schools.

A qualitative study of five SC and ST residential schools in Bihar found their condition to be dismal, without basic liveable infrastructure, adequate facilities or academic support for students.⁵² In addition to these general problems, it was found that neither schools nor the state education department had made efforts to fill the available

seats in these schools. Thus, an important provision meant to facilitate the education of Dalit and Adivasi children, and reduce their educational inequalities, is being under-utilized. While the RTE Act is supposed to cover all children in the six- to 14-years age group, there is little convergence of the Ministry of Human Resource Development with the Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs, which run the special schools for SC and ST children respectively.

Infrastructure issues have an enormous impact on school access for children with disabilities. Unfortunately, their concerns have been reduced to the catchall notion of 'barrier-free access', meaning, ramps and rails, rather than a framework that enables the participation of children with disabilities in all aspects of school life, be it classrooms, playgrounds, toilets, drinking water facilities or mid-day meals. Even based on this narrow interpretation, as of 2012–13, only 69.43 per cent of schools had been provided with barrier-free access.⁵³ It must be recognized that while children with disabilities may not be able to access schools in the same way as other children, the barrier-free access made for children with disabilities can be used by children without disabilities too. Hence, rather than making separate or special access for children with disabilities, a more inclusive strategy would be to have access features that can be used by all children, including children with disabilities.

3.2.3 Discrimination in the Use of School Infrastructure and Facilities

A study by MoHRD reports many instances of discrimination in the use of infrastructure facilities in primary and upper primary schools in six states.⁵⁴ Existing patterns of discrimination against socially marginalized communities are replicated within the schools across dominant and marginalized groups, and may happen even among children from the same communities. Even among Dalit or Adivasi children, particular sub-groups such as Valmiki or Musahar children, or Sahariya children, face greater discrimination from others, including from other Dalit or Adivasi children.

Children with disabilities face particular problems in the use of school infrastructure and activities such as the use of computers, games, art, music and drama, due to a lack of accessibility

or difficulties in adapting these activities to their needs. Even in cases where a child is unable to participate, teachers usually do not plan another activity and the child is left doing nothing.

Discrimination has often been reported in the task allocation related to cleaning and maintaining school infrastructure and facilities. The MoHRD study found that usually it was SC children who cleaned the playground, verandah and rooms in school, although there were instances where OBC and sometimes general caste children also did the cleaning, as long as it did not involve cleaning the toilets. In many places, cleaning tasks were reserved for SC girls, as boys did not touch the brooms or mops. The study further reported that the condition of toilets was extremely bad, with many of them being dysfunctional. But even in the few cases of functional toilets, these were being cleaned by SC children.⁵⁵

3.2.4 Curricular and Pedagogical Inadequacies

The National Curriculum Framework, 2005 (NCF 2005) is one of the three National Curriculum Frameworks (1988, 2000 and 2005) developed by NCERT after the National Policy on Education of 1986.⁵⁶ NCFs are aimed at guiding the development of state-level curriculum frameworks, syllabi and textbooks across states and union territories in the country. The NCF 2005 lays emphasis on promoting citizenship, social inclusion and empathy, and contributing to economic and social changes, in addition to laying stress on ‘nurturing an overriding identity informed by caring concerns within the democratic polity of the country’.⁵⁷ It acknowledges the persistence of social exclusion in the country, and presents a broad vision for contextualizing school curriculum in this social reality. However, being a broad guiding document, it fails to detail how this may be achieved. While this may not be the task of a curriculum framework for obvious reasons, it creates varied kinds of ambiguities in interpretations at the state level. The genesis of these ambiguities, in some ways at least, can be traced to the NCF itself – which presents ideas like ‘social context’, ‘plurality’, ‘paradigm shift to the perspective of the marginalized’ and ‘critical pedagogy’ in a vague manner. Although the spirit of the document is clear, this clarity does not seem to find a reflection in the revised

textbooks developed at the state level and by the NCERT as well (in some cases at least). Would representing social context imply reflecting ‘real’ political over- or under-tones embedded therein? How does one make textbooks ‘joyful’ and ‘critical’ at the same time? How may a textbook’s contents incorporate concerns of varied social groups, varied views of reality, marginality and criticality, and train children to be socially sensitive?

The revised textbooks developed as per the NCF 2005 guidelines seem to be products of the various ways in which the state-level teams have grappled with these issues.⁵⁸ However, the trend indicates that several rigorous review exercises would be required to make the textbooks suited to address ‘exclusion’ critically. Broadly, it can be said that despite efforts towards inclusion, the perspectives of Dalits, Adivasis, disabled persons and religious minorities find few references in the textbooks. The textbooks do demonstrate a trend towards a more balanced representation of the two sexes. However, the representations follow a descriptive and uncritical trajectory (with some exceptions) that reasserts traditional gender roles. Also, the complexity of the constitution of gender and diversity in sexuality do not find a place in the textbooks. Themes like poverty, unemployment, hunger, conflict, multiplicity in ideologies and the like, which are omnipresent in the social context of India and the world, also do not emerge from the textbooks. At the same time, certain kinds of stereotypes continue to be embedded in subtle ways. Thus, although it would take a closer and a more holistic analysis to understand whether or not contents of textbooks are exclusionary, it is evident that they are far from addressing the category of exclusion in a comprehensive and critical fashion.

One reason for this may be that the functions that schools perform and the roles they assume are not just ‘pedagogic’. Schools are social institutions,⁵⁹ and their pedagogic and academic agendas revolve around their social functions – which are much more contested, even when the debates appear to concern only the pedagogic aspect. As a result, children from marginalized groups continue to be considerably excluded, not just in terms of the content of textbooks, but also on account of other curricular content, hidden curriculum and the way this is transacted in the classroom by the teacher.

