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Indian Perspective on Child's Right to Education
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Abstract

Purpose of Study: The education system does not function in isolation from the society of which it is a part. Unequal social, economic and power equations, deeply influence children's access to education and their participation in the learning process. This is evident in the disparities in education access and attainment between different social and economic groups in India. There were an estimated eight million 6 to 14 year-olds in India out-of-school in 2009. The world cannot reach its goal to have every child complete primary school by 2015 without India. In 2010, India implemented the Right to Education Act (RTE), to legally support inclusive education. Today, 18 crore children are taught by almost 57 lakh teachers in more than 12 lakh primary and upper primary schools across the country. This notable spatial spread and physical access has, however, not been supported by satisfactory curricular interventions, including teaching learning materials, training designs, assessment systems, classroom practices, and suitable infrastructure. The present paper attempts to: (a) Understand the Indian perspective on child's right to education, (b) Analyse the feasibility of RTE and highlight the challenges in its implementation in India, (c) Present Case Studies to describe the present Indian scenario in education for the marginalised children in two progressive states of India that have the potential to show a way for the rest of the country.
In this study, the common issues that emerged, in deterring inclusion in two states of India were: attitudinal barriers, lack of awareness of the legal provisions and subsequent schemes, accessibility of schools being meagre, lack of necessary infrastructure , lack of and retention of trained staff adaptation of curriculum and materials and lack of control systems.
Though India has taken ownership for inclusive education by establishing legal provisions through the RTE, several issues continue to be faced. While many innovative programmes have been initiated, a stronger partnership between the government and the common man together is what is required to bring about the desired difference.

Keywords: Child's right; Inclusion; Right to Education; Indian Perspective

I. INTRODUCTION

1.1 *Rights of a Child*

Over the years, the concept of childhood has appeared to evolve and change shape as lifestyles change and adult expectations alter. that has been ratified by 192 of the 194 member countries, (UNRC 1989), where the child has been defined as. The UNRC, is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. It was at this convention that world leaders decided to ensure that the world recognized that children have human rights too. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. Protection of child's rights as laid down in the convention is pursued world over setting standards in health care; education; and legal, civil and social services.

1.2 *Inclusive Education*

The key purpose of education is to ensure that all students gain access to knowledge, skills, and information that will prepare them to contribute to the world's communities and workplaces. This becomes more challenging as schools accommodate students with increasingly diverse backgrounds and abilities. As we strive to meet these challenges, the involvement and cooperation of educators, parents, and community leaders is vital for the creation of better and more inclusive schools. Inclusion is what comes naturally to an inclusive society.

Though, inclusive education seeks to maximize the potential of all students, irrespective of any differences, in reality, inclusive schools face the toughest challenge when it comes to changing attitudes that would promote the movement, skills to support its efficiency and the language to advocate for it. While the government and perhaps universities induce changes at macro or policy levels, it is schools and other bodies like NGOs made up of individuals at the grass root levels that are instrumental in putting the policy into practice.

1.3 *Protection of Child's Rights and the Marginalised Child*

The diametrically opposite concept to inclusion is exclusion, and social exclusion is a concept used in many parts of the world to label forms of social disadvantage. Marginalization refers to be process of those socially excluded communities/ groups who are placed on the fringe of society, and is connected to a person's social class, educational status and living standards. Some children considered marginalised are; homeless children (pavement dwellers, displaced/evicted, refugees etc.), migrant children, street and runaway children, orphaned or abandoned children, working children, child beggars, children of prostitutes, trafficked children, children in jails/prisons, children affected by conflict, children affected by natural disasters, children affected by HIV/AIDS, children suffering from terminal diseases, disabled children, children belonging to the Scheduled Castes & Scheduled Tribes.

While the charter of the rights of the child is to be applauded for its impact at policy level for the world, the laws and charters in many of the developing countries, stay as simply being instituted not yet implemented. According to the report by **Council for World Mission (CWM, 2012)**, 250 million children were robbed of their freedom and childhood. The fate of children in almost all the Third World countries runs parallel to each other.

