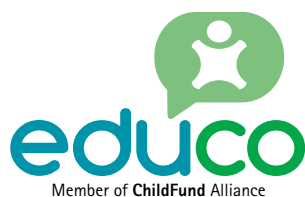


Report

Child Rights Situation Analysis, Education and Non Discrimination in Maharashtra.

COMMISSIONED BY EDUCO





Educo, August, 2016

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List of acronyms

ASER	Annual Status of Education Report
CBO	Community Based Organization
CRSA	Child Rights Situation Analysis
KGBV	Kasturba Gandhi Balika Vidyalaya
MCGM	Municipal Corporation of Greater Mumbai
NCPCR	National Commission for Protection of Child Rights
NT/DNT	Notified/ De-notified Tribes
OBC	Other Backward Classes
RTE	Right To Education
SC	Scheduled Caste
SMC	School Management Committee
SSA	Sarva Shiksha Abhiyan
ST	Scheduled Tribe
UNCRC	United Nations Convention on the Rights of the Child

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Executive summary

Every child has a right to education, but not every child enjoys this right. The good news is that today, 47 million more children have access to primary education than in 1999. The not so good news - 61 million children worldwide are still unable to attend school.¹ Millions of children enroll in school but fail to learn the basic skills they need due to the poor quality of education they receive. Some children are too hungry or unwell to learn effectively and others drop out of school because of poverty or discrimination based on their gender, ethnicity, social class or health status².

The Millennium Development Goals (MDGs) and the Education For All (EFA) goals have been the catalyst for ensuring progress in education. Since governments around the world first endorsed these goals in 2000, enrolment rates in primary schools have gone up substantially and gender parity in primary education has significantly improved. With 2015 deadlines fast approaching, the world now needs to assess the considerable work that remains to be done and negotiate an ambitious yet achievable successor framework³.

The present study, a Child Rights Situation Analysis (CRSA), was commissioned by Educo, earlier known as Intervida, in India, to look into gaps and violations in the lives of select groups of marginalized childrens, in five districts of Maharashtra - Beed, Jalna,

1 UNESCO, (2013). *Education for All Global Monitoring Report Policy Paper 10*.

Retrieved from <http://unesdoc.unesco.org/images/0022/002216/221668E.pdf>

2 UNESCO (2012). *Education for All Global Monitoring Report*.

Retrieved from <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/gmr2012-report-ch1.pdf>

3 Save The Children, (2013). *Right to Learn: Community Participation in Improving Learning*.

Retrieved from [http://www.savethechildren.org/atf/cf/%9def2ebe-10ae-432c-9bd0-df91d2eba74a\)/THE_RIGHT_TO_LEARN.PDF](http://www.savethechildren.org/atf/cf/%9def2ebe-10ae-432c-9bd0-df91d2eba74a)/THE_RIGHT_TO_LEARN.PDF)

Thane (urban and rural), Mumbai and Mumbai Suburban, with a focus on their rights to Education and Protection.

The study, conducted over a period of eight months in 2014, covered 229 school going children and 209 out-of-school children in the rural and urban target areas (of which children from the urban setting comprised 133 and 119 respectively). The adult stakeholders in both these settings included teachers, parents, community leaders and select government officials.

The following key observations emerged from the study:

- The distance from home to school ranked amongst the highest reasons (37% - more than one third of the entire set of responses) provided by children for them being out of school. Girls were disproportionately affected by this lack of access. This, despite the stipulation in the RTE, for elementary schools to be made available within 1 – 3 kms. of habitation.
- Children reported discrimination on account of their gender and/ or ethnic identities as well as their underperformance in line with the expectations of their teachers.
- Early marriage, household responsibilities, sibling care and violence against women and girls rated high as barriers to girl child education in urban and rural contexts.
- Being forced into exploitative labor was another key reason for dropout rates being high amongst children from low income families (both urban and rural areas)
- 23% of the sample size of children also stated migration in search of livelihoods as a key reason for dropping out of school. Children in rural areas reported seasonal migration and in urban areas - moving from one location to another, both leading to their own set of challenges in terms of realizing their right to education.
- Traditional teaching learning practices in the schools covered by the research was a key reason stated by children that made classroom learning uninteresting.
- 90% of the children covered by the research stated that they, or their fellow students, had faced corporal punishment in school.

- The data suggested a relationship between not having attended a pre-school or an early childhood education centre (Balwadi or Anganwadi) and being out of school, highlighting the importance of pre-school in preparing children for school in terms of imparting basic discipline, acclimatization to the medium of instruction and so on.
- Local authorities and schools across the sample areas showed little critical awareness of their own responsibility in providing good quality education and tended to blame parents and children for poor learning outcomes. Parents, on the other hand, did not view education as a 'right', felt 'helpless' and 'powerless' in holding the authorities accountable and tended to blame their own circumstances and their children's 'lack of interest' in education.
- Poor health and lack of proper health care facilities had a direct impact on the inability of children to attend school. This reflects the inalienable nature of children's rights – a violation in one area bearing an impact on the other.

Amongst the key overall recommendations made by the study, the importance of addressing the education rights of children currently left out / marginalized by the system is priority. The study also recommended ensuring the right of children to adequate standards of living, the right to protection and the increased involvement of duty bearers.

In essence, the EFA goals are critical to attaining all the Millennium Development Goals (MDGs). The EFA agenda assumes that public policy can radically transform education systems and their relation to society given adequate political will and resources, and that national policies and their implementation must emphasize inclusion, literacy, quality and capacity development.

It is vital to address this situation because education brings multiple and long-lasting benefits for children, families and whole communities. Education increases an individual's lifetime earnings, helping to break the poverty cycle. In addition, education has important links with family health and nutrition. In terms of wider community benefits, higher levels of educational achievement have been linked to stronger democracies and increased peace and security. In a world threatened by climate change and related disasters, conflict and migration, education today, is more important than ever.



Introduction

Background

1.1 A Child Rights Situation Analysis (CRSA) is a framework for an assessment of the situation of children based on the perspective that children are entitled to rights and that the state and adults are accountable for ensuring that children's rights are met. It is a critical tool for understanding gaps, violations and good practices in ensuring children's rights and is expected to inform programmes and policies. This CRSA, in particular, focuses on children's rights to education and examines it through the lens of non-discrimination.

1.2 The child rights based approach is guided by the Convention on the Rights of the Child (CRC)⁴, adopted by the United Nations General Assembly in 1989, ratified by India in 1992. The Convention defines civil, political, economic, social, health and cultural rights of children and stipulates that all children have the right to survival, development, protection and participation. The Convention requires States to act in the 'best interests of the child' (Art. 3) and to take appropriate measures for the progressive realization of all the rights of all children (Art. 24). The Convention calls upon States to protect children against all forms of discrimination and punishment on the basis of status, activities, expressed opinions, or beliefs of the child or the child's parents/guardians, or family (Art. 2).

Specific to children's rights to education, the CRC binds States to make primary education free and compulsory for all children; develop and make available and accessible different forms of secondary and higher education; take measures to encourage regular school

⁴ United Nations General Assembly (1989). *Convention on the Rights of the Child*. Retrieved from <http://www.unicef.org/crc/> or <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

attendance and reduce drop-out rates; and ensure that school discipline is administered in a manner consistent with the child's human dignity (Art. 28). The Convention also stipulates the kind of education to be provided i.e. one that develops children's personality and abilities to their fullest potential; enables children to develop respect for human rights, their parents, their cultural identity and national values; prepare children to live responsibly in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin (Art. 29).

1.3 While India has long promoted the development of education in India through various national policies, starting from National Policy in Education in 1986 to the District Primary Education Programme (DPEP) launched to universalize Primary Education in select districts in 1994, to the launch of the Sarva Shiksha Abhiyaan in 2001⁵, a rights based approach to education was brought in through an amendment to the Constitution of India in 2002, which made education a fundamental right for all children in the age group of 6-14 years⁶. In 2009, this amendment was legislated through the Right of Children to Free and Compulsory Education (RTE) Act⁷, which states that every child has the right to full time elementary education of satisfactory and equitable quality in a formal school that satisfies certain essential norms and standards⁸. The RTE requires the government to ensure compulsory admission, attendance and completion of elementary education by every child in the age group 6 to 14 years (Clause 3{1}); and that no child is discriminated against on account of economic or social status (Clause 9{c}). It calls upon academic authorities to provide child friendly and child centered learning (Clause 29{2}) and prohibits the physical punishment and mental harassment of children (Clause 17{1}).

1.4 Based on the rights based framework, this CRSA has assessed the situation of children in select districts in Maharashtra – Beed, Jalna, Mumbai, Mumbai suburban and Thane.

1.5 Maharashtra is considered one of the most developed states in India, with a robust financial and industrial performance, ranking seventh on the Human Development Index amongst other states in the country⁹. The state is home to 1.85 crore children in the age group of 6-14 years¹⁰ who, according to the RTE Act (2009), are entitled to free and

5 National University of Educational Planning and Administration, New Delhi, (2014).

Education for All – Towards Quality with Equity, Ministry of Human Resource Development.

Retrieved from http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/EFA-Review-Report-final.pdf

6 Constitution of India, (2002). *The Constitution (Eighty-Sixth Amendment) Act, 2002*.

Retrieved from <http://constitutionofindia.yolasite.com/86th-amendment.php>

7 Department of School Education & Literacy, Ministry of Human Resource Development, (2009).

The Right of Children to Free and Compulsory Education Act, 2009. Retrieved from <http://mhrd.gov.in/rte>

8 Ibid.

9 Institute of Applied Manpower Research, Planning Commission, Government of India, (2011). *India Human Development: Towards Social Inclusion*.

Retrieved from http://www.im4change.org/docs/340IHDR_Summary.pdf

10 Government of India (2011). *Population of India Census*. Retrieved from <http://www.census2011.co.in/>

compulsory education, and protection from punishment and discrimination in schools. Although Maharashtra has made great strides in the enrolment of both boys and girls, (103.7 and 103.2¹¹ percent respectively in 2012-13) and significant progress on other indicators such as the number of elementary schools and teachers¹², an estimated 2 lakh children remain out of school¹³ with most of them facing specific challenges arising from their socio-economic and personal circumstances - "...migrant children, children with disabilities, and those with other disadvantages..."¹⁴.

1.6 Development in Maharashtra has been uneven and unequal, wherein many regions and groups have remained marginalized and "hard to reach". In education as well, disaggregated data indicates there are regions and sub regions within the state and groups in specific geographical areas that are worse off in terms of specific indicators. The most recent disaggregated data from the District Information System for Education (DISE 2011-12) shows significant gender gaps in enrolment, amplified for specific clusters, blocks and social groups. For instance, in 2011-2012 while the gender gap in enrolment for upper primary schools was 9.4 percent for Maharashtra as an average, it was 21.3 percent in Latur district, 16.8 percent in Jalgaon district, 16.3 percent in Dhule district and 12.4 percent in Beed district. Similarly, while dropout rates for girls from Scheduled Tribe (ST) communities at primary school level was 5 percent for all-Maharashtra, it was 23 percent for girls from ST communities in Beed district and within Beed district, there are blocks with almost 50 percent drop out among girls from the ST communities¹⁵.

