

# NATIONAL SEMINAR ON ENABLING EDUCATION: EQUIPPING STUDENTS FOR LIFE

Sub - Theme 4: Including the excluded

## COMPREHENDING AND CREATING SPACE FOR INCLUSION

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**Abstract:** The Right to Education Act (2009) guarantees free and compulsory education to children aged 6 to 14. The Act is a way to provide an enabling environment to encourage inclusive education by promising quality elementary education which would reach even the most 'unreached' children. Diversity in its essence is captured by the Act in terms of recognising the disadvantaged members from all perspectives namely social, cultural, geographical, linguistic, gender and other such factors. While most understand and in some sense are accepting towards such disadvantaged sections for inclusion in schools, there are other categories of children who are either neglected deliberately owing to social circumstances or are victims of incomplete comprehension of the RTE Act itself. Inclusion also in this sense translates to various categories like street children, migrant children, child labourers, victims of bonded labour, children of conflict areas, children of manual scavengers as well as children whose parents are socially stigmatised like sex workers and HIV/AIDS patients. With 25% reservation now being strictly enforced in private schools as well, one has to wake up to the fact that such children are also to be brought under the umbrella of inclusion. This demands relooking at school policies and pedagogies and transforming them to respond to any sort of diversity in the most conducive, humane and equity driven manner. This paper will discuss the directives of RTE regarding inclusion whilst trying to suggest some strategies for bringing diversities in the forefront based on the premise that schools now have to not only acknowledge them but accept and embrace them.

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## 1. Introduction

According to World Bank(2004), pg 69, it is education which is the single most powerful tool that can go long way in reducing poverty and unemployment, bringing about equality as well as improving health and nutrition and overall leading to sustainable human development that paves way for growth. Universal primary school was adopted as one of the crucial Millennium Development Goal (MDGs) in 2000. Historically if one analyses, one sees that primary education has for years been in a state of neglect as compared to educational expenditures in the tertiary sector (Dreze & Sen,1995) leading to mounting inequalities as far as educational attainment is concerned. Efforts in the direction of improving education in India led to bringing forth a landmark bill in 2009 called the Right to Education (RTE).

The Right to Education Act, a fundamental right provides for free and compulsory education for every child between the age group of 6-14 years. The Act also states that 25 per cent of admissions in all private unaided schools will be provided free of cost to children from underprivileged homes in neighbouring areas.

### 1.1 Tracing the time line of efforts initiated after RTE.

Year	Month	Events
2002	December	The Right to Education (RTE) Act is born. Constitution amended (Eighty-sixth Amendment) Act, 2002 to allow free and compulsory education to all children in the 6-14 age group, as a Fundamental Right.
2003	October	The first draft of the Free and Compulsory Education for Children Bill is posted online by the government inviting comments and suggestions from the public. A revised version of this Bill, re-titled Free and Compulsory Education for Children Bill, is re-posted online in 2004.
2005	June	The Right to Education Bill, 2005 as drafted by the Central Advisory Board Committee (CABE) was introduced to give effect to the Constitution (Eighty-Sixth) Amendment Act.
2006	July	Finance Committee and Planning Commission reject the Bill claiming lack of funds.
2009	August	Nearly six years after the amendment, the Bill is cleared by the Cabinet. On August 4, 2009, the Right to Education Act is officially passed by Parliament. Key provisions state that 25% of admissions in all private schools will be provided free of cost to children from underprivileged areas
2010	April	The Right of Children to Free and Compulsory Education Act as enacted by Parliament comes into force. "We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India," says the then Prime Minister Manmohan Singh.
2012	April	Supreme Court upholds the validity of the RTE Act and makes it clear that the Act would be implemented across the country. However, unaided private minority schools are exempted from the Act.