1.4 *The Marginalized Child and Education in India*

UNICEF's (2009) estimate of 11 million street children in India is considered to be a conservative figure. The Indian Embassy has estimated that there are 314,700 street children in metros such as Mumbai, Kolkutta, Chennai, Kanpur, Bangalore and Hyderabad and around 100,000 in Delhi alone. 12.6 million children work in India. 65.9% of the street children live with their families on the streets. Out of these children, 51.84% sleep on the footpaths, 17.48% sleep in night shelters and 30.67% sleep in other places including under flyovers and bridges, railway platforms, bus stops, parks, market places **(CWM 2012).** The scenario worsens when one considers the exploitation of a group within an already marginalised group- the girl child. Sexual assault on girls between the age of 4 and 7 is a common feature in India. Many little girls are denied education as they start working in the household and the fields in the rural areas at the age of four. Stratified into manifold layers based on class, caste, gender, and religion, the Indian social system, has widely evident disparities in education access and attainment between different social and economic groups. The urban Indian education scenario is known for its inequitable character; high fee charging schools catering to the rich and privileged and ordinary government schools with extremely insufficient facilities catering to the masses of children living on the streets and in slums. Street children, often forgotten by official authorities, become the primary victims of exclusion.

II. RIGHT TO EDUCATION IN INDIA: A REVIEW

Education is a continuous process which aims to prepare a person to play his role as an enlightened member of the society. Realising the gaps in the system of education introduced by the British Government in India, the nation since Independence, has been trying to restructure its education policy to suit the needs of technological and industrial developments. **National Policy on Education (NPE, 1986)** was last declared in 1968 and has been responsible for considerable expansion of education in the country at all levels. However, due to a lack of financial and administrative support, gaps in implementation remained. In 1986 Government published a document on education which formed the base for new NPE with special emphasis on the removal of disparities and to equalise educational opportunity, especially for Indian women, Scheduled Tribes (ST) and the Scheduled Caste (SC) communities. National Committee's Report on UEE in 1990 stated that schools increased 4 times to 9,30,000. Enrolment at primary level increased 6 times to 110 million. Enrolment increased 13 times at upper primary level. Enrolment of girls increased 32 times. 94% population had access to primary education. At the same time the report highlighted that the picture was not so rosy. 59 million school children were not attending school including 35 million girls. There was high dropout rate. Low level of learning achievements, low coverage of disadvantaged groups, inadequate school infrastructure, poorly functioning schools, high number of teacher absenteeism, large number of teacher vacancies, poor quality of education, and inadequate funds were some of the things highlighted in the report.

National Commission for Protection of child Rights (NCPCR, 2007) is a statutory body under the Commissions for Protection of Child Rights Act, 2005. Vested with powers of a civil court to enquire into complaints and take notice of matters related to deprivation and violation of child rights, NCPCR's broad mandate is to protect, promote and defend child rights countrywide.

Right to Education Act (RTE, 2009) marks a historic moment for the children of India. As per the act, Right of Children to Free and Compulsory Education will be guarantying their right to quality elementary education by the state with the help of families and communities. NCPCR is the apex level monitoring authority of the RTE, ensuring complaints are addressed, and the fundamental right to elementary education is protected. The performance of disadvantaged children who are enrolled into private schools under the new law will depend on whether they're able to manage the psychological challenges of interacting at close quarters in an unfamiliar and potentially hostile environment (Subramanya, 2012).

Sarva Shiksha Abhiyan (SSA, 2000) is Government of India's flagship programme under RTE Act for achieving the universalisation of elementary education. SSA a partnership between the central, state, and local governments has to ensure that all children (focus on special groups namely girl child and the disabled) are in school, complete and satisfactory primary education is provided, all gender and social category gaps are bridged and universal retention is achieved by 2013. To achieve these objectives support is sought from teachers, community, NGOs, and women organizations. Strategies central to SSA programme are institutional reforms, sustainable financing, community ownership, institutional capacity building, and improving mainstream educational administration, community based monitoring,

Centres under the Education Guarantee Scheme (EGS) are intended to provide access to formal schooling, through a regular curriculum and textbooks, to children in habitations that do not qualify for a regular school due to existing state norms for opening schools. Often, EGS centres are sanctioned in remote habitations with few children, with the expectation that the State will alter its norms for opening schools and upgrade these EGS centres to regular schools within 2 years.

Alternative and Innovative Education (AIE) centres intended for children in difficult circumstances, with no regular schooling experience or whose schooling has been disrupted, using specially tailored curriculum and pedagogic practices, required age/grade specific knowledge and skills, ensures that the child is ready to enrol in a regular school and continue her studies there, within a short period of 9 months to a year,.