Feminist evaluations of school curricula have highlighted many examples of the 'hidden curriculum'. It includes:

- Organizational arrangements (including the division of physical spaces within the classroom and the school along gender lines);
- Differential task assignment and sexual division of labour in school (boys are allowed to go out of school, girls sweep and clean);
- Systems of rewards and punishments, disciplining of boys and girls through different strategies, teachers' labelling patterns, teacher-student and student-student interactions;
- Routines, rituals and practices in everyday school life (like segregated seating, separate lines for girls and boys or having them form separate teams).⁶⁰

Students from a minority background find themselves particularly alienated by the hidden curriculum, such as through dominant religious rituals. Symbols of Hindu gods and goddesses in schools, *pooja* and *havan* on ordinary or festive days, celebration of some festivals over others, and practices like touching the feet of teachers gain legitimacy when practised in schools. Studies by Geetha Nambissan of Dalit students in Rajasthan also reported how teachers performed *pooja* to Goddess Saraswati in schools in which Dalit students were not asked to light the incense sticks or participate in these rituals in any manner.⁶¹ These practices, built into the daily school routine, reinforce caste boundaries drawn in the process of the construction of the 'sacred' and thereby the 'polluted' within the institution.

State curricula do not acknowledge the cultural rights of Adivasis. The school curriculum fails to take account of tribal cultures as autonomous knowledge systems with their own uniqueness, history and context. The absence of community history, language and culture makes the linkage between education and day-to-day life complicated and stressful for the Adivasi child. Not only is the knowledge, and linguistic and cognitive abilities that Adivasi children possess ignored—for example, their intimate knowledge of their environment—schooling also actively encourages a sense of inferiority about tribal cultures.⁶²

Another example of pedagogical inadequacy is the language used for instruction and communication, which affects children of migrant, nomadic and semi-nomadic communities when they move to an area where they are not familiar with the local language. Such barriers are also faced by Adivasi children, who generally speak in their own local dialect, and are unfamiliar with the state language used in schools. As a result, they are unable to fully comprehend classroom teaching and activities, read in the state language or understand the texts properly.⁶³ The problem may be compounded in the event where children in the same classroom come from diverse linguistic backgrounds, for instance, in the context of different tribal dialects in the same area, or migrant children in urban areas.

Children with special needs may also get excluded from classroom activities because of difficulties in communication with the teacher and peers. In many cases, small changes in classroom practices can go a long way in accommodating the needs of children with disabilities. For instance, in the case of students with hearing impairments who can communicate using lip-reading skills, teachers can ensure that they converse clearly, naturally and at a normal pace, without pausing unnecessarily between words, which would break the coherence in their message. Such students can also communicate better when seated directly in the line of the teacher.⁶⁴ Often, however, when faced with such communication difficulties, the teacher stops asking them questions or including them in discussions, thereby restricting their participation in the classroom. While there is substantial literature on making the classroom a more inclusive space for children with disabilities, teachers and school staff often lack the training required to effectively implement such measures. Many formal schools also do not possess trained teachers and the special books and equipment required to support the learning needs of children with disabilities.

3.2.5 Active Discrimination and Violence: Negative Teacher Attitudes

Negative teacher attitudes exhibiting class, caste, religious and gender bias manifest themselves as discriminatory behaviour and exclusionary practices that thwart diversity and plurality in a

Exclusion in Mid-day Meals Programme

The Mid-Day Meal (MDM) scheme originated in 1982 to promote children's attendance and retention in school, as well as to reduce hunger and malnutrition. Today, it ensures a meal a day for more than 100 million children across the country. The project lies on the fault lines of caste discrimination, a fact that is gnawing away at its social fundamentals. In 2006, a study by the Indian Institute of Dalit Studies extensively documented discrimination against Dalit children and cooks in the mid-day meals programme across Rajasthan, Andhra Pradesh and Tamil Nadu.^a Despite a Supreme Court directive in 2004 to give preference to Dalit and Adivasi women as cooks and helpers, their numbers continue to be limited. Dominant caste communities object to their children eating food cooked by Dalit women. In addition, Dalit children report segregation during the meal, being served after others were served, not being given a second helping and other similar forms of discrimination. These findings are repeated in the MoHRD study across six states in 2012, which found a range of exclusionary practices against children from marginalized groups.^b For instance, Dalit children were found to bring their own plates and were not allowed to use the plates in the school as other children objected. Teachers suggested that Dalit and Adivasi children came to school to partake of the mid-day meal and not to study. It is also common practice that children do not stay in schools after the mid-day meal and teachers spend considerable time in the preparation and serving of mid-day meals, eating into their teaching time. In many tribal areas, the scheme is implemented with delays in the delivery of funds and stock, and poor guidance to cooks and their poor monitoring. For children with disabilities, difficulties can arise when a child has specific needs, for instance when he or she requires assistance while eating, or is unable to move easily to the place where the mid-day meal is served.^c In the absence of suitable arrangements, such children are often unable to access the meal. While the social benefits of the mid-day meal were a primary consideration in the development of the scheme, they are thus undermined in a variety of ways.

Sources: a. Joel Lee and Sukhadeo Thorat (2006), 'Dalits and the Right to Food: Discrimination and Exclusion in Food-Related Government Programmes', IIDS and UNICEF Working Paper Series, vol. 1, no. 3.

b. Technical Support Group, EdCIL India Limited (2012), *Inclusion and Exclusion of Students in the School and in the Classroom in Primary and Upper Primary Schools: A Qualitative Study* commissioned by the Sarva Shiksha Abhiyan, New Delhi: MoHRD.

c. AARTH-ASTHA (2013), *Third Annual Report on Status of Children With Disabilities Under the Right to Education Act*, New Delhi: AARTH-ASTHA

classroom, bringing about an internalization of bias in excluded children, and resulting in unequal participation with respect to leadership roles and school activities.

A major manifestation of discriminatory behaviour by teachers is corporal punishment. Children from marginalized groups often perceive and report that they are punished more often, punished more severely, punished unjustly when it is not their mistake or punished for offences for which others are condoned. Other forms of indirect discrimination by teachers include neglecting or paying less attention to such students, repeated blaming and labelling them as weak performers. Such negative teacher attitudes and discrimination are a major reason for children from marginalized backgrounds not entering the school system or dropping out early. Other consequences include irregular attendance in classrooms, lowered concentration in studies, reduced amount of participation in school activities, lower performance, failure and dropping out of school. Despite some quantitative gains, marginalized children are experiencing considerable qualitative

setbacks. A negative teacher attitude towards children is chief among these.