Source: All you needed to know about the RTE

<http://www.indiasanitationportal.org/2240>

### **What has been the experience regarding RTE (2009) so far?**

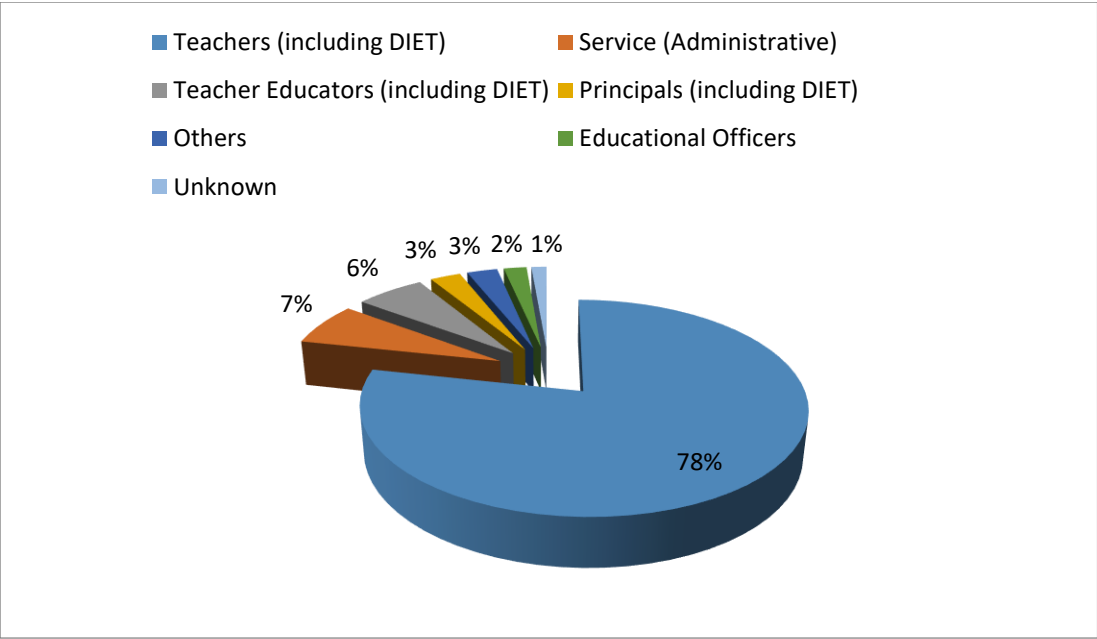
In the first year of its implementation in 2013-2013, there were snags like lack of general awareness, poor communication and lack of adoption that prevented the RTE from being a success. Media reports have been highlighting that many children are yet to avail the RTE facility. There have been no reported cases of how far it has been able to reach the extremely excluded children. Of course these cases have been reported from Mumbai which is an urban sector so that leaves us more in question about the status of RTE in other parts of Maharashtra. Presently though there has been improvement in the overall implementation yet there are lacunas that remain considering still many children are yet to secure admission under the 25% reservation policy. The disabled children have not been still included in the disadvantaged category and generally still a lot of ambiguity remains.

### **Some ideas held by educationist regarding children who are included under RTE.**

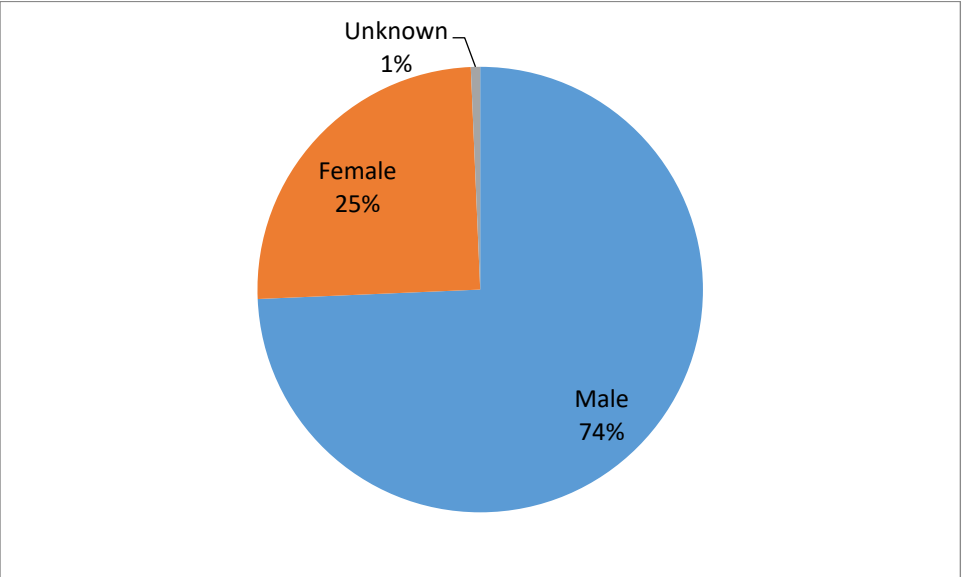
Since the implementation of RTE over last 2 years, one has to deliberate on the categories of children the act covers and reflect on the general comprehension levels and understanding of people directly or indirectly involved with education regarding categories to be included under the ACT.