In spite of all this, a division between policy and practice still exists. According to a report by Akanksha Trust, in India 96% of primary school-age children are enrolled in school. The quality of learning indicators is of persistently low levels – with low standards of education, up to 25% absenteeism amongst government school teachers, a 50% drop out rate between grade 1 and grade 5, and 90% dropout by grade 10. Reports show that 13,000 government schools in the state of Bihar don't provide drinking water to students. The challenge faced by the NGO, is in raising the awareness of parents enough to send their wards to school, and not out to work. Urban areas remain undemocratic, in spite of large numbers of educational institutions and so drawing general conclusions based only on the number of institutions would be misleading.

III. CASE STUDIES

3.1 Case I

Pratham, one of the largest nongovernmental organizations striving to provide quality education to the marginalized children of India, was established in 1994 as a Public Charitable Trust, by the Commissioner of the Municipal Corporation of Greater Mumbai, UNICEF and several philanthropic citizens of the country. Pratham began its operations by providing pre-school education to the children in the slums of Mumbai. Over the years, the network has been expanded to various other cities. Currently Pratham reaches out to millions of children living in both rural and urban areas through a range of interventions which work towards ensuring an increase in enrolment in schools, an increase in learning in schools and communities, setting up of home based education for children who are unable to attend school and a replication of models to serve large numbers of children to achieve a large scale impact

Pratham encourages volunteers, mainly women, belonging to the same communities as the children, to implement the interventions at the local schools. These volunteers are mobilised, trained and monitored by the Pratham team and are also provided with Teacher Learning Material and books developed by the organization. This not only ensures more effective implementation of the programs, but also helps build

capacities at the grassroots for providing quality education to the children. In over 1000 villages in Gujarat, Pratham works directly on basic literacy and numeracy, closely monitoring learning outcomes and improvements.

The Annual Status of Education Report (ASER) facilitated by Pratham is referred to by the Central and State Governments for formulating various plans and policies. The recent ASER found in Gujarat Stated that (1) 96.5% of children in rural areas between 6 and 14 are in school, (2) 55% of these children in fifth grade cannot read a 2nd grade text and (3) 65% of children in fifth grade cannot do simple subtraction, (Bhattacharjea, 2011).

Pratham signed an MOU in 2010 with the Gujarat education department and started "Pragnya" an activity based learning approach with an objective to correct and overcome the lacunae observed in schools, by opening the classroom to a more holistic learning. Pragnya gives children an opportunity to learn at their own pace and level, a chance to learn from peers and teachers and a platform to learn through experience. Continuous and comprehensive evaluation is focussed on. The approach was piloted in 258 schools for class I and II and then implemented in 2602 schools in class I and II and in 258 schools in standard III and IV.

3.1.1Roadblocks in Pratham's work

1. Lack of school infrastructure: All schools do not have a school building and more than 50% schools do not have a playground. Toilet and drinking water facilities are not available in a large majority of the schools.

2. Lack of awareness: People do not understand the importance of literacy and that without education, their children are vulnerable and unlikely to ever rise above the poverty of previous generations. Almost half the population of children is unable to read at their appropriate level.

3. Child labour: Borne out of ignorance, it still is, both a cause and by product of India's continuing cycle of illiteracy, and leads to declining children's attendance and retention.

4. Dearth of trained staff: There is a lack of well trained staff and not motivated well enough to deliver, sustain and maintain quality education. In many regions teacher attendance is very low and irregular, with many schools having only one teacher per classroom, and far too many children per teacher. More than 80% of the new appointees do not belong to local areas, leading to lack of empathy with the local issues as well as a lack of fluency in local languages for communicating effectively.

5. Poor governance and accountability: There is no local mechanism demanding accountability from the system. Numerous socio-political and cultural rifts within the community as well as cynicism towards all Pratham's initiatives deter effective reaching out to the needed areas.

3.1.2 Scenario of Education in Gujarat

In a report by Pratham, though school enrolment is up to 95% in rural Gujarat, learning levels remain shockingly low. In many cities in Gujarat, children of migrant labourers suffer not only from poor school quality but also from the disruption of constant movement, and therefore limited school attendance. Gujarat government is facing logistic, administrative and social problems in the execution of the RTE

Act. The deadline for implementation of most of the provisions is March 31, 2013. But the Gujarat government is still in the process of identifying places where there is no school in a radius of 3 km. The state is not getting the financial support from the Central government.

There are no boys' toilets in about 10 per cent of schools and there is no boundary wall in 1,500 schools. There is also a shortage of 25,000 classrooms. While 20,000 government schools have computer labs with 10 computers each, some 400 schools do not have electricity connection.