Discrimination is particularly severe for children facing extreme social stigma — children who are HIV positive or have HIV positive parents, children of commercial sex workers, children engaged in sex work, and children of manual scavengers, among others. Human Rights Watch, for instance, has compiled an extensive collection of case studies which show the high prevalence of discrimination in schools due to the HIV positive status of children and their parents, including denial of admission and mistreatment in schools.⁶⁵ Often, the discrimination is covert, such as low tolerance by teachers of frequent absenteeism due to illness or the need to care for unwell family members. In one study, such stigma, during the admission process and in school, was one of the primary reasons cited for children dropping out of school. In a similar manner, migrant children and children of nomadic and semi-nomadic groups also face significant discrimination by the local communities in the areas where their families migrate for work.

Dalit, Adivasi and Muslim children often recount various experiences of discriminatory behaviour in the teaching–learning practices in the classrooms. Teachers often discourage hard work and good grades among Dalit and Adivasi students, unfairly presuming that the ‘privilege’ of reservations in education and employment makes them work less hard. Teachers also perpetuate caste-based discrimination by questioning the value of education for children from ‘low’ castes, who they (teachers) will end up undertaking menial, traditional, caste-based occupations. Teachers also stereotype Muslim students as children who will gravitate towards violence and terrorism in the future and therefore believe that investment in education for them is worthless. A similar attitude affects children with disability. Government expenditure on inclusive education for children with special needs (CWSN), teacher-time and learning for them are all considered to be a burden on the state, which takes away space and opportunity for others.

Additionally, Dalit and Adivasi children face discriminatory attitudes from fellow students and the community as a whole, in particular from ‘dominant caste’ members who perceive education for these children as a waste and a threat to village hierarchies and power relations, and believe them incapable of being educated.

Teacher bias against students is reflected in verbal abuse, which relates to their caste or religious identity – ‘Churha’, ‘Chamar’, ‘Chamarin’, ‘Mulla’ and ‘Mohammed’ are terms that are routinely derogatorily used. In conversations with one of the authors, Muslim children reported that they are often referred to as ‘Mulle’, ‘Katya’, ‘Aatankwadi’, ‘Osama’, ‘Taliban’, ‘Kashmiri’ and ‘Dawood’; another child related how his teacher never called him by his own name but as ‘Mohammad’, ‘Miyan’ or ‘Maulana’. Moreover, statements such as ‘*Chamar ka baccha chor hi karega*’ or ‘*Musalmān aatankwadi hi hai*’, (the son of a ‘Chamar’ will only be a thief and Muslims are all terrorists) are reflective of the deep caste-, religion- and identity-based prejudices held by teachers. Adivasi children are often subjected to overt discrimination by teachers who view them as ‘slow learners’, ‘weak’ or ‘unteachable’. They are humiliated and their parents are called ‘drunkards’ and deemed not

interested in their children’s education. Similarly, negative teacher attitudes towards children with disabilities, and labelling them with derogatory words like ‘paagal’ are unfortunately very common.

Often teachers consciously do not give children from marginalized backgrounds a chance to come and write on the blackboard or lead the reading in the classroom. Another way to discriminate in the classroom is through differential or segregated seating. Children have reported many difficulties arising out of this – such as lack of teacher attention, inability to read from a distance or a badly maintained or lit blackboard, being stereotyped as uninterested in studies or not sharp – which have a negative impact on their learning and development. A study of 158 Dalit children in Madhya Pradesh reported that only 22 per cent children could sit in the front rows in their class while 78 per cent reported that they had to sit at the back.⁶⁶ A similar study in Rajasthan reported that while 25 out of 64 children said they were free to sit anywhere in the class, only four reported actually sitting in the front row in their class.⁶⁷ The actual seating is influenced largely by teacher expectations and preferences, peer group dynamics and social identity.

Such actions can create an environment of fear and non-participation among children, where they restrain themselves in their learning efforts. Children themselves state that they are not smart or intelligent and are not able to read or write correctly, thereby accepting the teacher’s perceptions about them, even though they would like these perceptions to change.

In the study on Rajasthan,⁶⁸ Dalit children respondents mentioned being largely silent in class when it came to curriculum transaction. Many said they could not ask their teachers for explanations when they did not understand what was being taught, or could do so only with some teachers. Reasons given for not asking questions or seeking clarifications included being scared that teachers would scold, beat or insult them, or that peers would make fun of them for what they did not know. Some said they were too shy and hesitant to speak and would wait for another child to ask the teacher for clarifications. Others reported that they would ask a friend instead or just leave out that portion of the lesson, if need be.

Similarly, children from marginalized communities complain of not being recognized or selected for leadership in schools and extra-curricular activities. While the explanation usually is that teachers select leaders from among students with regular attendance, or those who are ‘good’ at studies, these children do not feel that the selection is honest or just. Children are conscious of the bias and prejudice of teachers in denying them a chance because of their caste, religion, gender or sexual identity. The MoHRD study reported that:

Teachers differentiated between neat and clean children and the ones who were untidy or ‘dirty’. Colour of the skin of a child seemed to play an important role when special duties were assigned in school like speaking in the assembly or leading morning prayers. With respect to appointing class monitors, boys were given preference.⁶⁹

One would expect from teachers, in the light of teaching-learning principles and pedagogy, facilitation in helping children learn about and respect one another, collaborate and co-operate in learning pursuits, share resources, etc. Diversity as a learning resource, however, is hardly stressed in teacher education. Rather, it is perceived as a limitation and distraction, a drain on teacher energy and resources. Pre-conceived notions about who is acceptable, what is desirable, who is worthy, who is deserving and who is capable drive teacher attitudes. Often, the positive associations are with the children from the dominant sections of society, and the negative with the marginalized.

While some aspects of teacher in-service training have been revised, these pertain primarily to gender and disability, and do not include the concept of inclusion for other groups of marginalized children on the basis of caste, religion, etc. Sadly, these deep-seated biases are not the subject matter of teacher training. The quality of both pre-service and in-service training is poor and these seem to be exercises in discharging certain obligations. Teachers feel that particularly after the RTE Act of 2009 and the NCF 2005, their dependence on and expectations from training programmes have increased. However, these expectations are rarely met.

Very few teachers are able to change the discriminatory and exclusionary practices against

marginalized groups as this demands conviction and clarity, which is not provided by the teacher education process; energy and effort, which teachers are seldom willing to invest; and also the strength to challenge conventional beliefs and attitudes in which they are often not supported by others at the school or in the local communities. The school management may not also demand these changes or support teachers in making the changes. The same is communicated in multiple ways in the classroom and school, and reinforced by the attitudes of the children of dominant castes towards those of the marginalized castes. Hence, peer relationships among children from different social groups and across gender or ability are limited, do not cut across comfort boundaries, or explore knowledge and practices about each other. Instead, they replicate existing attitudes and practices, and schools rarely become spaces for transformation. As a result, children from marginalized social groups express comfort in staying with friends from their own community.