An attempt was made to study the perception of educationist regarding what is their understanding about the categories of children that RTE act covers in order to be conclusive about whether such perceptions could be a serious threat in success of RTE.

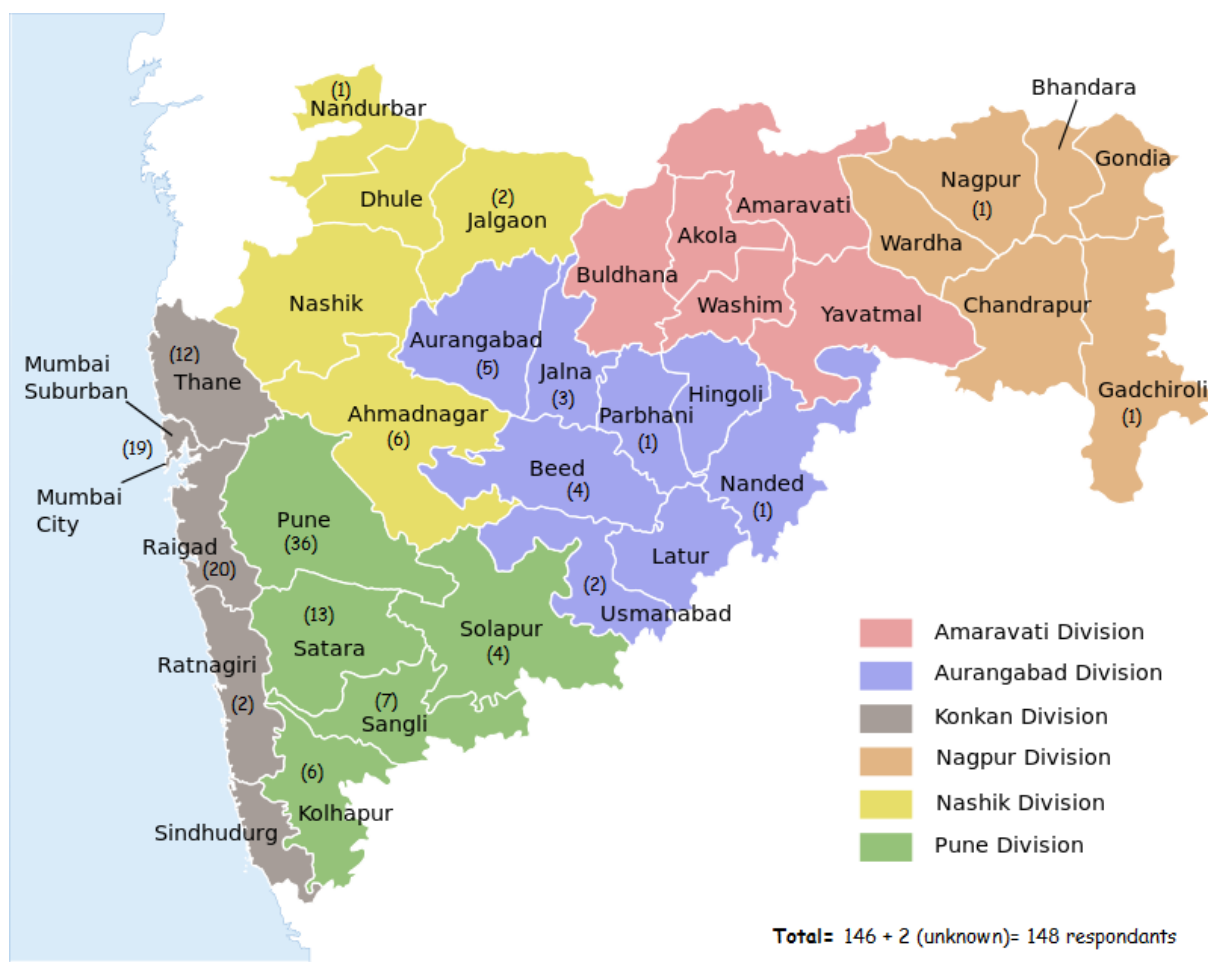
A survey was conducted with 148 participants, who were part of the Maha-Israel Teacher Training Workshop for Innovations in School Education. The participants predominantly were teachers (from Schools and DIET), but there were also several Principals, Education Officers and administrative officers in the field of education. The following chart shows the occupation-distribution of the sample.