Gujarat is an example of a state where economic gains have not translated to social gains. There has been some effort to increase female enrolment but it appears that these interventions have had little impact on gender disparity in Gujarat.

3.2 Case II

The Akanksha Foundation is a non-profit organization established in 1991 with a mission to impact the lives of children from low-income communities, enabling them to maximize their potential and transform their lives. Catering to thousands of slum children who seek education, Akanksha offers supplementary education to 3500 underprivileged children in Mumbai and Pune. The three pillars upon which the idea of Akanksha was built were; college students who had the energy, enthusiasm, and time to teach; pockets of available spaces located in schools, and the children who were keen to learn. Synchronising these three pillars formed a unique model of intervention. In 2006, Akanksha approached the Pune Municipal Corporation (PMC) to adopt a municipal school and this resulted in the opening of the first Akanksha School in June 2007. The foundation now, works with the government systems offered, to help more children.

Currently, Akanksha reaches out to over 4000 children through two models: the after-school centre model and the school model, giving additional support during the school or after the school hours through 40 centres and 13 schools between Mumbai and Pune. The centres are run in under-utilized buildings and spaces for 2 ½ hours a day, five days a week for a group of 60 children. Each centre is staffed with professional teachers trained in imparting the Akanksha curriculum and methodology, assisted by volunteers and social workers.

In a study conducted to see the effectiveness of programme offered by Akanksha foundation, it was found that on conducting an initial assessment , the children performed anywhere from 30-70% below the mean. Eight months after the programme, the students had bridged an achievement gap of nearly 25 percentage points, building confidence in the potential of schools to provide the right kind of environment that children from low-income groups need.

Roadblocks in Akanksha Foundation's Work

1. Attitudinal block: Over 20 schools refused to a request for space to teach the children. Attitude and reactions of those running existing schools was a primary hurdle, considering the idea, either too radical or one which would cause harm to their own children. Parents of slum children lacked faith in the youth

that were running the programme, doubting the youth's ability, knowledge and skills to educate their children.

2. Enrolment of slum children: The ignorance of parents, of the impact of education in enriching and empowering their children's lives causes a resistance toward enrolling their children in schools.

3.3 Case III

Teach For India (**TFI, 2009**) is an Indian non-profit organization that aims to eliminate educational inequity in the country by enlisting the nation's most promising college graduates and young professionals to teach for 2 or more years in low-income schools in several metropolitan cities. **TFI** is modelled on the Teach for America programme founded by Wendy Kopp in 1989. In India, TFI became engaged with a number of stakeholders within the government, at academic institutions and at corporations to conceptualise and design the project. In June 2009, TFI placed its first legion of Fellows in low-income municipal and private schools in Pune and Mumbai.

TFI believes in a two part Theory of Change:

1. The Fellowship: TFI recruits India's most promising college graduates and high performing young professionals to serve as full-time teachers in low-income schools for two years. Training and support to Fellows is provided, to ensure innovative teaching strategies are used in the classroom.
2. The Alumni Movement: Informed by their experiences and insights, the alumni movement works from inside and outside the educational system to effect the fundamental, long-term changes necessary to ultimately realize educational opportunity for all.

3.3.1   Roadblocks in Teach for India's work

1. Retention of Recruits: One of the biggest challenges facing TFI is the retention of fellowship members beyond the 2 year period. The TFI Fellows may not remain teachers within the public system for long, using this experience to move across sectors.

2. Teacher Competence: The Fellows are put into classrooms as full time teachers after 5 week training. This minimal understanding of theoretical perspectives and no internship makes a lot of their pedagogy, experimental.

3. Socio-cultural disparity: The lack of years of experience that permit the internalizing of social values and norms which permit one to deal effectively with different and sensitive issues, results in a vast socio-cultural gap between these young teachers and their students.

4. Sustainability and Generalizability: Generalization of results found in a single classroom may be difficult when considering the larger population of low cost schools and their demographic features, and so all solutions may not be sustainable, practical and economical.

5. Funding: As TFI expands to more cities and recruits a large number of Fellows, funding becomes a challenge.

3.4 Case IV

Ashakiran is a charitable trust working with the educational habilitation of street children in Mumbai, especially those with tenuous family ties, since 1995. The objectives of Ashakiran Trust are to serve the underprivileged children of the society by looking into their educational, nutritional, medical, and psychological needs. The Trust supports their education, provides them mid-day meals, and arranges for free medical check-ups. They also encourage their social participation and provide them recreational activities.