1.7 Why is the right to education for some children not met, is the central question around which this Child Rights Situation Analysis was undertaken by Educo. This report is presented in 5 Chapters: Chapter 1 presents the framework and methodology followed for the research, Chapter 2 highlights the main findings that are categorized by the specific sample communities, Chapter 3 includes discussions on the findings, Chapter 4 presents the conclusions from the study and Chapter 5 provides some recommendations.

11 These are Gross Enrolment Ratios (GER) as given by DISE (2012-13) GER refers to total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school-year.

Government of India, Ministry of Human Resource Development Bureau of Planning, Monitoring & Statistics New Delhi, (2014). *Educational Statistics at A Glance*. Retrieved from http://mhrd.gov.in/sites/upload_files/mhrd/files/statistics/EAG2014.pdf

12 UNICEF (2013). *Children in Maharashtra - An Atlas of Social Indicators*.

Retrieved from <http://hetv.org/india/mh/children-in-maharashtra-atlas-summary.doc>

13 Ibid.

14 RTE Forum (2014). *Status of the Implementation of the Rights of Children to Free and Compulsory Education Act, 2009: Year Four (2013-2014)*. Retrieved from http://www.rteforumindia.org/sites/default/files/Year%204%20Stocktaking%20Report_RTE%20Forum.pdf

15 These figures are from the UNICEF Maharashtra supported DISE Dashboard that has analyzed and made available disaggregated official DISE data for the year 2011-2012. As per the National University of Educational Planning and Administration (2013). *Elementary Education in India Progress Towards UEE. DISE 2011-12*. Retrieved from <http://www.dise.in/Downloads/Publications/Publications%202011-12/Flash%202011-12.pdf>



Chapter 1: Framework and methodology

Scope and objectives of the CRSA

The scope of this Child Rights Situation Analysis (CRSA) was to investigate the situation of child rights related to education and to the principle of non-discrimination, especially from marginalized groups, in the age group 0-14 years in 5 selected districts in Maharashtra – Beed, Jalna, Thane (rural and urban), Mumbai and Mumbai suburban.

The objectives and intended outcomes of the CRSA are presented below:

Table 1 – Objectives and intended outcomes of the CRSA

Objective 1: Gain an in-depth understanding on the nature and causes of violation of children's rights to education and non-discrimination	
Intended outcomes	Identification of different pockets of exclusion and the extent of discrimination Map the socio economic profiles of children whose rights are violated Identification of gaps and violations (in terms of access, quality, infrastructure) Map of specific causes of gaps and violation of children's rights Identification of the other areas of children's rights (e.g. child protection, health, nutrition and livelihoods, etc.) that impinge on the right to education.
Objective 2: Map the roles of, and challenges faced by, primary and secondary duty bearers and stakeholders in ensuring children's rights to education and non-discrimination	
Intended outcomes	Identification of primary/ secondary duty bearers and stakeholders and their roles Understanding their attitude, knowledge and practice related to children's rights Understanding capacity gaps in the ability to fulfill roles and obligations toward children Identification of good practices with specific groups of disadvantaged children
Objective 3: Analyze key policies, legislation and government programs to identify gaps in design and implementation resulting in poor access and learning outcomes for disadvantaged children	
Intended outcomes	Identification of policies and/or legislation posing barriers to children's right to education, specifically for those who are out of school. Identification of programs that enable inclusion of children from marginalized communities and programs that are not being implemented

Research methods

The methodology adopted for the CRSA was a mix of secondary and primary research. Secondary research was undertaken to develop the hypotheses for primary research. The CRSA is a qualitative study that is contextualized with existing quantitative data from government and non-governmental sources on key education and socio-economic indicators.

Secondary research

The extensive review of existing literature and data, both government and non-government included:

1. Literature review to gain a broad understanding of the issues faced by marginalized children as well as the gaps that could be addressed by the present study
2. Data exploration using available government data (mainly Census and DISE data) to identify the main trends and indicators related to education for each of the 5 geographical areas in order to provide inputs for sampling and selecting the blocks within districts
3. Review of education policies, legislation and programs at central, state, district and block level.

Primary research

The primary research was completed in two phases. During Phase 1 (May 2014), the researchers engaged with children, parents, community members and government officials in the sample villages and wards. During Phase 2 (late June to mid-July 2014) formal schools (residential and non-residential), residential care and protection institutions for children and early childhood development centers such as the *anganwadi centres* (AWCs) or Balwadis were visited in the sample villages, blocks and districts. Teachers and principals were also interviewed in this phase.

Four teams of two members, one each from Samhita and Educo were assigned to each district, except in the case of Mumbai, where all four teams were involved in collecting primary data.

The two phase approach was designed for two reasons: (i) to account for the school holidays in May and (ii) to provide opportunities to triangulate and verify information collected from different stakeholders. The diagram below illustrates the main stakeholders involved in the situation analysis and the tools developed and utilized for each phase¹⁶.

Figure 1 – Tools - Phase 1 of the Situation Analysis

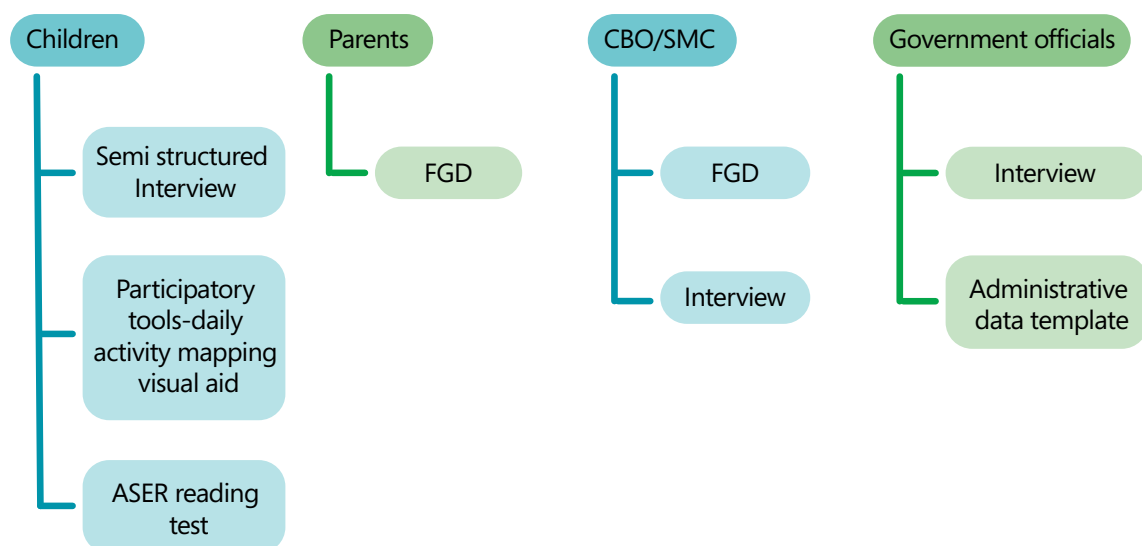
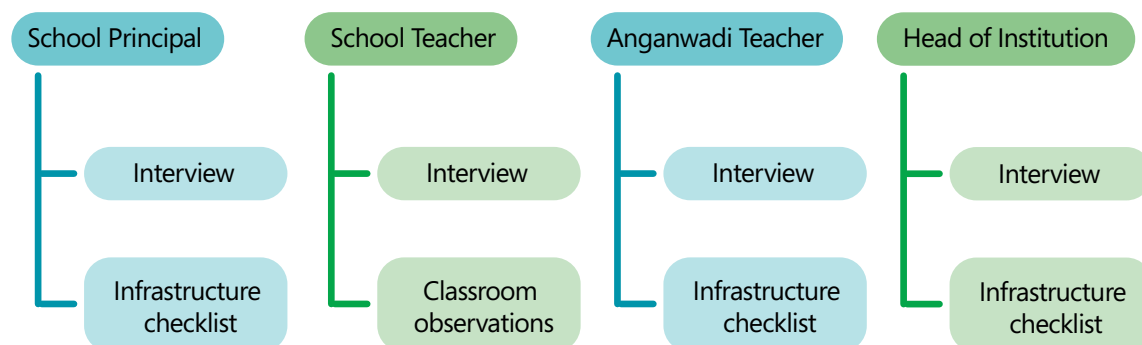


Figure 2 – Tools - Phase 2 of the Situation Analysis



16 The ASER test administered to children attempts to understand their reading abilities, analyze if children are able to read at the 'expected' level. It is not a test on their cognitive skills and does not purport to prove any fallacies in the teaching-learning method.

Sampling

Since the aim of the research was to gain an in-depth understanding of the circumstances and experiences of children from marginalized groups in pre-identified districts, purposive sampling was used to select blocks, communities/villages/wards and respondents.

The following 5 districts in Maharashtra were selected: Beed, Jalna, Thane (urban and rural), Mumbai and Mumbai suburban. Educo selected these districts for the following reasons:

1. Relevance to priority thematic areas
2. Possibility for sponsorship development
3. Presence of potential partner NGOs
4. Proximity and accessibility, and
5. Potential organizational visibility

Selecting the block

Secondary data was used to design metrics that indicated poor education and other human development outcomes at the block level for rural areas and at the ward level for urban areas. For rural districts, the three worst performing blocks were selected. In urban areas, the most deprived wards were selected. The following indicators were used for sample selection:

Table 2 – Indicators used for selecting the sample

Urban areas	Rural areas
<ul style="list-style-type: none">• Sex ratio• Proportion of slum population• Human Development Index at ward level	<ul style="list-style-type: none">• Sex ratio• Proportion of minority/ tribal population• Proportion of households under the BPL• Education indicators – drop-out rate, gender gap in enrolment

Selecting community/village/slum and respondents

Within each block or ward, communities/villages/slums were chosen based on information available from secondary research and information shared by local NGO partners to identify the most disadvantaged groups vulnerable to exclusion and discrimination. A subset of children in school and children out of school was selected from these¹⁷ and interviews were conducted with children from each category.

From each sample (e.g. children of construction workers, children of migrants engaged in sugarcane cutting, etc.) about 20 children were to be interviewed, 10 attending school and 10 who had never enrolled or had not been to school for at least 6 months (defined as ‘dropouts’ for the purpose of the CRSA). The sample was also designed in such a way so as to cover an equal number of boys and girls, an equal number of children in the age groups of 6-10 and 11-14; and in each sample area, at least 1-2 children with disability were to be covered. In each of the sample focus communities, at least two FGDs with parents (of children in school and children out of school) and one FGD with a community based organizations such as a School Management Committee or a self-help group were planned.

Interviews were conducted with teachers and/or principals at non-residential and residential schools (*Ashramshalas* in Thane and Kasturba Gandhi Balika Vidyalayas – KGBV, in Beed). The CRSA also looked at the education rights of children in institutional care – hence, one institution in a rural area (Jalna) and one in an urban area (Mumbai) were assessed.

One government official per block (in most instances, this was the Block Education Officer) and one per district (either District Education Officer or SSA coordinator) were interviewed.

Based on the above criteria and design, the table below shows the final sample of children covered during the study.

¹⁷ See Appendix 1 for definitions of terminology.