3.2.6 Positive Developments in the Inclusion of Marginalized Groups

Kasturba Gandhi Balika Vidyalaya (KGBV)

The KGBV scheme has been functioning since 2004 in 27 states. Residential schooling facilities are provided to those girls who have dropped out in primary school, and the programme helps them complete the elementary level of education via bridge courses and tutorials. It caters exclusively to girls from the SC, ST, OBC and religious minority groups, as well as those living below the poverty line. At present there are 190,404 girls studying in a total of 2578 KGBVs.⁷⁰ The scheme is an important institutional mechanism to mainstream young girls into education as it also impacts the practice of early marriage among girls.⁷¹

Scholarships

The state provision of pre-matric scholarships to Dalit, Adivasi and Muslim students provides some succour to families in meeting additional costs. In addition, children whose parents are engaged in stigmatized occupations also receive pre-matric scholarships. Special incentives to girls have increased their enrolment. Discussions with parents show that they value the scholarship amount even though it does not meet all the school costs.

School costs have increased considerably with the increased dependence on additional tuitions, even among children who study in government schools.

Residential Facilities

The state provision of residential schools or hostels for SC, ST and OBC children, despite their often inadequate infrastructure and poor academic support, is particularly beneficial for Adivasi children living in remote areas with limited school access. Dalit parents also value residential facilities for their children, as there is no learning environment or academic support in their habitations. Examples of Non-Governmental Organization (NGO)-managed residential facilities include Janishalas, which are residential learning centres run by Nirantar for Dalit and Adivasi girls in Lalitpur district of Uttar Pradesh. Residential hostels are also run by NGOs in the high outmigration districts of Bolangir and Nuapada in Orissa, and in Madhya Pradesh and Andhra Pradesh, providing children the option of staying behind and continuing their schooling, while their parents migrate for work.⁷²

Bridge Courses

Special bridge courses are run by the SSA, in partnership with Action Aid, for children of migrant brick kiln workers in Andhra Pradesh. Located near brick kiln sites, children in these courses are taught in their native Oriya language in order to overcome language barriers, and are also given a certificate of passing to ensure promotion to the next class in their local schools back home. Other such examples include *bhonga shalas* at brick kiln sites and *shakar shalas* at settlements of migrant sugarcane cutters, both in Maharashtra,⁷³ and *bhatta* schools in brick kilns in Jhajjar, Haryana.

Tola Sevaks or Talim-e-Markaz in Bihar

Bihar has created an extensive cadre of community-level education volunteers called *tola sevaks*, or *Talim-e-Markaz* to facilitate the education of Dalit and Muslim children. These volunteers are required to provide additional coaching to the children in their habitations, and ensure they attend school regularly. The increased enrolment of Mahadalit children was attributed to the engagement of these volunteers, even when they were not equipped

through training or other facilities to do their best in the role.

In addition to government efforts, there are several initiatives by civil society organizations to promote and support marginalized children in getting access to education, for instance residential and non-residential camps for out-of-school children so that they can be readmitted into school. Organizations also provide ‘out-of-school-hours’ coaching support to school-going children and learning support through innovative pedagogies in science, mathematics or environmental sciences, among other areas. In addition, NGOs work with schools to promote children’s participation in initiatives like *baal sansad*⁷⁴ and *meena manch*,⁷⁵ promote inclusion activities and games in schools, promote human rights education, and set up libraries and other facilities in schools. In particular, many NGOs engage with children in extremely vulnerable situations, such as street children and child labourers. Besides teaching and learning activities, such initiatives also focus on promoting children’s participation and building their self-confidence.

3.3 Exclusions in the Home–Community–Work Continuum

While the earlier section examined the issues of exclusion originating within the education system, this section extends the analysis to beyond the system, to the other spaces occupied by children and their families, to understand the impact of these spheres on the schooling decisions of children from marginalized backgrounds. In particular, this section examines the crucial interlinkages between poverty and educational exclusion, and other important factors located within the home and community – for instance, parental illiteracy, lack of academic support at home, and societal prejudices and gender bias – that intersect with school participation and create a vicious cycle of exclusion, illiteracy and poverty.

3.3.1 Role of Poverty

Education necessarily demands long-term horizons. Poverty, on the contrary, compels people to remain embedded in immediate or short-term concerns. The informal economy on which the poor survive forces them to live from

Table 2.2 Education Indicators for Persons from Different Categories of MPCE

	Decile Class (%) of Monthly Per Capita Expenditure (MPCE)									
	0–10	10–20	20–30	30–40	40–50	50–60	60–70	70–80	80–90	90–100
Literacy Rate (%)	49.3	53.0	55.8	58.4	60.4	63.4	66.8	70.6	78.5	88.4
Current Enrolment Rate (%)	50.4	51.0	51.8	51.8	52.8	52.4	54.6	53.5	56.9	61.8
Current Attendance Rate (%)	48.7	49.6	50.4	50.5	51.0	50.9	52.9	52.0	55.3	60.0

Source: National Sample Survey Organization (2010), 'Education in India, 2007–08: Participation and Expenditure', NSS 64th Round (2007–08), New Delhi: MoSPI.

day to day. They want to – but usually fail to – plan for the distant future in which their progeny might reap the fruits of education.⁷⁶

There are close linkages between poverty and educational status. Statistics from the 64th NSSO round (2007–08), shown in Table 2.2, estimate that only about half of the people in the bottom 10 per cent of the population (based on Monthly Per Capita Expenditure or MPCE) were literate, as compared to a literacy rate of 88.4 per cent for the top 10 per cent of the population. Similar trends are seen in the attainment of secondary and tertiary education. Similarly, poorer children have lower educational participation indicators like enrolment, attendance and dropout rates; for instance, as Table 2.2 highlights, 48.7 per cent of people in the lowest decile class were currently attending educational institutions, compared to 60 per cent in the highest decile class. Further, since the incidence of poverty is higher in marginalized households, including those of Dalits, Adivasis, Muslims, female-headed households, and households with persons with disabilities, such groups are particularly vulnerable to the impacts of poverty on educational exclusion.