The gender distribution of the sample was as follows:



The workshop saw education representatives from all divisions of Maharashtra except Amaravati. The following map shows the number of participants from every district.



As part of an opinion poll, a questionnaire was administered that included various topics like mid-day meal schemes, environment education, teacher education, Sanitation and hygiene and RTE. This particular paper discusses the results that were observed for the open ended question that was asked in the survey sheet-

Question: According to Right to Education, what kind of children would now be included into the school system? Please give examples.

#### Analysis of the responses.

Response	Frequency
Backward/downtrodden	42
Economically backward	43
All sections in society	22
Deprived/weaker/lower class	26
Tribal/NT	19
Remote/interior areas/villages	11

Out of school	11
Child labour	8
Slow learners	5
Disabled	4 (Physically disabled=1 Mentally disabled =1)
Workers children(migrant, labourers, shepherds, daily wage, sugarcane seasonal, in farms)	9
Slum children	4

Most of the teachers (42) responded that children included under RTE are those who are economically backward followed by 42 who said backward and downtrodden. 26 teachers said that RTE is for deprived/weaker/ lower class, 22 felt that it is for all sections of society while 19 teachers mentioned it is for tribal children. The other responses were out of school (11 teachers), remote area (11 teachers), child labour (8 teachers), slow learners (5), disabled (4), workers children (9) and slum children (4). Other responses given by teachers were children with special needs (2), street children (4), first generation learners (4), lower caste (2), drop outs (1), minority (1). There were hardly any teachers who mentioned about other categories of disadvantaged sections of children. Only few teachers mentioned about children of stigmatized parents like prostitutes(2), children of alcoholics(1), single parent(1) orphans(2), remand home(1). There were few miscellaneous responses like children from town and cities, those who are not interested in studies, needy and hungry etc.

#### **Some of the vague responses**

Deprived children from middle class families who couldn't get admissions in English medium schools, they couldn't afford paying fees in these schools. These issues have been addressed properly.

Children staying in cities and big towns

Those who are weak in studies

RTE Act will help those who are still evolving.

Particularly minority community and those who are deprived from education.

According to the RTE (2009) document, child belonging to disadvantaged group means a child belonging to the scheduled cast and scheduled tribe, the socially and economically backward class or such other groups having disadvantages owing to social, cultural, economical, geographical, linguistic, gender or other such factors as may be the appropriate government by notification. Children belonging to weaker sections means a child belonging to such a parent or guardian whose annual income is lower than minimum limit specified by the appropriate government by notification. The act document does not specifically mention the categories of children that could be included under disadvantaged sections and leaves that to interpretation.

### Some of the categories not explicitly mentioned in RTE

Street children

Children of parents who live nomadic or semi nomadic lives.