Table 3 – Distribution of children’s sample

District	Block/ ward	Groups	No. of children in school	No. of children out of school	Total
Beed	Dharur, Kaij, Georai	Lamani tribe, Paradhi tribe, Minority communities	35	27	62
Jalna	Ghansawangi, Partur, Badnapur	Tribal community, seasonal migrants (sugarcane cutters), communities engaged in cotton growing and picking	30	30	60
Thane (rural)	Jawahar, Mokhada	Katkari tribe, Ka Thakar tribe	31	33	64
Total rural			96	90	186
Thane (urban)	Virar, Bhiwandi	Children of construction site workers and commercial sex workers	11	16	27
Mumbai	Byculla, Matunga	Children living in slums, children of sex workers	39	18	57
Mumbai (suburban)	Goregaon, Malwani, Kurla, Bhandup, Chembur	Children living in slums, children of construction workers, children in tribal settlements	83	85	168
Total urban			133	119	252
Overall total			229	209	438

In addition to children, the study also covered adult stakeholders such as parents and community based organizations and relevant government officials. In phase 2, the team visited 18 schools, 5 institutes (such as observation homes, residential schools and so on) and 9 Anganwadi centers. Details of regionwise sample are presented in Appendix 2.

Research partners

The CRSA was conducted in collaboration with NGOs and Educo's partner organizations. Samhita Social Ventures served as the main research partner and led the primary research along with Educo. Local NGO partners served as key informants and participated in the design of the framework and research tools. They also facilitated interactions with local communities, children and government officials and contributed to the analysis of the data generated. The details of NGO partners are presented in Appendix 3.



Consultative workshops were held at the beginning, middle and end of the exercise to create space for feedback from all partners and external experts; in addition, individuals and organizations validated the data at the workshops.

Limitation and challenges

As with every research, this CRSA was conducted within limitations and faced unforeseen challenges:

1. Focus on nuances not numbers – the CRSA was designed to obtain in-depth information on circumstances that act as barriers to the realization of the right to education for specific groups of children in specific locations. It was not designed to estimate the 'extent' of the problem but to understand the nature of the problem. Hence, the findings are not intended for generalizations.

2. Limited use of participatory methodologies with children – Participatory methodologies such as workshops and FGDs would have been the most appropriate tools for engaging children in critical reflection of their experiences. However, due to capacity and time constraints, tools such as semi-structured interviews were used with children. A related challenge was gaining the attention of younger children (age group 6-10 years) and keeping them interested during the interviews. For this reason, in some of the samples, the teams chose to focus on children in the age group 11-14 years. As a result, in the implementation of the sampling plan, there is a bias towards children in the age group 11-14 years.
3. Lack of availability of out of school child respondents – Phase I of the CRSA was conducted during the peak labor migration season and annual school holidays, as a result of which in some sample areas either children had migrated for work or had returned to their villages for holidays. In some sample areas, it was difficult to find children who were out of school not because all children were enrolled but because children had either migrated with parents or because children had gone (to the forests or to work-sites outside of the village) for work at the time of the visit. The teams managed to meet as many of the out-of-school children as possible for the specific sample group, by visiting a group of villages/urban communities rather than focusing on one location.
4. Lack of cooperation from the local education authority in Mumbai – While local education authorities in all the sample districts extended cooperation to the research teams, the authorities in Mumbai (Municipal Corporation of Greater Mumbai) did not give permission for the CRSA to be conducted in their schools. The sample from Mumbai is therefore restricted to private schools only. For the same reason no local government official could be interviewed for Mumbai district.
5. Lack of sharing of disaggregated data by local education authorities – Most of the block and district education offices did not provide micro and disaggregated data on education indicators for their respective areas. In the absence of such disaggregated data from the local level education authorities, this report has used the available DISE (District Information System for Education) disaggregated data for 2011-2012 made available by UNICEF Maharashtra. The field observations and impressions have often been contradictory to what DISE data indicates. For instance, while communities reported children's irregular school attendance and absenteeism for long periods due to migration, school records rarely showed irregularity, neither did

school authorities share that children were absent for long periods. It is possible that DISE data is not entirely accurate and that conflict of interest prevents schools and authorities from reporting honestly.

6. Loss of data and need to repeat a sample – In one district (Jalna), data collected from half of the child respondents was lost. In order to make up for the sample and avoid asking the same children again for their time, another set of children (from the same sample focus group) was selected from nearby villages and thus for one rural district data is drawn from a set of 6 villages while for all other rural districts, the sample was drawn from a set of 3 villages.
7. Limitations of the ASER test- No new tools were developed for assessing learning outcomes of children as part of the CRSA. Instead an existing tool – ASER (Annual Status of Education Report), which measures reading ability and which has been developed and extensively used across the country in rural areas by Pratham – was used. The ASER tool has certain limitations in the sense that it does not measure the reading level of the child based on the grade (s) he is in and hence it is not a grade appropriate test. The tool is a ‘floor’ test that places the children at the level they are most comfortable in. As a result ASER tool can indicate, for instance, that a child in Grade 5 was able (or unable) to read text that is taught at the Grade 2 level. Also, the ASER tool does not measure cognitive abilities or the child’s capability to think critically. Higher levels of learning therefore cannot be measured through the ASER assessment. Knowing these limitations, this CRSA used the ASER tool to get an idea of learning outcomes for children in the sample.



Chapter 2: Findings

The following chapter presents the findings from the CRSA for all the sample communities – to provide a perspective on each unique scenario and, for readers of this document, the bigger picture on the status of education in identified parts of Maharashtra. A comparative assessment across samples and regions is provided in Chapter 3.

2.1 Children from the Paradhi seasonal migrant community, Beed

The Paradhi tribes live in central India, Gujarat, Maharashtra and Karnataka. Long recognized in independent India as a marginalized community, in Maharashtra, Paradhis are classified as either De-notified Tribes (Vimukta Jati-VJ) or as Scheduled Tribes¹⁸ (ST) or Denotified and Nomadic Tribes. Historically, de-notified tribes are those social groups that were labeled as ‘criminal’ by the British government in India (implying that these communities practiced crime as a profession) and were then “de-notified” by the Indian government in 1952. The official correction in the status has done little to assuage the historical injustice and harassment faced by this population¹⁹. According to the local NGOs, the Paradhi communities in Beed who participated in the CRSA, are administratively classified as Scheduled Tribes.

According to most recently available disaggregated data (DISE 2011), block Kaij in Beed has one of the highest gender gaps in enrolment at elementary (primary and upper primary) level in Maharashtra. And in Beed district and Kaij block, children from Scheduled Tribes, including Paradhi communities, are among the worst off in terms of enrolment and drop out.

18 TISS (undated). A report on the Status of Pardhis in Mumbai City. This report indicates that there has been ambiguity in the administrative classifications of Pardhis into different categories of marginalized groups in the country. In Agrawal, P. and Sinha, M. *A report on the Status of Pardhis in Mumbai City*. Retrieved from http://download.tiss.edu/fap/Tanda/Tanda_Publications/report_on_pardhis_mumbai_city.pdf

19 D'Souza, D. (2003). *Injustice, go away*. The Hindu Magazine. Retrieved from <http://www.thehindu.com/thehindu/mag/2003/06/01/stories/2003060100070400.htm>

Table 4 - Selected indicators on elementary education for Scheduled Tribes in Block Kaij, Beed district

	Gender Gap in Elementary Enrolment (all social categories)	Gender Gap in Elementary Enrolment (Scheduled Tribes)	Drop-out rate in primary schools among boys from Scheduled Tribes	Drop-out rate in primary schools among girls from Scheduled Tribes
Maharashtra	3.0	5.4	4.9	5.2
District Beed	1.4	9.0	19.6	23.3
Block Kaij	10.0	10.4	35.5	36.0

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

Challenges to the fulfillment of the right to education and non-discrimination

The research covered a *Paradhi vasti* (community) located about 2-3 km outside the main village in Kaij block in Beed²⁰. The *vasti* did not have regular electricity supply, the main source of water was a water pump located 1 km away, and open defecation was rampant. Most families here migrated to sugarcane farms for about 6-8 months a year because of lack of an alternative livelihood in/around their village.

The CRSA team interviewed an equal number of school going (11) and out of school children (11) from this community. Among those out of school, 7 children had been out of school for at least 6 months and 4 had never enrolled, including a child who was reported by his parent to have a learning disability.

School options for children from this community include a primary school within 1 km of the habitation, established only 5 years ago and a Zilla Parishad upper primary school about 30-40 minutes walking distance from the habitation.

²⁰ As per the Deputy Block Education Officer in Kaij, the block's population of nomads mainly comprised of Paradhi community located in Sonejawla.

The CRSA findings suggest that not only are there fewer options for schooling available to these children, the quality of education is poor and the provision of seasonal hostels is far from adequate. Notwithstanding challenges posed by limited livelihood opportunities, school options for these children in their villages of origin are minimal. The historical marginalization and negative social labeling against the community and their children continues.

Lack of access to a quality primary school

Until 2009, it was found that there was no Primary school within a 1 kilometer radius and children had to walk 30-40 minutes to attend school in the main village. The long walk to school acted as a deterrent for children to enroll and as a result during the time of this research, there were many older children in the vasti who had never been to school or had dropped out before completing their primary education.

After the enactment of the RTE in 2009, a government primary school (Grade 1 to 4) was established in the village (RTE mandates a Primary school within a 1 km distance and an upper primary within 3 kms of every village) and according to the adults, most children in the vasti were enrolled in school. A field visit to the school and interviews with parents and community members revealed that it is in poor condition, there is an absence of adequate teachers, including absenteeism of teachers, inappropriate multi-grade teaching, poor infrastructure and a general lack of accountability on behalf of the school authorities. While the RTE has been successful in raising enrolment in the vasti, it has done little to guarantee retention or learning. Even the Anganwadi centre at the village was non-functional due to irregular attendance by the appointed staff.

The government upper primary school in the main village was relatively well maintained and reportedly functioning on a regular basis. However, classroom observation and feedback from children indicated that pedagogy used in both schools is restricted to one-way rote learning and reading from the textbooks, while corporal punishment and scolding were routinely used as methods of disciplining children. Children were frequently labeled as 'good' or 'bad' by teachers and, in one instance, the teacher reinforced derogatory stereotyping of a particular community (see Box 2)

Teacher uses derogatory remarks in the classroom: While explaining the importance of cleanliness and hygiene to his class, a teacher in an upper primary government school said “We know we have reached the village by the stench emanating from this village”.

Poor quality response by the State to livelihood challenges and consequent migration

The majority of the *Paradhi* families in the surveyed *vasti* worked on sugarcane fields, for which they migrated to neighboring states/districts for 6-8 months of the year. Children typically accompany their parents to the sugarcane farms and a few of them reported receiving separate cash incomes (Rs.800 - 2000 per month). Girls reported that they had to take care of the household and younger siblings while their parents were away at work.

The root cause for widespread migration, according to the government official interviewed for this CRSA, is lack of alternative livelihood opportunities due to low economic development in the area and the absence of sustainable agricultural practices. Parents reported that they were forced to migrate taking along their children since they do not have an extended family in the village to act as caregivers, while they are away.

Though the district authority has sanctioned a special scheme for setting up seasonal hostels for children affected by migration (these run for 6 months in a year), the coverage of such residential facilities is limited compared to the need. According to a local NGO, there are about 8-10 lakh children affected by migration related to sugarcane harvesting and so far there are only 35 hostels - catering to 35,000 children.

Local NGOs reported concerns about seasonal hostels lacking in provision of basic facilities such as drinking water, sanitation and health facilities and serious lapses in ensuring safety and security, especially for girls who reportedly suffered abuse in these hostels. This has also been reported in the local newspapers. Parents, in the FGDs, shared that they would rather leave sons behind at the residential schools than daughters because residential hostels were not safe for girls. Children who migrate with their parents typically tend to enroll in local government school at their native village and then be absent for months when they migrate and rejoin the school once they are back. The children reported that they were subjected to bullying and teasing by other children when they rejoined the regular, non-residential schools at the end of the sugar cane cutting season, eventually causing them to discontinue their education.