The Consortium for Research on Educational Access, Transitions and Equity (CREATE) Country Analytical Review for India has noted that children from poorer households are deprived of education because of two main reasons: namely, a lack of affordability due to the financial burden, and the indirect opportunity costs of seeking an education over the need to work, either in family occupations or as wage earners supplementing the household income.⁷⁷ Such purely economic reasons are particularly relevant, as the education system has not been able to adequately deal with these constraints.

Besides the direct financial costs of going to school, indirect opportunity costs can include, among others, the inability to perform domestic chores or take care of siblings, or the loss of time that could have been spent as a child worker. In the case of persons with disabilities, there is also a loss in employability and income for caretakers. In many cases, other expenditures can also lead to a significant weakening of the household's economic wellbeing, and consequently its ability to educate children. Examples include expenditures related to the care of a disabled member—higher medical expenses, the cost of aids and appliances, dependence on private transport—or, in the case of children of HIV positive parents or those who are HIV positive themselves, increased medical expenses and the loss of family wage earners to the disease.⁷⁸

Perhaps most crucially, a major section of children who are living in a situation of abject poverty are engaged in child labour, which places a severe barrier in the ability to go to school. According to the Census of 2001, India had 12.6 million children, aged between five and 14, who worked either part-time or full-time. Of these, over 60 per cent worked in the unorganized agriculture sector and the rest in other unorganized labour markets where they are extremely prone to exploitation. NGOs however estimate that there are at present 60 million child labourers in India, about five times the official number. Many children have to work during school hours, and even if they work before or after school, the work often leaves them tired and unable to participate fully at school, or prevents them from spending time studying after school hours.

There is also substantial overlap between migration and child labour, and child migrants

form a significant part of the workforce in several major sectors, such as construction, brick kilns, small industries, domestic work and farm work.⁷⁹ Similarly, the struggle to survive forces children on the street into unsafe and demeaning occupations, such as waste picking and begging.

A study of the Mahavats (Muslims) of Barabanki in Uttar Pradesh reveals how children are compelled by the pull of economic necessity to lose the freedom to go to school, and juggle household work and outside labour to supplement family incomes.⁸⁰ The community, being wholly asset-less, must rely on pawning physical labour, locally, but increasingly also in distant cities, to eke out a living. This necessitates parents absenting themselves from families on a daily basis for locally available work in Barabanki as rickshaw pullers and plastic flower makers, or for long durations, as migrant labour. Women additionally work as domestic help in houses of the better-off families in the village. As a consequence, children, from very early on, are left to themselves, girls looking after their younger siblings, and boys free to do as they please or helping their fathers with manual labour. Schooling is not a priority, especially when there is little attempt by education administrators to make schooling readily and easily available for such vulnerable communities.

The same study finds that among families that practice home-based work, particularly weaving, much of the burden of work falls on children, boys as well as girls, cutting them off from attending school or *madrasa* regularly. Almost all weaver families interviewed in the study claimed that they sent their wards to the local *madrasa* or school, but actual attendance was clearly very erratic, mostly due to their being preoccupied at home. Similarly, in urban areas,⁸¹ many houses double up both as *karkhanas* (workshops) and living space, where entire families are engaged in extremely low-paying, often hazardous informal-sector work. For instance, in Jehangirpuri, in northwest Delhi, a sizeable population of urban poor Muslims are involved in home-based activities such as *papad* making, embroidery work on bangles, removing peas from pods (seasonal), *manjha* thread (abrasive thread used in flying kites) making, rag picking, *bidi* making, etc. In rag picking, both organizing the raw material (rags picked by family members themselves) and sorting it are time-

intensive activities and involve all family members. Labouring in the *karkhanas* and in home-based work, trying to juggle work-related responsibilities with studies, striving to concentrate in congested and cramped spaces — all in an effort to bootstrap their families out of poverty — excludes these children from full participation in school and classroom learning.

3.3.2 Low Significance Attached to Education

Closely related to the issue of poverty is the weak perception of the value of education among poor and marginalized households. According to data from the 64th round of NSSO, lack of interest of children in studies has been cited as the major reason for a dropout rate of 17 per cent among girls and 24 per cent among boys in rural areas. Needless to say, all of these children belong to poor families. The proportion of such children is also quite high in urban areas, around 20 per cent male and 15 per cent female. The loss of interest in studies is due to various reasons, including the poor quality of education in government schools, the inability to afford private tuition and the lack of academic support at home, all of which affect their learning outcomes drastically. The discriminatory practices in the school and classroom also add to the level of demoralization among such children, increasing their sense of hopelessness and lack of agency.

Many children from marginalized backgrounds also develop a perception that they lack opportunities beyond their immediate surroundings, and this acutely limits their goals and their agency. Linked to the issue of goals the issue of what parents expect out of education, and what it means to them for economic and social mobility. When parents do not see their child's education translating into formal employment, and as a route out of poverty, it is not perceived as being worth investing time and resources in. Rather, that resource of the child's labour is better used to contribute to the family income, towards making ends meet.

On the other hand, for many families of children with disabilities, the idea that the child can go to school and learn is still relatively new. This, coupled with the difficulties associated with sending a child with disability to school, and the discrimination and neglect they tend to suffer in the formal schooling

system has meant that there does not exist a groundswell of demand for education, particularly the inclusive education of children with disabilities in formal schools.

3.3.3 Negative Perceptions and Stereotypes of Marginalized Groups

Stereotypes and prejudices, which reflect the cultural perceptions and practices of the wider society, are an important determinant of educational access for children belonging to marginalized groups. The attitudes of families towards women and the low significance given to education for the girl child often mean that parents are unwilling to bear the necessary expenses for the same. Early marriage and pregnancy among girls, in addition to the undue onus of domestic responsibilities, also increase the possibility of girls dropping out of school.

In a similar manner, rigid gender stereotypes mean that transgender children are teased because their behaviour does not conform to that expected of their sex, i.e., they don't behave as a boy or girl should. As discussed in the chapter on the transgender community in this report, in addition to harassment in school, transgender children often suffer from neglect and even violence directed against them in the family, which invariably has a severe negative impact on their ability to access and continue schooling.