Children of parents who are manual scavengers

Children working as labour in mines, fields, factories, manual scavengers and servant or as domestic help

Children of stigmatized parents like prostitutes, HIV/AIDS. Studies have revealed that over 40% women enter sex trade before 18 years of age where ideally they should be in schools that time.

Children of single parents

Children from broken families (alcoholics/ drug abusers)

Child labourers (who work in hotels, chai shops, construction sites, local trains)

Beggars

Children who are caught in child trafficking rackets, sex work.

Transgenders.

### Discussion

The analysis of the responses of the teachers also shows that many teachers though did correctly respond to the various categories under RTE but they did not give specific examples of such disadvantaged categories. There could be several reasons that could be attributed to such kind of generic responses given by teachers which needs to be further researched into. However if an assumption is made that teachers themselves are not aware of such categories also under inclusion then it becomes a cause of concern. There is a need to seriously deliberate upon such undefined and unrecognized children. In July 2012, more than 2.3 lakh out-of-school children, was an official Maharashtra Education Department estimate. Most likely an underestimate, as no reliable statistics available. Out-of-school children composed mainly of migrant children, children with disabilities, and those with other disadvantages. Studies reveals that almost 80 percent children of migrant labourers in Maharashtra either drop out of schools or have no education at all as they also become labourers. RTE (2009) does not provide for a mechanism by which these children are either prevented to drop out or are brought for education in schools. The pertinent question is then who should evolve this mechanism on how to make it operational.

### Discussing the potential challenges some of the “unreached children” face

**Children falling under “weaker sections”:** Under RTE, “children under “weaker sections” are those whose parents are having a specified upper threshold of annual income or below it. When one refers to the employment under the informal sector, the exact estimation of the annual income often is not accurate owing to discrepancies and this may lead to misuse of the 25% reservation category. Poverty as under section 2(e) needs to be more explicitly explained as there are host of other social factors that can accompany poverty. There is need to specifically mention under this context homeless and slum children, single parent children, child labours including those working as domestic help as well as those on farms, construction sites, mines, factories etc, rag pickers, street children etc.

**Homeless children:** the issues they face are much wider so by merely ensuring their admission in schools is not sufficient as these children need basic survival amenities like shelter, nutrition and health care. So what has to be the plan that could ensure that apart from schooling all this too is

provided to students and then who would take the responsibility of this. Such questions still linger large and are yet in search of solutions and till then RTE though legally binding would never be applicable. One solution is to provide residential schools to these children but again the question is where does the document state the provision and resources for this and how would such schools be provided.

What kind of awareness campaigns are there so that these extremely unreached children like street children and those of migrant workers, realize the existence of RTE. Slums, stigmatized parents, and below income groups and even orphans in orphanages and remand home children as well as disabled to some extent do get an access to information and can with assistance of their parents or organizations like NGOs and SMC take admission in schools but what about the ones whose data is still sketchy. Children in the neighbourhood also means those who stay on streets however schools do not usually take them into account

**Children of Nomadic and semi nomadic communities:** the movement of such families does not mostly coincide with the schools cycles. Even if there are schooled problems arise when these children migrate with their parents. There are no residential school facilities for these children and hence they have no option but to discontinue schooling. Some strategies to overcome this have been proposed Under Section 35(1) like seasonal hostels, teaching in appropriate mother tongue in places where children migrate as well as admissions without documentations.

**Child labours:** There are 28 million child labourers in India, between the ages of 6 -14(UNICEF, 2011).The access to education of these children who predominantly work in rural areas is extremely low. NCPCR has identified 75 million children as 'nowhere' children since they do not have mention in school records and not in records accounting for child labours. As most of them work during the day, going to schools is a challenge for them. Mostly they are engaged in work that is physically and mentally exhaustive and hence these children who are expected by their families to work find it difficult to be a part of schooling process. More so even if they go to school in their non-working hours, they are extremely fatigued to study.