The State's response to provide quality education for children affected by migration seems poor in quantity and quality. Despite the Maharashtra-specific RTE rule that mandates state authorities to map children affected by migration, local schools in the surveyed area did not have any data or details on children who were affected by frequent migration.

Medium of instruction as a barrier

Even though the RTE Act clearly directs academic authorities to provide education in the mother tongue of the children as far as practicable (Clause 29 2f), the medium of instruction in the surveyed local schools is not the mother tongue (*Paradhi*) of the children, but the official language of the state (Marathi). Feedback from children and their parents suggests that this has caused some children to lose interest in school and drop out. This could also be one of the reasons why the children interviewed were unable to read simple words in Marathi, appropriate for their age or grade level. Interviews with school authorities and feedback from communities indicated that there are no provisions in the education system to support children coping with the language barrier.

Vulnerability to police harassment

In a discussion with the local NGO team, members of the *Paradhi* community tended to often find themselves in conflict with the law and subsequent harassment by the police simply because they belonged to a community that continues to be labeled as 'criminal'. The situation analysis found evidence of such situations contributing to the discontinuation of education wherein a girl was pulled out of school to take care of the household and her younger siblings while the mother had to attend to legal proceedings related to the arrest of the father. Another instance involved a child from the community being accused of stealing at school and consequently subject to violence and bullying by peers, resulting in his dropping out of school. Staff at the NGO believed that many of the accusations against members of the community, including children, are fabricated. The *Paradhi* community continues to be vulnerable to discrimination due to this stereotyping, which poses a barrier to their children's rights to education.

Poor sanitation poses a barrier to regular attendance

Community members shared that children frequently contracted water-borne diseases and fell ill during the monsoon due to poor sanitation facilities in their *vasti*. This has caused children to become irregular at school. When children return to school after an absence on account of illness, they are teased and bullied by their peers. According to

community members and the local NGO, such harassment by other children is also a reason contributing to dropouts from school.

2.2 Children from Lamani tribe (De-notified) – the seasonal migrant community -Beed

Lamani or *Banjara* are an ethnic tribal group historically marginalized and disadvantaged on account of their nomadic lifestyle, social ‘backwardness’ and geographical isolation²¹. As with the *Paradhi* community discussed earlier, the Lamani are administratively categorized as De-notified Tribe (*Vimukta Jati*) in Maharashtra.

In terms of the right to education for children from the *Lamani* communities, recent disaggregated data suggests that these children are disproportionately represented among children who dropped out from Primary schools (boys and girls). The drop-out rate in Primary schools for both boys and girls was at least 4 times higher than the state and district averages.

Table 5 - Indicators for elementary education of children from De-notified tribe/VJNT in Block Dharur, Beed district

	Gender Gap in Elementary Enrolment (all social categories)	Gender Gap in Elementary Enrolment (VJNT)	Drop-out rate in primary schools among boys from VJNT	Drop-out rate in primary schools among girls from VJNT
Maharashtra	6.2	6.6	2.7	3.3
District Beed	6.9	6.1	0.9	2.0
Block Dharur	1.9	-3.2	15.2	12.0

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

21 Rathod, Motiraj, Harvard, (2000). *Denotified and Nomadic Tribes in Maharashtra*. Retrieved from <http://archive.is/uPZd#selection-89,0-89,44>

Challenges to fulfillment of right to education and non-discrimination

The CRSA covered a typical *banjara pada* or *tanda* (hamlet), consisting of 40-50 households, located 5-6 km away from the main village in the Dharur block of Beed district. The *tanda* is located up a hill, with poor accessibility to the main village and is deprived of public utilities such as regular power supply and sanitation facilities. Most families migrate to sugarcane farms for about 6-8 months a year due to the non availability of alternative livelihoods in/around their village.

Although an equal number of in-school and out-of-school children were to be interviewed for the CRSA, in this sample, more in-school (16) than out-of-school children (6) could be found and were interviewed. This does not automatically indicate that a larger proportion of children are in school but that at the time of the CRSA visit, a large number of families had migrated to sugarcane farms.

The hamlet does not have any school or Anganwadi. School options for children from this community include a *Zilla Parishad* Primary school, a private school and an Anganwadi centre in the main village located 5-6 kilometers from their hamlet. Children are enrolled at the primary school but attend irregularly as they are away for the 6-8 months that their parents migrate for work.

The CRSA findings suggest that the fundamental right of children in the Banjara community to have a primary school within 1 km radius of their homes is unfulfilled and their right to an education free of fear is, ironically, filled with excessive punishment. The school surveyed was reported, by parents, to perpetuate social discrimination and ostracism of children from the Banjara community, in direct violation of the children's right to non-discrimination.

Poor response from the State toward challenges posed by the absence of livelihood opportunities and the consequent migration of families and children

Members of the Banjara hamlets are landless or marginal farmers, forced to migrate for work for about 6-8 months in a year. They migrate to neighboring states to work on sugarcane farms and children accompany parents. Parents shared that they work against advance payment by contractors (*Muqaddam*) for a quantity of output per family, which

cannot be met without employing the entire family, including children. Older boys help in sugarcane cutting while younger boys help in tying the cane together and loading them onto tractors. Girls take care of the household while family members work on the sugarcane farms. Parents are aware of, and sympathetic to, the fact that their children's education suffers due to migration and said they did not wish for the children to work but they had little or no choice. In addition, children from this community do not have access to seasonal hostels and there were no Primary schools within a 1 km radius of the hamlet. In the months that they attend school, the travel distances of 5-6 kilometers, one way, from their homes.

Types of punishment reported by children: ear twisting, pinching, hitting with stick, hitting with a ruler on the palms, being slapped, pulling hair, holding ears through legs (*murga*) and verbal scolding for not completing their homework.

Lack of quality Primary education

Unlike the children of the *Paradhi* community (Section 2.1), children from the *Lamani Banjara* community do not have a primary school nearby. They have to walk 5-6 kms to the main village to attend either the Zilla Parishad school or the local private school.

The only road connecting the hamlet to the main village is a mud path which is dangerous especially during the monsoons when it is flooded and marshy. This prevents children from accessing the school. A local NGO partner reports that since enrolment drives are conducted during monsoons, children from this hamlet are less likely to get enrolled at the start of the academic year. The hamlet has no *Anganwadi* centre and children under 6 are deprived of their entitlement to nutrition, regular growth monitoring and early education.

The local NGO informed the CRSA team that there are many such small hamlets that do not have a school within the 1 km radius of their habitation because of political marginalization whereby they are not even registered as voters and thereby rendered invisible. When children do make it to school, the quality of education is poor and children's experience is marred with frequent punishment and explicit caste based discrimination. Children reported being afraid of their teachers as they were subjected to excessive *physical punishment*.

During the interviews, a teacher mentioned that while disciplining students, his first strategy was to verbally scold the student; if that did not work, he resorted to physically hitting the student. The Vice-Principal of the school however mentioned that teachers in his school did not use corporal punishment and discipline was enforced in a gentle manner. The parents believed that corporal punishment was a deterrent to children attending school regularly.

Not only did the children have inadequate physical access to school, the parents also shared that their children faced *caste-based discrimination* from not just the school authorities, but the other children and community members from the main village, as well, where the school was situated. Children shared that they were bullied by peers belonging to other caste groups, causing some of them to drop out of school. The parents felt that teachers in the private school in the main village discriminated against them and their children (see Box 5), excluding them from meaningful participation in schools.

Caste-based discrimination by teachers:

Parents in this tanda reported that teachers labeled and addressed their children as “Lamani”; made them sit at the rear end of the class (last bench), paid little attention to them, punished them more often than other children and did not inform parents about monthly meetings.

Medium of instruction as a barrier to learning

The community speaks *Lamani* or *Banjari*, a dialect of Rajasthani, which is very different from Marathi, the medium of instruction at the surveyed local school. Child respondents shared that they found it difficult to understand what was being taught in the school and the teachers acknowledged the same. The trend showed that children discontinued education after Grade 4. The school did not offer any support to children to cope with the language barrier and instead, as described above, the Teacher’s behavior in class reflected discrimination toward these children.

Parents believed that early education through the *Anganwadi* centres could have enabled children to become familiar with Marathi and thereby prepare children for Marathi medium instruction in class. The absence of an Anganwadi centre has not only deprived children of their entitlement to nutrition and early education but has also become a lost opportunity in bridging the language barrier.

2.3 Children from Minority (OBC and Muslim) Community, Beed

According to the latest available disaggregated data (DISE 2011-12), almost 7 times more girls from the Muslim communities drop out of upper primary schools in Beed district compared to Maharashtra as a whole. In Georai block, the dropout rate among Muslim girls is higher than the state average. In addition, the gender gap in the enrolment in Muslim communities in the block is also higher than that of the district and state averages, indicating that girls from Muslim families in Georai block are among the most neglected in terms of realizing their right to education. It must be noted that Beed district has one of the worst sex ratios in the country (912) and that the literacy rate amongst women (62) is far lower than that for men (84)²².

Table 6 - Selected indicators for elementary education of Muslim children in Block Georai of Beed district

	Gender gap in Upper Primary Enrolment (Muslim)	Dropout rate of girls in Upper Primary (Muslim)
Maharashtra	1.80	2.6
District Beed	4.30	14.10
Block Georai	6.90	12.20

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

Challenges to the fulfillment of right to education and non-discrimination

The CRSA covered the OBC and Muslim population in one village in Georai block of Beed district. The village was relatively well off with a *pucca* road, hand pumps, electricity, an upper primary school and an *Anganwadi*. The main source of income is agriculture,

²² Government of India, Ministry of Human Resource Development Bureau of Planning, Monitoring & Statistics New Delhi (2014). *Educational Statistics at A Glance*. Retrieved from http://mhrd.gov.in/sites/upload_files/mhrd/files/statistics/EAG2014.pdf

with most people engaged in cotton cultivation. There are some families that migrate (seasonally) to sugarcane farms to earn money.

The researchers interviewed a total of 18 children - 8 children attending school, 9 drop outs and one child who had never attended school. The sample included one child with an intellectual disability and 2 children who had visual and hearing impairment, respectively. All 3 children with disabilities had dropped out of school.

Parents could avail of two schooling options in this village, for their children - through an elementary school (Grade 8) in Marathi medium (morning shift), and Urdu medium in the afternoon shift. There is also a residential school for girls in this block - none of the children from the selected sample were residential school students

The CRSA findings suggest girls' rights to education in this community are unfulfilled and violated. Social norms of early marriage are exacerbated by incentives for early marriages - causing girls to drop out at upper primary level. The government response has been to provide residential schools for girls, which have low enrolment due to child protection concerns.

The KGBV visited by the research team was located in Dharur, run by a local NGO. The institute was located in a secluded area, with no compound wall or watchmen/security guards. The lodging rooms were cramped with almost 40 girls sleeping in one room and there was complete lack of ventilation. The toilets and bathrooms did not have tap water and girls had to draw water from hand pumps, installed on the premise. While there was a separate kitchen, the food was left uncovered. The classrooms did not have desks and girls had to bend down to write in their books. The teacher wrote on the blackboard and asked the girls to copy the same into their notebooks, responding to their doubts and questions intermittently.