Labelling, stereotyping or hurling of taunts and 'jokes' all constitute common practices that may affect a child's mindset in adverse ways. This needs to be seen against the backdrop of the contemporary social setting, in which there is very limited interaction between members of dominant and marginalized groups, and views are formed largely on the basis of prejudices and stereotypes perpetuated in the media and popular culture. As a result, Dalits and Adivasis are often regarded as undeserving beneficiaries of reservation, Muslims as inherently violent and fanatical and as terrorists, while persons with disabilities or transgendered persons are made objects of ridicule and derision.

3.4 Specific Vulnerabilities of Highly Excluded Children

In addition to the different exclusionary mechanisms discussed in previous sections, children from highly excluded groups often have other specific vulnerabilities that can exacerbate their marginalization and denial of schooling. While it is extremely difficult to elaborate on the specific nature of exclusion of each of these groups, some key issues affecting children living in conflict-affected areas, street children and children in conflict with the law are now discussed.

For children in areas of armed conflict and social unrest, poor school access is exacerbated by a host of other problems, including frequent absenteeism of students and teachers, decrease in the number of working days and poor supply of books and educational materials. Perhaps most crucially, the constant fear and mental trauma associated with conflict situations severely hamper the creation of a safe and conducive environment for education. There is also widespread evidence of children across the country being recruited, often forcibly, as child soldiers. By one estimate in 2008, about 80,000 children in Chhattisgarh were participating directly or indirectly in the Maoist conflict, including about 12,000 minors recruited by the Salwa Judum, a state-backed anti-insurgency force; many of the 4,200 Special Police Officers (SPOs) recruited by the Chhattisgarh state government were also suspected to be under 18.⁸² There have also been reports of children being recruited by rebel groups in Jammu and Kashmir, and the northeastern states.⁸³

Children on the street also suffer a whole range of significant deprivations, including homelessness, coercion to work in unsafe and demeaning occupations, inadequate nutrition, harassment by law enforcement officials, and severe mental and physical abuse, all of which serve as significant barriers in the access to education. Even among street children, those who lack responsible adult protection are perhaps the most heavily excluded and vulnerable, and a study in 2007 found that about one-third of street children lived away from their families.⁸⁴ For such children, the right to education cannot be guaranteed merely by admission into schools; appropriate non-custodial residential homes, which function as a place of

security for children and also provide basic services such as shelter, food and health, are in many ways a necessary pre-condition for street children to be able to secure an education.

Similarly, children in conflict with the law face a hostile law enforcement and juvenile justice system, leading to their incarceration in juvenile homes for even petty offences like vagrancy, truancy, begging, or alcohol use. While arrest or conviction for a crime should not result in the denial of a child's right to education, the poor condition of these homes means that juvenile offenders are deprived of basic needs like adequate healthcare, nutrition and schooling. At the same time, there is little effort on the part of the authorities to address the diverse causes which lead children to commit offences, such as extreme poverty, starvation, high levels of violence and abuse, and abandonment by families.

4. Consequences of Exclusion from Education

Exclusion 'by the system', 'from the system', 'within the system', and over the 'home–community–work' continuum may bring about the deep estrangement and alienation of children and their families at multiple levels, with unfavourable consequences for the child, school, family and society. These are elucidated in this section.

4.1 For Children

For children who spend a greater part of the day in school, experiences of discrimination, neglect, active biases or prejudices, and ill-treatment from teachers and peers often result in their decision to drop out or frequently absent themselves out of fear or psychological hurt. In an atmosphere where their identity, based on caste, religion, tribe, gender or sexuality, is not accepted and mocked, the school, instead of being a nurturing space, can become a place that is feared for its divisive environment. The perception that they lack opportunities beyond their given surroundings acutely constrains their sense of agency. For children on the streets, in conflict-affected areas, children of nomads and other children completely excluded from the schools, it is a childhood robbed of the opportunity to learn with peers, in addition to being a violation of the legal obligation to guarantee age-appropriate

admission under the RTE Act. Despite their gravely adverse circumstances there are many children who brave all odds to be in school. This spirit needs to be applauded and encouraged by initiating immediate reforms.

4.2 For Schools

Appreciation of diversity and respect for all is best learnt in school. The school is a second home for children where they can foster friendships, grow, be creative, make mistakes, actively learn, and feel safe in the company of peers and teachers. Processes of exclusion, however, run counter to the philosophical purpose of school as a place of nurturing children's full potential. Ill-treatment of children, practice of caste segregation and insensitivity towards children with special needs cultivates a school and classroom environment that discourages active participation, critical thinking and development of social awareness among children. Uncaring and insensitive leadership (often, if not always, starved of both capacity and incentive) that denies children their dignity invites the mistrust of parents, who lose faith in education as a public good.

4.3 For Families

Parents of children from marginalized backgrounds, while striving to eke out a living, are desirous that their children benefit from the long-term fruits of education that were denied to them. Most parents, if not all, project their aspirations on to their children, in the hope that a 'good' education would pave the way for better opportunities and bootstrap them out of poverty in the future. In this context, poor quality education often reinforces in the minds of the parents the existing inequality, and weakens their trust in the school as a social institution serving to enhance the capabilities of their children. In the absence of diligent and sincere classroom teaching, parents are burdened with expenditure on private tuitions even for junior classes. In spite of it being legally binding under the RTE Act, schools stop short of sincerely initiating the involvement of parents in School Management Committees, thereby knowingly distancing parents from the regular functioning and activities in schools. Conversely, examples of parents dismissing the value of education merit an understanding of

the context of extreme poverty and vulnerability, which compels them to force their children to work and supplement the family's income. 'Dismissive attitude towards education is often also born out of a deep disenchantment with a system that has over time deprived them of the basic necessities for a dignified survival. This mindset and the continued perception of being discriminated against leads to further exclusion and marginalization.

4.4 For Society

Gandhi believed that the purpose of school was to shape students into becoming better future citizens, who would contribute to nation building. Tagore and Ambedkar, too, imagined school to be a place of critical thinking, questioning and social justice. Tagore saw it as the birthplace of pluralism and togetherness, where students and teachers could appreciate each other's cultures, similarities and differences. He proceeded to argue that a society with low educational achievements was society rife with divisions, inequalities, and disharmony, and one that would make little progress. Education, these luminaries believed, enabled one to question parochial mindsets that discriminated against caste, religion, sexuality and class. The progress of a nation is closely intertwined with the realization of fundamental rights and freedoms for its citizens. This, however, is poorly mirrored in the insignificant social sector spending, especially on education, undertaken by the Government of India. The result of this is deepening inequality in society on account of denial of education and equality of opportunity and status to all.