**Children of Stigmatized parents:** Cruelly enough the children of stigmatized parents often have to face unpleasant consequences owing to their parents falling in socially stigmatized categories like those of sex workers, manual scavengers, HIV/AIDS, leprosy and even alcoholics at times. Even if they are schooled the major drawback is that social ostracism that they face on hands of their peers and teachers and society at large. There were an estimated 2.44 million living with HIV/AIDS in India in 2009, of which about 100,000 were children below the age of 15. Mostly in case of children whose parents are suffering from HIV/AIDS financial constraints force them to work as medical experiences are too much. For children of sex workers face the same situation and in their case mostly social discrimination is also accompanied by emotional and mental trauma.

### **What efforts have to be taken by for ensuring that all "unreached children" are in schools?**

Inclusion has to be looked upon as a national mission aiming for education to be in its real essence actually a fundamental right. The general attitude that has prevailed is that of sympathy rather than empathy. Many schools indulge on community service activities where they showcase their bit for the disadvantaged by either collecting funds for them or doing other kinds of services. These programs though an annual feature are very restricted and miss the real essence of including the unincluded.



With 25% reservation compulsorily being followed by private unaided schools, the focus now has to be on deliberate attempts to make schools equity bound and have an enabling atmosphere. With inclusion being one of the primary objectives of RTE, the efforts have to be in direction of using the curriculum as a space focussing on the child as it's most central and pivotal core. Systems have to now suit the child and not other way round.

According to Burstein et al. (2004), a strong commitment and planning for change along with preparing personnel for change and supporting change go a long way as strategies for inclusion. According to him, inclusion is not something that just happens but it is something that needs not only preparation and thinking but also has to be implemented with right attitudes and accommodating and adapting to changes.

#### **Some ways to address problems of street children**

- Provide for residential shelters that take care besides education of their nutrition and health as well.
- In places where such residential shelters and hostels are not possible due to paucity of spaces, unutilized public buildings could be used.
- Another way could be to make use of the existing spaces in school that are left unused after the schooling hours get over.

#### **Some of the Central guidelines under Section 35(1) of RTE**

1. Mapping all categories of disadvantaged children along with the specific barriers that are hindrances in their access to education and measures to overcome them.
2. Partners in Mapping could be PRIs, PRTIs, Urban Local Bodies, SMCs, functionaries of the women and child and labour departments, local colleges of education, social sciences and social work, youth and women's groups, and organisations working with disadvantaged groups of children, or their families, such as disability collectives, collectives of persons living with HIV AIDs and leprosy, sex worker collectives, organisations working with child, bonded and migrant workers, etc. [2]  
Except for the children of stigmatized parents (prostitutes, HIV positive etc), the data regarding children under the other disadvantaged categories should be put up in public domain.
3. The neighbourhood school has to take the onus of ensuring entrance of the mapped children in schools and preventing their drop outs. overcoming the barriers to

#### **Conclusion**

The state government are given the responsibility of identifying these unreached children as social, cultural barriers in many states may be instrumental in some states having more proportion of certain categories of these unreached children. However child labours, street children, children of stigmatized parents and disabled are omnipresent in most states. Hence it should be not left for state government to notify them and consider them to be included under RTE but they should inevitably be part of RTE. The experience so far has revealed that many state governments have not appropriately notified about these groups.

Among the disadvantaged also there should be some mandate regarding priority to be given to the most disadvantaged sections. These could include orphans, children with HIV, children with special needs, migrant and street children, transgender, children from remand homes, children of prostitutes and other stigmatized parents, whose parents annual income is less than one lakh as well as usual scheduled caste and tribals and disabled categories.

In case of the excluded children, there are other compounding problems which are contingent upon their continuation in schools. These range from providing them adequate nutrition, shelter, health care and security and these do not feature as fundamental rights. Hence without proper policies in place, these seem to be more unrealistic.

The biggest step in such cases is to train teachers to be sensitive towards such children and counsel them and prevent any discrimination that happens to them. More so what is called for is educating the school authorities and teachers regarding all the categories that are to be included under the disadvantaged sections. Primarily apart from the government initiatives it is also the social responsibility of educational institutes to recognize the children in their vicinity who fall under such disadvantaged sections and ensure steps for their schooling.

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Source: All you needed to know about the RTE

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