Social norms and employment incentives for early marriage

Interviews with all the respondents – local government authorities, parents and children, revealed that girls in the community were married early and hence dropped out of school without completing elementary education. Local NGO partners shared that the social norm

of early marriage for girls was exacerbated by incentives from employers from the sugarcane industry who paid higher incomes to couples (as compared to single income persons).

The Block Education Officer shared that in order to promote education for girls from marginalized communities (SC, ST, OBC and Muslim), residential schools called Kasturba Gandhi Balika Vidyalaya (KGBVs) have been set up in 3 blocks in the district (Dharur, Georai and Wadhwani). Parents in the CRSA sample however shared that they did not send their daughters to the residential schools because they feared for the safety of their girls. Not surprisingly, official records of enrolment at 43 KGBVs for Maharashtra as a whole show that only 1.7% of those enrolled are from the Muslim community²³.

A visit to one such residential school revealed that it was located in a secluded area and had poor infrastructure (see Box 7).

Frequent migration and lack of access to schools

The village has relatively fertile land and agriculture is the primary source of income for the families in the sample. However there is a large proportion of the community that has only small landholdings, forcing them to migrate, in order to supplement their meager income. Families migrate to sugarcane farms for 6 months in a year and take their children along, due to lack of safe child care alternatives and lack of hostel facilities. Parents feel helpless and acknowledge that their children are forced to miss school for a larger part of the academic year due to seasonal migration. *Children who migrate are discriminated* by peers and teachers. Children report that when they rejoin school after long absences, they face mocking, teasing and bullying by other children. Parents also reported that teachers do not pay attention to children who migrate frequently and do not provide them with any support to cope with what they missed.

The school was ill equipped to provide education in two different languages of instruction. Even though the school in the sample village provided education in two different languages to cater to needs of families with a different mother tongue, the quality of education provided is reportedly poor. The time allocated for each shift was shorter than the normal school hours and the same set of teachers taught in both languages of instruction. According to the parents, the teachers were not necessarily trained to teach in two different languages, which leads to poor learning outcomes for the children.

23 Maharashtra Prathamik Shikshan Parishad (2015). *Kasturba Gandhi Balika Vidyalaya*. Retrieved from <http://www.mpsp.maharashtra.gov.in/site/Information/KGBV.aspx?ID=11>

2.4 Children from Katkari (Scheduled Tribe) community in Thane

The *Katkari*s, along with the Kolam and Maria Gonds, have been classified as one of the three ‘Particularly Vulnerable Tribal Groups’ (earlier called Primitive Tribal Group) in Maharashtra by the Ministry of Tribal Affairs²⁴. Administratively, they have been classified as a Scheduled Tribe. The *Katkari*s are a traditional hunter-gatherer forest tribe that has seen declining or stagnant population, low levels of literacy and have not been able to participate in the local economy²⁵.

No government data is available on educational outcomes for children belonging to the *Katkari* tribe. The aggregated indicators from DISE, as presented below, provide aggregates for education indicators for children from scheduled tribes but fail to capture the challenges faced by children from the *Katkari* tribes, in particular. However, it should be borne in mind that Jawhar block where the CRSA was conducted is considered one of the most ‘Educationally Backward Blocks²⁶’ (EBB) in the state of Maharashtra and literacy rates for the block are one of the worst in the state (50.5 percent for women and 66.6 percent for men). A few studies have explored how the *Katkari* community has been affected by migration and its impact on the education of their children.

Table 7 - Selected indicators on elementary education of children from Scheduled Tribes in Block Jawahar, Thane district

	Gender Gap in Elementary Enrolment (all social categories)	Gender Gap in Elementary Enrolment (Scheduled Tribes)	Dropout rate in primary schools among boys from Scheduled Tribes	Dropout rate in primary schools among girls from Scheduled Tribes
State Maharashtra	3.0	5.4	4.9	5.2
District Thane	6.3	5.7	3.8	4.2
Block Jawahar	2.3	1.9	4.2	1.3

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

²⁴ Ministry of Tribal Affairs. Government of India. (Last updated 2016). *Particularly Vulnerable Tribal Groups (PTGs)*.

Retrieved from <http://tribal.nic.in/Content/Particularly%20Vulnerable%20Tribal%20Group.aspx>

²⁵ Government of India Ministry of Tribal Affairs (2008). *Scheme of Development of Primitive Tribal Groups (PTGs)*. Retrieved from <http://tribal.nic.in/WriteReadData/CMS/Documents/201401080453054892461DevelopmentofPTGScheme.pdf>

²⁶ This is official terminology, but for a rights-based organization such as Educo, use of language such as ‘backward’ is discriminatory and demeaning.

Challenges to the fulfillment of the right to education and non-discrimination

The CRSA covered a *Katkari pada* (hamlet) in Jawahar Block of Thane district. The *pada*, that is about 2-3 kms from the main village, consists of 100 households that are largely landless. Most *Katkari* families migrate for 6-8 months in a year to work on brick kilns or as construction laborers. Some families do not migrate but travel long distances every day to work as daily wage laborers on construction sites or brick kilns. During the course of the CRSA, only the families of those working at construction sites or brick kilns were available in the village, the rest had migrated.

CRSA findings suggest that schools that are accessible to children from *Katkari* communities are not responding to the needs of the community and have failed to demonstrate value. Duty bearers lack critical understanding of education as a right: teachers and principals blame parents for poor learning outcomes and parents are unaware or powerless to hold the school accountable.

The study covered 19 children from the *Katkari* community. Of these, 10 children were going to school, 8 had not been to school for at least the last 6 months and 1 child had never been to school. Children in the community appeared malnourished confirming findings from several studies on serious malnutrition among children from the *Katkari* community²⁷.

Options for schooling for children in this community include a Primary school (till Grade 4) situated nearby (within 1 km); an Upper Primary school, located in the main village 2-3 kms away and a residential school, specifically established for children from tribal communities (*Ashramshala*).

Some of the key reasons that prevent children from completing their education include the family debt situation, migration and child labor. A member from the local NGO highlighted the fact that the *Katkari* families are caught in a vicious cycle of poverty. Children tend to work alongside their families to repay debts and many children in the sample reported that they dropped out of school in order to work and support their family.

27 Yashwantrao Chavan Academy of Development Administration (2012). *Maharashtra Human Development Report 2012: Towards Inclusive Human Development*. Retrieved from http://books.google.co.in/books?id=rmYjBAAQBAJ&pg=PA93&lpg=PA93&dq=katkari+tribe+health+concerns&source=bl&ots=P64e89PD1q&sig=kUwsJPiO-kKEPV2XBs_HzAvC2Rg&hl=en&sa=X&ei=3DgJVIWCsm5uATA-xoHoBA&ved=0CEoQ6AEwBw#v=onepage&q=katkari%20tribe%20health%20concerns&f=false

Absence of parents, child neglect and irregular attendance

When parents migrate to work in brick kilns or as construction laborers, they leave their children under the care of relatives in their village, at times. Community members feel that children are often neglected and left unattended in such situations and that the absence of parents acts as an impediment to regular school attendance. They also shared that older children dropped out of school either to take care of household responsibilities or their younger siblings, in the absence of their parents.

Schools do not meet learning needs of children nor demonstrate added value

Community members laid emphasis on the fact that education had made no difference to their lives, quoting their situation that despite some of them having gone to school, they continued to be trapped in poor and exploitative working conditions. The children also mentioned that they had not seen schooling benefit anyone and hence, the parents believed that children had little interest in going to school. The absence of “good role models” that demonstrate the value of education in securing “sustainable and stable work opportunities” are perceived as reasons for high dropout rates among children from this community. The principal of the residential school for children from the scheduled tribe community put the responsibility for lack of interest on parents saying that parents do not see any value in education and hence would rather keep children at home or send them to work.

Unlike most local education authorities that were interviewed as part of the CRSA, the government official at Jawahar did not blame children or parents for ‘low interest’ in schooling but rather attributed it to the curriculum being ‘irrelevant, ‘too academic’ and ‘not linked to local realities or requirements’. Low interest among children could also be attributed to poor teaching methods in the schools.

Classroom observations in two schools in this area revealed that teachers do not use interactive learning methods, focus on teaching by writing on the blackboard and rote-learning. Children appeared disinterested and passive recipients in the classroom. Teachers reported that they were aware of interactive teaching methods and multi-grade teaching but found it challenging to implement these methods.

Lack of understanding and accountability among other duty bearers

The study found that school authorities, members of the School Management Committee (SMC) and parents in general, widely misunderstood learning assessments and RTE's stipulation for 'automatic promotion' of children until they completed Grade 8. Parents perceived that 'automatic promotion' is a disincentive for children to learn. Teachers and principals by and large attributed poor learning outcomes, irregular attendance and drop out of children to the lack of interest from parents in educating their children.

A number of schools surveyed violated the norms stated in the RTE (Right to Education Act), in the context of functioning toilets (unavailable), poor or no means of waste disposal, and corporal punishment enforced as a disciplinary measure in the classrooms. FGDs with parents, including the SMC members, indicated that they did not take any action to hold the school authorities accountable under the provisions of the RTE. In fact, parents did not think of education as a 'right' and an 'entitlement' and did not think that school authorities could be held accountable.

2.5 Children from the Ka Thakar (Scheduled Tribe) community, Thane

Ka Thakar is a tribal community living across Maharashtra and classified as Scheduled Tribe by the Government. The *Ka Thakar* tribe has one of the worst sex ratios among the 6 main tribes in the state (959 females for 1000 males); lower than the state average of 973²⁸. The literacy rate of the *Ka Thakar* tribe on the whole in 2001 was 50.9% - much lower than the state average (76.9%). The sample covered in the CRSA included two blocks in Thane district and DISE data for 2011-2012 suggests that the gender gap in enrolment among children from scheduled tribes in these blocks is especially poor at the Upper Primary level, in addition to which more girls than boys dropped out in these grades.

RTE requires that children who drop out must be traced and supported to get back to school, yet most child respondents who dropped out were never approached by the school authorities and the one who was, said she suffered humiliation when she did go back to school, both from peers and the teacher which ended up in her dropping out again.

28 Office of the Registrar General, India (2001). *Maharashtra Data Highlights: The Scheduled Tribes, Census of India 2001*. Retrieved from http://cen-susindia.gov.in/Tables_Published/SCST/dh_st_maha.pdf

Table 8 - Selected indicators for elementary education of children from Scheduled Tribes in Block Jawahar and Mokhada, Thane district

	Gender Gap in Elementary Enrolment (all social categories)	Gender Gap in Elementary Enrolment (Scheduled Tribes)	Dropout rate in primary schools among boys from Scheduled Tribes	Dropout rate in primary schools among girls from Scheduled Tribes
Maharashtra	3.0	5.4	4.9	5.2
District Thane	6.3	5.7	3.8	4.2
Block Jawahar	2.3	1.9	4.2	1.3
Block Mokhada	3.6	3.7	4.6	6.0

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

Challenges to fulfillment of the right to education and non-discrimination

The CRSA covered 2 hamlets - Talyachapada in Jawahar block and Charanwadi in Mokhada block. Both are relatively small with approximately 70 households each. While Teliyachapada was located uphill over steep slopes and difficult terrain, Charanwadi was relatively closer to the highway and more accessible. Availability and access to drinking water was a major concern in both villages for the residents, children and adults had to travel long distances to source water. Most community members own a small plot of land and it was common for families to migrate seasonally to increase their income.