5. Recommendations for Children Excluded from School Education⁸⁵

The previous sections have outlined the profoundly exclusionary processes by the system, within schools and at the level of the community, family and workplace. The success of the recommendations adopted will depend crucially on an understanding that much of exclusion is social and arises from deeply entrenched hierarchical structures that have historically determined roots. The transformative social and political change that is envisaged in the Right to Education Act necessitates a multiplicity of effort from all sections of society to ensure its successful implementation. This section

endeavours to propose an array of comprehensive reforms, which, if implemented, can result in the robust realization of the fundamental right to education.

5.1 At the Level of the System

5.1.1 Awareness-Building Campaign

Large-scale awareness-building strategies will have to be adopted for the RTE, which must include specific elements targeted towards marginalized communities, so that information about the entitlements available under the act effectively reaches them. Specific suggestions for such a campaign include: (a) special Gram Sabhas dedicated to discussion of RTE; (b) wall paintings listing entitlements; (c) development of communication materials, pamphlets, primers, etc.

5.1.2 Campaign Against Discrimination

A public campaign against discrimination in education is important here. Given that discrimination is reflected and reinforced in society and school, proactive efforts are needed to change this mindset and school education is perhaps the most feasible space where such a change can be fostered. Schools must become 'zero discrimination zones' and promote social inclusion across diverse groups of children and communities.

5.1.3 Training and Recruitment of Teachers

Currently, very few interventions exist for training teachers in, and sensitizing them to, the diversity that they encounter in their classrooms. Pre-service training, in-service training and all other areas of teacher education must include special modules on diversity and inclusion so that teachers are sensitized to the challenges faced by marginalized communities, and can address their own caste-based, religious and class biases, and other stereotypes that act as barriers to children's learning.

Across marginalized groups, there is a felt need for the teaching cadre to represent the plurality of backgrounds that is seen amongst the children enrolled in school. A system of local recruitment that is based on a model of representation proportional to the share in population would go a long way in building confidence among excluded communities, and facilitate the attendance of

children from these communities. The recruitment of more Muslim, Adivasi and Dalit teachers would be ideal, especially female teachers and those with special needs, in areas dominated by these communities.

Adequate faculty, innovative curriculum, infrastructure and budgets to strengthen teacher-training institutions such as District Institutes for Education Training (DIETs) and State Councils for Education Research and Training (SCERTs) have to be ensured. Besides the development of textbooks, teacher training would also need to be in accordance with the principles laid down in the National Curriculum Framework; guidebooks or source books for teachers would need to be developed; ongoing academic support at the level of the block would also need to be provided.

5.1.4 Curricular and Pedagogical Reform

While the NCF 2005 has made wide-ranging changes in the curriculum framework keeping diversity in mind, it is important to ensure that its principles are translated to syllabi and textbooks adopted by schools across all states.

Evolv e Culturally Representative Curricula

This would require recognizing and incorporating into the school curriculum the rich diversity of religions, cultures and leaders from various communities, and creating sensitivity and respect for them among all children and teachers.

Adopt Multi-Lingual Education (MLE)

Language should be recognized as a ‘right and resource’ in education, and the mother-tongue-based Multi-Lingual Education (MLE) should be adopted through its application in the curriculum and teaching and learning materials, as well as by having an adequate numbers of trained teachers.

5.1.5 Greater Need for Context-Specific Data Collection on Exclusion

An in-depth understanding of the realities of the situation faced by marginalized children at the community and school levels, including an identification of all the points of exclusion, from the level of the household up to the education system,

is required. Recording voices, especially children’s own voices and corroborating their accounts with parents and communities, will pave the way for acknowledging these processes and taking context-specific preventive or remedial action.

5.1.6 Creative Utilization of Funds and Budgetary Allocations

The funds earmarked for equity should be put to efficient and creative use. The current situation of limiting the effective allocation to 50 per cent needs to be reviewed. A thorough review of the manner in which these funds are being used is required to enable better planning and use.

Further, there should be a scrupulous attempt to increase and utilize allocations under the Scheduled Caste Sub-Plan (SCSP), Tribal Sub-Plan (TSP) and Multi-Sectoral Development Programme (MSDP) for SC, ST and Muslim children, respectively, to eliminate educational disparities between them and other children. These funds should directly benefit children and not be used for general functions already mandated, such as construction, school facilities and infrastructure.

5.1.7 Thoughtful Convergence Across Sectors and Departments

In the first instance, there is a need for close collaboration between different arms of the government, especially the Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs, Ministry of Minority Affairs, Ministry of Women and Child Development, and the Ministry of Labour and Employment, to name a few, as they all have important roles to play with respect to the education of different disadvantaged groups. RTE provides an opportunity and framework to consolidate strategies as well as activities across these departments. For instance, greater convergence and co-ordination between ministries responsible for providing different entitlements to children with disabilities — education, nutrition, disability certification, health, rehabilitation services, etc. — will ensure that children do not miss out on such entitlements, most of which have a major impact on their ability to benefit from truly inclusive education in formal schools.

5.1.8 Provide High Quality Ashram/Residential School Facilities

The government must set up high quality residential schools and hostels at the secondary school level and upwards for Dalit, Muslim, Adivasi and girl children at the block or district levels, and ensure that all child rights and RTE norms are met. These can include Kasturba Gandhi Balika Vidyalayas (KGBVs) for promoting better enrolment and retention of girls. SCSP, TSP and MSDP budgets in education may be used towards the establishment of such schools in urban and rural areas on a priority basis. MoHRD should be responsible for monitoring the quality of education in these institutions.

5.1.9 Abide By and Deliver Under International Frameworks

The state must recognize the rights of Adivasi children within the overarching principles of the Constitution and international human rights, and in particular rights of indigenous communities. The International Labour Organization's Conventions no. 169 on Indigenous and Tribal Persons and no. 182 on Child Labour in particular relate to the education and other human rights of Adivasi children, and are relevant in setting the 'framework'.⁸⁶ The state must also abide by General Recommendation no. 29 of the UN Convention on the Elimination of Racial Discrimination (UNCERD), which prohibits segregation and discrimination of Dalit children in education.