Ashakiran has grown from 2 children in one centre to 1000 children in 9 centres. They have 45 teachers and 9 volunteers coming from the same community as the children are. They have a bus which brings children from their homes, as well as, have created a book bank to encourage reading habits in these children.

3.4.1 Roadblocks in Ashakiran's work

1. Parental attitudes: Economic constraints of parents lead to a lack of facilitation by parents to send children to school, preferring their children beg on streets, for a daily, meager amount of money.
2. Dearth of staff: Lack of and instability of trained teachers hinders the sustenance of sound educational practices.
3. Government apathy: The attitude of government and what is viewed as unnecessary "Redtapism" slows down the efficient function of the Trust's work.

3.5 Scenario of Education in Maharashtra

Maharashtra is the second largest state in India, but it has 'islands of development'. In the recent past, riots, political uncertainty and slow infrastructure development have affected industrial and societal growth.. In 2001-02, the Education Guarantee and Residential Schools Scheme required Rs 53 crore, but provision was made for only Rs 10 crore (Desai and Jodhale, 2005)

Sule (2011), Member of Parliament, stated in a report Maharashtra stands ahead of many other states with regards to primary education. There are in all 84,000 primary schools with 4.5 lakh primary school teachers. Maharashtra has a literacy rate of 76.8% as against the country's literacy rate of 64.84%. However, in tribal areas, the literacy rate is around 36-37%. More than 10,000 schools are in need of proper buildings and developed infrastructure. Lack of proper roads essential to enable the children and the teachers, to walk to school is also one of the reasons for difficulties in school attendance in rural areas.

In the rural communities as well as with the urban poor, it is poverty, ignorance, superstition and cultural constraints (particularly relating to girls) that obstruct schooling. Illiterate parents are not in a position to understand how well their children are studying. The Planning Commission of India in 2006, in report of a study conducted on the drop-out rate of children in rural schools identified that, non-attendance and dropout rates are aggravated by the ill-health of the children caused by ignorance of hygiene and inadequate availability of health services.

Mumbai, like so many other cities, has first generation learners with limited access to public secondary schools. Rural-to-urban migration creates a population with a mix of languages, poor living conditions in congested slum areas and a system delivering extremely low learning levels, plagues schools here.

Maharashtra has enough of D.Ed. colleges, but a lack of performance appraisal, and high levels of corruption in the education system, leads to poor quality of educators being churned out yearly. The lack of supervision and also a lack of dialogue with the community due to the centralized nature of

administration seem to be the major reasons for the teachers' demotivation to work in unfamiliar communities where they are posted.

IV. CONCLUSION

The problems of primary education for the marginalized are disconcerting, not only in these two States considered, in India, but in other developing countries also. The absence of a comprehensive dialogue with the people to understand their perception of education and the place of the child in the family emerges as one of the major lacuna in the system. The system remains very administrative centred and policy planning centred. This is the reason why several developing countries are now reorganizing the primary education system, so as to make it more adjusted to the social, economic and cultural circumstances of the children and their community, or simply to develop it with a more "People Centred Approach".

There needs to be greater participation of primary health centres and sub-centres in promoting health programmes for the poorer sections in the villages, and particularly for children. Awareness training programmes for educating parents and guardians of children, about the impact of education in alleviating poverty and empowering them with skills and knowledge for social and economic betterment, is the need of the hour.

The metros like Mumbai, pose unique challenges to delivering quality education to the urban poor. Quality education can be improved through strengthening public private partnerships with the municipal corporation. The challenge of shortage of resources, both human and financial, will always be key areas of concern. Creating an organization that can work with relatively few resources, and which converts challenges (such as lack of space) into opportunities (such as asking the communities to provide spaces), is what needs to be looked at. Philanthropists, NGOs and the municipal corporation can together improve quality in a city's public schools. Emphasis should be given on how NGOs can lead systemic change by working within the public school system. The interventions should include: capacity building of instructional leaders, and teacher supervisors, teacher training support, curriculum design and development and pedagogical practices, student-teacher assessments, remedial education programmes and school management through school adoption.

For the Right to Education Act to succeed, the marginalized children should not be just physically included in schools but should be socially included. Being reminded of belonging to underprivileged group could create cognitive challenges and worsen performance. Therefore there is a need to change the mind sets of parents as well as children.

Just like strong roots to a tree, India has educational policies that can, if implemented, nurture and empower her children, her future. It is only when all guardians of children collectively recognise that education is the wings to tomorrow that our children, our nation shall fly.

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