At the time of the CRSA, many such families had not returned to the village and therefore the sample could not include many children from amongst the migrating families. 45 children were interviewed – 21 were going to school; 20 had not been to school for at least 6 months and 4 children had never been enrolled.

A majority of the school going children attended the *Ashramshalas*, located in the neighboring block of Vikramgad. Some children went to the local primary school (up to grade IV) located close to the hamlet and some had to walk on unsafe and rudimentary paths or cross a river to reach the Upper Primary school.

Findings from the CRSA suggest that there is a preference for residential schools among the Ka Thakar communities, which is not surprising as most parents migrate for work. However, the quality of education and learning outcomes for residential schools are as poor as for non-residential schools and hence residential schools are perhaps preferred for reasons other than ‘quality of education’.

Poor livelihood options and lack of access to water

Parents from both the hamlets told researchers that it was hard to make ends meet. A large number of families migrated in search of work and the majority of out of school children also worked to support their families. Children worked on farms, grazed animals and also reported working as casual labor and domestic workers.

Poor access to upper primary school, preference for residential schools

A majority of the children, who dropped out of school, did so at grade 4 - this is not surprising given that Upper Primary schools are further away and require children to travel on steep slopes and difficult terrain and in one case, to cross a river. Girls, in particular, reported that distance and safety were a huge deterrent in the continuation of education. The inaccessible Upper Primary school and perhaps frequent migration of parents in search of work were amongst the most common reasons leading to a preference for residential schools, while parents also tended to believe that the quality of education in residential schools was better. However, in terms of learning outcomes, the CRSA found that children from both kinds of schools had a similar learning outcome, with a majority being unable to read at the grade appropriate level.

According to the local Government official, parents preferred residential schools because these took care of all the costs related to supporting their child, including boarding. He felt parents sent their children to residential schools to ‘rid themselves’ of the responsibility of caring for them.

Lack of accountability from education authorities and the inability of parents to hold school authorities accountable

The local education authorities showed little responsibility for poor access to schools or poor learning outcomes. In fact, a government official for Mokhada denied that there were any children out of school and had a disapproving attitude toward parents sending their children to residential schools (see Box 11). The principal of a local government school said that no survey had ever been conducted on out of school children since they believed that all children were in school - a claim contrary to what was found in the CRSA. At best, school authorities acknowledged that some children were irregular even though this was not seen in the official records. While parents tend to blame their children for poor learning outcomes and attribute this to the lack of 'role models' in their community, they also felt that they were not in a position to question teachers and authorities on poor learning outcomes or other issues related to education that their children faced.

Gender discrimination, early marriage and alcoholism

Three out of four girls had never enrolled and although the CRSA sample was small, this data is indicative of gender discrimination in schooling and is corroborated by what parents said. During the FGDs, parents shared that if they faced a situation of financial crisis, they would rather send their son to school than their daughter. In addition, parents shared that early marriage, especially amongst girls, was a common phenomenon. Girls as young as 14 were discouraged from continuing their education and married off. Rampant alcoholism and related domestic violence also seemed to affect girls more than boys with at least one girl suggesting that she dropped out of school because of her father's alcoholism and abusive behavior. Alcoholism among the men of *Ka Thakar* tribe was indeed widely reported by women from the community who said that men tended to spend money on alcohol – which left the family with even lesser money to educate their children- this especially related to meeting transport costs for children in the Upper Primary grades. The issue of alcoholism was also identified by the local Education authorities, which had a negative impact on parental interests in educating the children.

Not only was gender discrimination explicit at the family level, schools appeared to be stereotyping and discriminating against girls as well. Among the tasks allocated to children at school, cleaning tasks were almost exclusively allocated to the girls while boys were made class monitors (representatives).

Understanding the perceived 'lack of interest' in children

Children, parents and teachers widely used the phrase 'lack of interest in going to school' as the main reason for children not being enrolled or dropping out of school. There, however, appeared to be an inadequate understanding of the phrase, 'lack of interest'. While the government official from Jawahar block did share that the curriculum was 'too academic' and not linked to the daily lives of these children, there was minimal discussion pertaining to the use of teaching-learning methods. Parents were aware that children were not learning and yet felt disempowered to question school authorities and teachers on the use of interactive, child friendly methods of teaching (notes from classroom observations). Given that the methods of teaching were inappropriate and uninteresting, poor learning outcomes demonstrated by the children was not surprising. What is disconcerting is the lack of awareness and responsibility on the part of the school authorities to make learning interactive and interesting and thus enable children to learn.



2.6 Children from various tribal communities in Jalna

A large number of tribal communities such as the the *Lamani* (classified as De-Notified Tribes), the *Dhangars* and *Wadars* (classified as Nomadic Tribes) and the *Bhils* (classified as Scheduled Tribe) live in Ghanasawangi and Badnapur blocks in Jalna. These communities have been historically marginalized and discriminated against.

As shown in the table below, the education outcomes of children from these communities are poorer than the district and state averages. Dropout rates for both boys and girls from scheduled tribe communities in Partur for instance, were 5 to 6 times higher than the district average. Similarly, both boys and girls from de-notified tribes (VJNT) in Badnapur were 5 to 6 times more likely to drop out of primary school in comparison to other children from similar communities in Maharashtra.

Table 9 - Selected indicators for Elementary Education of children from Scheduled tribes, Nomadic tribes and De-notified tribe/VJNT in different blocks of Jalna district

	Gender gap in Elementary Enrolment (Schedule Tribes)	Dropout rate in Primary schools (Scheduled Tribes)		Dropout rate in Primary schools from Nomadic tribes		Dropout rate in Primary schools (VJNT)	
		Boys	Girls	Boys	Girls	Boys	Girls
State Maharashtra	5.4	4.90	5.20	0.30	0.50	2.70	3.30
District Jalna	8.6	6.7	4.0	-1.8	-0.2	8.3	6.2
Block Ghansawangi	-0.4	-4.80	-0.80	-0.60	8.30	8.10	11.40
Block Partur	14.8	26.10	24.60	-17.00	-10.90	4.80	9.30
Block Badnapur	24.4	24.9	-1.3	0.30	0.50	12.00	13.30

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

Challenges to fulfillment of the right to education and non-discrimination

The CRSA team interviewed a total of 15 children across four villages in three blocks (Ghansawangi, Partur and Badnapur) – 6 had not been to school for at least 6 months, 2 had never been enrolled and 7 were currently attending school.

Schooling options for one of the villages in Ghansawangi include a Government Primary school till Grade 4 located at the centre of the village. The second village in Ghansawangi has a Government Upper Primary school and a private English-medium school, though none of the children from the sample attended this school. The village in Partur has a Zilla Parishad school till Grade 8 (within a 1 km radius of the village). The village in Badnapur has an Upper Primary school.

Findings from the CRSA suggest that children from these tribal communities did not have access to school and the lack of arrangement for transporting children disproportionately affected girls, children with disabilities and others whose parents were unable to afford or organize transport for their children.

Distance and inaccessibility of the school

The most commonly reported reason for children being out of school, was the distance from home to school for all the 3 communities for this sample and the complete absence of good roads and transport facilities connecting the communities to the schools. The roads were mud paths, which got flooded during the monsoons, cutting off these villages from the outside world during the rains. Some parents reported that they incurred costs in providing transport for their children to attend school and this was an obstacle. Girls seem to suffer disproportionately since parents were reluctant to let girls walk the long distance over poor and unsafe roads. In the village of Badnapur, the Upper Primary school was located across the river and there was no bridge to cross – as a result of which, the children who lived across the river (mainly Scheduled Caste communities) could not access the Upper Primary school.

During FGDs in two villages in Ghansawangi and Partur, parents reported that children with disabilities are also disproportionately affected by the physical inaccessibility of the schools (See Box 13). Two children with polio in the village in Partur and six children with disabilities in Ghansawangi were reported to be out of school as their parents had concerns about the inadequate infrastructural and other caring facilities provided by schools to children with disabilities.

No access for children with disabilities: not only does long and arduous travel to the primary school pose a barrier for children with physical disabilities, the schools were not equipped with the minimum support required for children with disabilities- such as functional ramps.

Lack of access to water and sanitation at home and in school

All the three communities and villages included in the sample group for this research were found to lack access to water. Since water supply to the villages is scarce and irregular, the parents reported that children (both boys and girls) were forced to help their parents in fetching water from distant sources. This had a negative impact on their school attendance.

The schools, in turn, did not have sufficient water supply – in fact there was no water in the toilets and as a result none of the schools, where children covered in the situation assessment attended, had functional toilets or mechanisms for waste disposal. Although

parents and children did not raise this as an issue, the lack of water and functional toilets are well known barriers to girls' education, especially for girls who have attained puberty.

Perceived lack of interest in education

Out of school children across all the three tribal communities reported that they were not interested in going to school. During the FGDs, the parents of the out of school children said that they did not see much relevance or value in sending their children to school because they did not know of any person in their community gain a better and more secure livelihood opportunity after completing education. Classroom observations in one school in the village showed that teachers mainly used one-way teaching methods and did not encourage much discussion or interaction amongst the children. Children also complained of widespread corporal punishment in schools. In an interview with the Principal of one school, his comment was that the RTE restricted their ability to 'discipline' children and that punishment should be allowed. The perceived lack of interest on the part of children could thus be linked to the unfriendly and threatening atmosphere in the school.

2.7 Children of seasonal migrants (sugarcane cutters) in Jalna

Children belonging to families that migrate seasonally for sugarcane cutting have been identified as vulnerable to the violation of their right to education and protection. According to the National Commission for Protection of Child Rights (NCPCR), these children are deprived of education (pre-school, primary, secondary) and are increasingly dropping out of school²⁹. The situation assessment covered families involved in sugarcane cutting across six villages in three blocks of Jalna –Partur, Ghanasawangi and Badnapur. Sugarcane cutters come from diverse caste backgrounds, those interviewed belonged to the Scheduled Tribe community (ST).

Existing data indicates that the gender gap in enrolment at the elementary level amongst the Scheduled Tribe communities in Partur and Badnapur blocks is higher than the district and State averages. The drop-out rate among children in Primary schools in Partur, for both boys and girls from the Scheduled Tribe communities, is higher than the State and district averages. Similarly, drop-out rates among boys from these communities in Badnapur was much higher than the State and district averages.

29 National Commission for Protection of Child Rights (NCPCR) (2010). *Annual Report 2008-2009*. Retrieved from http://ncpcr.gov.in/view_file.php?fid=443

Table 10 - Selected indicators for elementary education of children from Scheduled tribe in the different blocks, District Jalna,

	Gender Gap in Elementary Enrolment (all social categories)	Gender gap in Elementary Enrolment (Scheduled Tribe)	Dropout rate in primary schools from Scheduled Tribes		Dropout rate in Upper primary schools from Scheduled Tribes	
			Boys	Girls	Boys	Girls
Maharashtra	6.20	5.40	4.90	5.20	4.70	5.70
District Jalna	5.1	8.6	6.7	4.0	-9.1	-4.1
Block Gansawangi	2.30	-0.40	-4.80	-0.80	7.00	-1.80
Block Partur	6.10	14.80	26.10	24.60	-2.40	12.50
Block Badnapur	5.60	24.40	-24.90	-1.30	-22.80	11.90

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

Challenges to the fulfillment of the Right to education and non-discrimination

In most of the sample villages, families were mainly engaged in agriculture. Some families that were landless and could not find local livelihood options, migrated to Andhra Pradesh, Karnataka and the surrounding districts of Jalna to work on sugarcane farms for about six months in a year.