5.2 At the Level of the School

5.2.1 Foster a Secular Environment in Schools

It is necessary to make education and schooling under the government system truly secular, without imposing any religious rituals, dominant festivals or practices to ensure all children participate equally in schooling processes.

5.2.2 Inspire Confidence Among Adivasi, Muslim and Dalit Parents

Involvement of parents and community members in school activities is bound to reduce the social distance between school and community. Efforts should be made to create platforms for participation of parents through better involvement of their

efforts in the functioning, planning and monitoring of schools, as well as in grievance redressal. This may be achieved by giving representation to the parents of children belonging to excluded groups in the School Management Committees (SMCs) to ensure their concerns and aspirations are brought into the School Development Plans (SDPs). Illustratively, parents of children with special needs would be able to sensitively assist the SDP committee to reflect the challenges and pedagogical needs of these children.

5.2.3 Recognize, Monitor and Address 'Within School' Discrimination

The following suggestions may stem discriminatory practices:

- Establishing norms of behaviour within the school for teachers and students;
- Timely detection of the forms of discrimination practised in a particular context by either teachers or students. Setting up a system of reporting on discriminatory practices at the school level, such as complaint boxes that are regularly dealt with at SMC meetings;
- Timely redressal of instances of discrimination at the level of the school or block.

5.2.4 Children with Disabilities

Better training and sensitization of school staff, in particular teachers and resource persons, is imperative in dealing with children with disabilities, as are greater efforts to monitor and tackle both direct and indirect forms of discrimination taking place within the education system.

Barrier-free access in schools needs to move beyond simply ramps and rails, and incorporate a much broader vision. The transport needs of disabled children need to be attended to, specially in order to enable them to access schools, and free assistive devices, accommodation or personal assistance should be available to children with disabilities. The participation of such children in all school activities, their safety and security and a non-discriminatory atmosphere are equally important elements of this term.

5.2.5 Regulate and Monitor 25 per cent Reservation in Private Schools

Stringent transparency rules that make it mandatory for private schools to disclose lists of the children admitted in this category will be a start in this direction. Ensuring that the 25 per cent reservation also represents a diversity of backgrounds from among the disadvantaged groups will be important.

Regular social audits that report on the practices inside the school and classrooms regarding the included children will also help in monitoring the continued and active participation of these children in the private schools.

5.3 At the Level of the Community

While most efforts in bringing children to school rely on school-based interventions, breaking the barriers to education for children from disadvantaged communities requires inroads into the communities from where the children come. More often than not, it is the constraints faced at family and community levels that inhibit their participation. Strategies of engaging with key persons from the community will be crucial in acquiring information as well as encouraging the sustained participation of children from disadvantaged backgrounds. The following sets of interventions would be useful:

- Organizing community support structures for dealing with instances of discrimination;
- Identifying key persons in the community who can be enlisted as ‘champions’ or ‘icons’ for promoting the education of marginalized children;
- Building a cadre of youth volunteers ('child defenders') to be part of the system of monitoring the participation of children from disadvantaged groups;
- Instituting a system of NGO accreditation to support government efforts in identifying, tracking, monitoring and supporting participation of disadvantaged groups;
- Involving community resource persons (musicians, street theatre groups, etc.) in awareness-generation campaigns;
- Involving community resource persons in providing academic support to children from disadvantaged backgrounds.

5.4 Special Recommendations for Highly Excluded Children

In addition to the foregoing recommendations, special measures are required to address the specific vulnerabilities of highly excluded children. Such children have largely been ignored by the RTE Act, and additional measures are needed to ensure their inclusion and participation in the school education system. It is important to involve the many active civil society organizations that have significant experience and knowledge of working with these children, in this process of advocating, developing and monitoring such strategies. However, more active engagement of the MoHRD and the National Commission for the Protection of Child Rights is also essential for their success. Some of the major recommendations are now listed:

5.4.1 Migrant Children

State governments should provide an adequate number of seasonal hostels for migrant children at their place of residence, so that they are not compelled to leave school and migrate with their parents. For children who travel with their parents, the government should ensure availability of food and other conditions of health and wellbeing at the destination site. It must also be the responsibility of the government authorities at the destination site to provide for the children’s education without any hindrance, and preferably in the mother tongue of the child. Upon return to their place of residence, the relevant state government must ensure that they are suitably reintegrated into the schooling system.

5.4.2 Working Children

Mapping and identification of out-of-school children, including child labourers, should be done by the education department at the village or ward level, in close co-ordination with Panchayati Raj Institutions, SMCs and NGOs. Special training programmes should be available for such children to enable their age-appropriate entry into the classroom. Continuous support should be extended to the integrated children to ensure their continuation as well as improved performance in school. This is essential as a constant poor performer in class could be a potential child labourer.

5.4.3 Street Children

It is important to recognize that the basic needs of food, shelter and health of street children need to be met first, and therefore these must be integrated into the educational model. The priority must be on residential care for such children, which must be open and voluntary. It should be made mandatory for all appropriate governments to map the numbers and locations of street children in every city, and provide a sufficient numbers of residential hostels to ensure that all street children secure their right to education. The best approach is to share spaces in existing schools that are vacant, and use them as residential hostels for urban vulnerable children.

5.4.4 Children Facing Stigma

Teachers should be sensitized in overcoming the high levels of stigma with regard to various groups of children, particularly HIV positive children and children of HIV positive parents, and those whose parents are engaged in stigmatized occupations like manual scavenging and commercial sex work. This

can be best achieved through compulsory training programmes at the school, block and district levels. Laws must be amended to explicitly prohibit discrimination against children of disadvantaged groups and children of weaker sections, and to provide for harsher punishments, preferably criminal consequences, for such offences.

5.4.5 Children in Conflict Areas

It is important to make schools safe zones by providing adequate security to enable children to come to school and continue their education undisturbed. For this, measures must be enacted to prohibit the use of schools and other educational facilities for housing police or other military or paramilitary forces. If it is not possible to make the school secure, safe transport arrangements should be provided to the closest safe school, where education can continue uninterrupted, or, alternatively, residential facilities should be provided to such children.

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