The CRSA covered a sample of 14 children from families affected by seasonal migration from three blocks – 10 children had dropped out of school and 4 were currently attending school. Among the children who were attending school, there were two children with disabilities- a boy with a physical disability and a girl with intellectual disability. While the sample design required the CRSA to cover 20 children from seasonal migrant families, during the time of the field visit, many of the migrant families had not returned to their villages, hence a smaller sample was interviewed.

Schooling options for one of the villages in Ghansawangi included one Government Primary school till Grade 4, while the other village had a Zilla Parishad Upper Primary school till Grade 8. There was also a private English medium school in one of the villages in Ghansawangi, though none of the children from the sample were enrolled in this school. In Partur, one of the villages had a Government Primary school, the other village

had a Zilla Parishad Upper Primary school till Grade 7. Both the villages in Badnapur had Upper Primary schools till Grade 8.

Findings from the situation analysis suggest that the lack of access to quality schools for children of seasonal migrants coupled with the exploitative employment situation in the sugarcane industry, violate their right to education. Unless the parents' right to a livelihood is ensured by the State, along with the protection of children from exploitative work and facing abuse, it is likely that the right to education for children will continue to be violated.

Lack of adequate state response to challenges posed by the absence of livelihood opportunities and consequent migration of families along with their children

Families from these communities rely on seasonal employment opportunities offered by sugarcane farms where they migrate to, for 6 - 8 months in a year. Most children migrated with their families to different destinations and some of the child respondents shared that they worked as 'extra hands' on the farms and supported their family's income.

As mentioned earlier, the government response to ensuring the right to education for children from families that migrate for employment has been the establishment of seasonal residential education facilities (hostels). The provision is however inadequate compared to the number of children who need these, and it has failed to demonstrate safety for children – according to the parents - especially for girls.

Another alternative set up by the local authorities was to initiate mobile schools under makeshift tents, which required teachers to travel to different locations to teach children. However, the lack of suitable teachers for this initiative led to the scheme being dropped. Local authorities also set up temporary schools called *Shakarshalas* (literally “sugar schools”) in sugarcane factories but these schools were also shut down due to the non-availability of teachers.

Exploitative employment

The out of school child respondents reported that they worked for about 7-8 hours a day. Some of the children stated that they had dropped out of school to care for younger siblings. Children worked on sugarcane farms as part of 'family labor' (see Box 15). Older children

were engaged in cutting sugarcane along with the adults while the younger children were engaged in bundling and tying the canes together. Even with the establishment of seasonal hostels or schools, unless the exploitative employment at sugarcane farms is addressed, families are more likely to engage children at work instead of sending them to school.

Widespread use of corporal punishment

Children reported widespread prevalence of punishment in schools. Some children reported dropping out of school due to severe mistreatment (ear twisting, holding ears through legs (*murga*), being hit with a stick, getting hit with a ruler on the palm, pinching and being slapped). Teachers and Principals in the surveyed schools denied using corporal punishment, contrary to reports from the children.

2.8 Children from communities engaged in cotton growing and picking - in Jalna

The study covered children from cotton picking communities in three blocks of Jalna – Partur, Ghanasawangi and Badnapur. Most parents either worked on their own cotton farms or as daily wage laborers on farms owned by other people. The sample included families from communities classified as Scheduled Castes (SC), Other Backward Classes (OBC), Muslims and open (general) categories.

According to the latest available disaggregated data (DISE 2011-12), Partur and Badnapur blocks in Jalna have a bigger gap in the sex ratio in terms of school enrolment, which is higher than the district average. Within these two blocks, children from the sample communities had the lowest learning outcomes in comparison to the average across all the communities. The dropout rate amongst girls from Muslim communities in Ghanasawangi is eleven times higher than the state average, and, amongst boys, almost ten times higher than the state average. Similarly, in Badnapur, the drop-out rate at the Upper Primary school level, for both girls and boys from the SC community, was higher than the state and district averages.

Table 11 - Selected indicators for Elementary Education of children from Scheduled Castes, Other Backward Classes, Muslims and General category, in the different blocks of Jalna district

	Gender Gap in Elementary Enrolment (all social categories)	Gender gap in Elementary Enrolment (Scheduled Tribe)	Dropout rate in primary schools from Scheduled Tribes		Dropout rate in Upper primary schools from Scheduled Tribes	
			Boys	Girls	Boys	Girls
Maharashtra	6.20	5.40	4.90	5.20	4.70	5.70
District Jalna	5.1	8.6	6.7	4.0	-9.1	-4.1
Block Gansawangi	2.30	-0.40	-4.80	-0.80	7.00	-1.80
Block Partur	6.10	14.80	26.10	24.60	-2.40	12.50
Block Badnapur	5.60	24.40	-24.90	-1.30	-22.80	11.90

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

Challenges to the fulfillment of the right to education and non-discrimination

The study covered children from non-migrant families across six villages in three blocks of Jalna – Ghansawangi, Partur and Badnapur. From the discussions, the researchers found that adult cotton pickers were paid INR 6 to 7 per kg of cotton picked. The children however, were paid very less - INR 3 to 4 per kg of cotton. A child could collect a minimum of 5 kgs and maximum of 10 kgs a day, if the yield was good.

The CRSa team interviewed 31 children from these three blocks - 12 had dropped out of school and 19 were attending school³⁰, including one girl who had a speech impairment.

Schooling options for one of the villages in Ghansawangi include one government primary school till Grade 4, while the other village had a Zilla Parishad Upper Primary

³⁰ The number of children in school and out of school is unequal because researchers have re-categorized the children for purpose of analysis. Overall, 30 children were interviewed in Jalna in each category.

school till Grade 8. There was also a private English medium school in one of the villages in Ghansawangi, though none of the children from the sample population was enrolled in the private school. Similarly in Partur, while one village had a Government Primary school, the other village had a Zilla Parishad Upper Primary school upto Grade 7. Both the villages in Badnapur had Upper Primary schools - till Grade 8.

The exploitative cotton industry and the absence of interventions from Education authorities

Child respondents widely reported that they dropped out of school because they needed to work to support their families. Children were explicitly preferred for picking cotton over adult labor, and among children, girls were preferred over boys. Some children reported working 8-10 hours a day. Many children attending school also reported that they worked in the cotton farms during the harvest season, missing school for about 2-3 months in a year (September to November). The CRSA did not find any evidence of program interventions to help these children bridge the gap they experience every year in their schooling, nor were there any specific initiatives for getting children, working in the cotton fields, back to school. A minority of children (3 out of 12) reported that they were approached by the school teachers to return to school, but the teachers were not able to convince the children to return.

Exploitative child labor: the cotton industry in Jalna is characterized by extensive child labor. Employing children is preferred over adults because they are paid half the wage that adults are paid for the same amount of work. While adults are paid Rs. 6-7 per kg of cotton picked, children are paid Rs. 3 - 4. Girls are preferred over boys because employers perceive girls to be more hard working. The local NGO reported that many employers tampered with weighing scales to pay even less.

Lack of access to Upper Primary schools

All three villages in this sample had a Primary school (up to Grade 4) within a one-km radius, which was physically accessible for children in the sample communities. Only two villages had access to an Upper Primary school located within a 3-km radius. One of the villages in Partur did not have access to an Upper Primary school. Children from Partur tended to drop out of school after the completion of Grade 4. Parents stated that this was because there was no Upper Primary school in either the village or close by. The nearest Upper Primary school was about 6 kms away (which goes against the RTE Act) and this

was a deterrent for children, especially for girls. The local education authorities stated that they had made a provision for transporting girls to the Upper Primary school but members of the School Management Committee (SMC) and a local NGO reported that this provision was ill-designed and misused- the buses were too big to ply on the narrow and kaccha roads that connected the village to the school and these were being used by more by the villagers than for transporting school children. The government official was unaware of the misuse of the bus, indicating poor monitoring and accountability.

A mix of reasons including social norms for controlling the mobility of girls to maintain ‘family honor’, poor access to schools and the absence of protective measures, in addition to the lack of sanitation facilities, serve to discriminate against girls and exclude them from realizing their right to education.

Exclusion, by default, and discrimination against girls

The long and unsafe walk or poor transport to schools has resulted in the exclusion of girls from education, especially where Upper Primary schools are beyond the maximum distance specified under the RTE. Responses from the girls who dropped out of school indicated that their parents asked them to stop going to school when they began their menstruation. Parents shared that they feared for the safety (related to sexual violence) of girls. The local NGO reported that parents also feared that the distance to school reduced a family’s ability to ‘control’ the girls and parents feared that they may elope with a boy ‘bringing shame to the family honor’. The NGO partner also reported poor sanitation facilities in the school, another major deterrent for girls’ education.

Widespread belief in punishment as an appropriate method for disciplining

Findings from the CRSA suggest that not only were the children from these communities prevented from attending schools due to exploitative labor conditions in the cotton industry; access to schools in their village was poor and the schooling experience marred by serious violence against children, from teachers and peers. In addition, girls were excluded both by social norms that required control over their mobility and poor access to schools and poor or minimal sanitation facilities at schools.

Children reported that all forms of punishment - physical abuse, verbal abuse and humiliation – were regularly meted out to them in schools. Many children said they

dropped out of school because of the severity of punishment they received. Parents and teachers however believed that punishment helped discipline children; one of the HMs in a village school even stated that ‘children in the villages needed more disciplining than children in cities’. Parents reported that they punished children at home and also encouraged teachers to do so when children did not complete their homework or when they ‘misbehaved’. The only instance where parents found teacher behavior toward children inappropriate and excessive was when one of the teachers harassed children under the influence of alcohol, in one of the schools. Community members reported this to the local education authorities but no action was taken.

Physical violence and bullying

Some children reported that they had been bullied and harassed by other children in school. One girl reported that she had dropped out of school out of fear of being beaten up by the other girls who said she was unclean. Children shared that they received no support from teachers when they reported incidents of bullying. Teachers were unresponsive to bullying and sometimes even encouraged the practice of getting the children to use violence against each other to ensure discipline in the classroom.

2.9 Children from Warli (Scheduled Tribe) communities living within the national park precincts in Mumbai

The *Warli* community is an indigenous tribe residing in Maharashtra and Gujarat, and has been classified by the government as Scheduled Tribe. This CRSA looked at the education rights of children from the *Warli* community, living in the forests of Sanjay Gandhi National Park in Borivli and in the Aarey Colony in Goregaon, Mumbai. These ‘urban’ tribal people have been living in the National park for several decades. These communities have poor access to schools and hospitals and live under constant threat of displacement.

Existing DISE reports do not provide disaggregated data for specific wards in Mumbai and Mumbai Suburban districts, and the existing education data available for scheduled tribes living in Mumbai are only in the form of aggregates. NGO reports state that the right to education for tribal communities living in the forested areas of Mumbai is severely compromised. Children have to walk an average of 5 kilometers from the *padas* (hamlets) located in the outer periphery (2-3 kilometers from the highway) and for those residing in the interior areas/ *padas*, a distance of approximately 12 kilometers, to reach either a government or a private school.

Table 12 - Selected indicators on elementary education among children from Scheduled Tribes in Mumbai and Mumbai suburban districts of Maharashtra

	Dropout rate in Primary schools (Scheduled Tribe)		Dropout rate in Upper Primary schools (Scheduled Tribe)	
	Boys	Girls	Boys	Girls
Maharashtra	4.9	5.2	4.7	5.7
District Mumbai and Mumbai suburban	13.5	12.0	4.7	7.3

Source DISE 2011-2012, <http://www.healthgis.org/dise/>

Challenges to fulfill the right to education and non-discrimination

The study covered the tribal settlements inside the Sanjay Gandhi National Park (SGNP) in Borivali and Aarey Colony in Goregaon. Most families are native to the park and belong to the *Warli* tribe. Situated inside the national parks, these settlements are isolated. The road connecting their habitats to the main highway is a mud path, especially inside the SGNP. The paths often get flooded during the monsoons or are riddled with large pot holes, cutting them off from the main road. These settlements suffer from irregular water and electricity supply. Adults have non-migratory jobs – they work as domestic maids, casual labor, daily wage labor or collecting and selling fire wood.

The CRSA team interviewed 20 children in all – 10 children were attending school, 7 had dropped out and 3 children had never been to a school.

Schooling options available to children include government and private schools (including an English-medium school).

CRSA findings suggested that, for one, there were no schools within the stipulated 1-3 kilometers for children living in the forest areas in Mumbai, and secondly, the school they did to access discriminated against them. Teacher attitude towards these children is condescending and thus children reported little interest in schooling.

Lack of availability of schools

The National park is spread over a 100 square kilometer area and the *adivasi padas* (hamlets) are located inside the national parks. There are no schools (or hospitals) within the park and children reported that they had to walk for at least 5 kilometers to reach a primary school located outside the park. Slippery forest paths during the monsoons and the fear of snakes and wild animals made the terrain difficult and unsafe for the children. This was a primary deterrent for families and a reason why many children never enrolled in school or had dropped out. Living in the forest without livelihood options and poor access to basic amenities such as water had a disproportionate impact on girls who reported dropping out of school to support the family with household chores such as fetching water over long distances and caring for younger siblings.

Discrimination against children from Tribal communities

The private school which the children accessed with great difficulty explicitly discriminated against these children. Classes for children from tribal communities were conducted in the morning hours while children from other communities (not living in the forest) attended school in the afternoon. School authorities said children from the *adivasi pada* were undisciplined and unruly and they found the morning shift difficult to control. One of the teachers remarked that children from the tribal hamlets were ‘incapable of learning’ through group work or activities as they were not ‘intelligent’. Not surprisingly, as observed during classroom visits, the teachers did not engage or interact with students except through one-way teaching methods, mostly writing on the blackboard and reading from the textbooks. The teacher did not smile in the classroom and children sitting at the back were totally disengaged from the classroom teaching process.

In contrast to feedback from other sample areas during the situation analysis, parents from these communities believed that the teachers were responsible for failing to make learning interesting. Child respondents unequivocally stated that they had no interest in going to school.

Violence against children

Violence against children at home and in schools appeared to have a significant impact on the completion of schooling. Some children shared that their fathers were abusive when under the influence of alcohol and beat them and their mothers. This was said to be a predominant reason for drop out from school. Children also reported widespread prevalence of physical punishment in school that included pinching and twisting of

children's ears, hitting them with sticks and making them hold their ears through their legs (*murga banana*). Scoring low marks or not performing well in tests was amongst the key reasons for punishment of children. Teachers and Head Masters, on the other hand, stated that punishment 'violated children's rights' and did not take place in their school.

2.10 Children of sex workers living in the red light areas in Mumbai and Thane

A national study by the Department of Women and Child Development, 2004 estimated that of the 28 lakh sex workers in India, about 4 lakh were living in Maharashtra (around 3.8%)³¹, concentrated in Kamathipura and Falkland Road areas in south Mumbai. The recent real estate boom in the southern parts of Mumbai led to massive redevelopment projects and sky rocketing rents around Kamathipura, forcing sex workers to move to the outskirts of the city. New red light areas have started burgeoning in areas such as Bhiwandi.

Though no official disaggregated data is available on enrolment and drop-out rates among children of sex workers in Mumbai and Thane, the national study suggested that 'the literacy rate of the children of sex workers is quite low in comparison to the national literacy rates and among those who are literate the attainment is very poor.'

Challenges to fulfillment in the right to education and non-discrimination

The study covered two red light areas in South Mumbai and two in Bhiwandi. The two regions present different models of sex work –soliciting in South Mumbai is brothel based, while that in Bhiwandi is home based. Most of the sex workers were immigrants from states in North-East India or from rural parts of Maharashtra, while one of the pockets in Bhiwandi has a concentration of Devadasis from South Indian states such as Karnataka and Andhra Pradesh.

The CRSA team interviewed 23 children of sex workers – 18 children (all from South Mumbai) were attending schools, and all 5 children from Bhiwandi were out of school - four had dropped out of school and one had never enrolled. According to the sample design, an equal number of out of school and in school children were to be covered. In South Mumbai, the NGO partner reported that no child of a sex worker was out of

31 Mukherjee, Dr. K.K. and Dr. Sutapa Mukherjee (2004). *Girls/Women in Prostitution in India: A National Study*. Retrieved from <https://books.google.co.in/books?id=1xFnEyqFupUC&lpg=PA17&ots=G42DJvRWPA&dq=estimates%20for%20sex%20workers%20in%20India&pg=PR3#v=onepage&q=estimates%20for%20sex%20workers%20in%20India&f=false>

school largely due to the interventions carried out by NGOs dedicated to enabling the education rights for children of sex workers. According to the NGO partner most of these organizations focussed on enrolling these children into school (either local or residential) through advocacy and collaboration with the local schools. To interview children of sex workers who were out of school, the research team moved to Bhiwandi- an area where the presence of NGOs is limited.

Schooling options for children included local government (municipal) schools, private schools (not attended by any child in the sample selected) and residential children's homes.

Findings from the CRSA suggested that where NGOs had made targeted interventions to ensure that children of sex workers went to school, at the very least their right to be admitted to schools and regular attendance has been ensured. Where NGOs provided alternate care arrangements for these children, it was highly likely that children completed schooling. However, in the absence of concerted efforts to enable children of sex workers to attend school, they were likely to remain out of school.

Lack of safe access to schools

Mothers in Bhiwandi reported that one of the main reasons why their children were out of school was because the school was far from where they lived and the walk to school was unsafe. The area has many manufacturing industries and the roads are constantly swarming with heavy traffic as also cargo loading and unloading activities.

Corporal punishment and harassment in school

Even though all children of sex workers living in South Mumbai were in school and showed regular attendance, their school experience was marred by violence. All child respondents reported prevalence of punishment (physical and verbal) and most mentioned that they did not like their teachers. Punishment was also cited as a reason for a child from Bhiwandi who had dropped out of school. A girl reported 'inappropriate behavior and touching' by a male teacher. Another child said that her teacher did not allow her to go for Friday prayers (*Namaz*) in the month of Ramzan.

Children's vulnerability to HIV and AIDS and other health hazards

The CRSA team found one instance of a mother and child affected by HIV where the child had dropped out of school on account of ill health. His mother reported that he was extremely fragile and required constant care and could not cope with the rigors of daily schooling. A community based organization working with sex workers in Bhiwandi shared that children of sex workers also faced a unique risk associated with substance abuse that their mothers subjected them to. In order to be able to solicit their clients at home, sex workers often put their children to sleep with the use of drugs – or alcohol. In other red light areas that had NGO interventions such as a shelter, the children of sex workers could avail of such alternate care arrangements during the night.

2.11 Children living at construction sites in urban Thane and Mumbai

There is not much information on the number and socio-economic profiles of construction workers in Maharashtra. According to one study, 59 percent of the construction workers in the state were from within Maharashtra, working at various construction sites in Mumbai, Mumbai suburban and Thane districts³². A micro study of 1020 construction workers in Thane, by Pratham, indicated that the workers came from multiple states including Karnataka, Rajasthan, Bihar and Gujarat apart from Maharashtra³³.

There is no disaggregated data related to education of children living on construction sites. However micro studies indicated that these children faced multiple challenges in accessing education, starting with the migratory and temporary nature of their residence that shifted frequently as their parents moved from one construction site to another. While at a construction site, the physical condition of the construction site made it difficult for children to access the nearest school that was often a couple of kilometers away. The study by Pratham found that 17 percent of the children of construction workers had never been to school and another 16 percent had dropped out³⁴. The majority of children of construction workers were migrants and the language of instruction in schools near their temporary residence was often new and unfamiliar, influencing access and learning outcomes.

32 Abbas, R. and Varma, D. (2014). *Internal Labor Migration in India Raises Integration Challenges for Migrants*. Retrieved from <http://www.migrationpolicy.org/article/internal-labor-migration-india-raises-integration-challenges-migrants>

33 Mumbai Mobile Creches (2012). *Children on construction sites*. Retrieved from <http://www.shram.org/CMS/uploadFiles/document/190214123143.pdf>

34 Ibid.

Challenges to fulfillment of the right to education and non-discrimination

42 children living at construction sites in Virar, urban Thane, Mulund and Chandivali in Suburban Mumbai were interviewed. 17 children had dropped out of school, 5 children had never enrolled and 20 were currently attending schools. Of the sites, the one at Virar had a NGO project that operated an on-site crèche and balwadi. The latter three sites did not have any such an intervention.

Schooling options for children included government run Primary and Upper Primary schools in Chandivali and Mulund. A majority of the children at the site in Virar attended a private school as the contractor offered a bus service between the site and the school. The NGO-run centre at the site provided non-formal education to children.

Findings from the CRSA indicated that children living at construction sites had poor access to school and were denied admission on account of the lack of documentation or because they applied for admission at different times in the year, while the language of instruction may or may not be the child's mother tongue. Schools were not responsive to the specific circumstances of children on the move, denying admission on account of lack of documentation or because it was the middle of the school year.

Frequent migration and lack of responsiveness of schools

Frequent migration and poor responsiveness of schools emerged as one of the most significant factors affecting the right to education for children of construction workers. Parents often had little control over the time they spent at a site and the frequency of their move depended on the availability of work and the contractors' discretion. Around half of all the children interviewed for this study reported moving at least once in the past two years. Schools posed barriers to the admission of children who were on the move. Even though the RTE directs schools to enable admission of children on the move, many schools denied admission on account of lack of documentation such as transfer certificates from previous schools. Often parents were unaware about the importance of the said document and sometimes even misplaced it in transit. Parents also shared that some schools refused to admit children in the midst of the school year (despite the RTE Act directing them to provide children admission at anytime in the year). Many parents were unaware of the RTE provisions and did not hold schools accountable when admission was rejected.

Lack of access due to distance and absence of transport facilities

Another significant barrier to education for children living on construction sites was that the living quarters of construction workers were located at the farthest end of the construction site. Most construction sites are spread over several square kilometers and schools were located off the construction premises. Children had to cross the entire length of the construction site to reach the main gate and then walk from the gate of the site to the school. The NGO reported that as more and more construction work was undertaken at the periphery of the city (with Mumbai bursting at its seams), most construction sites were in underdeveloped areas where even basic infrastructural facilities such as roads, transport facilities and schools had not been set up. Not only were the schools far, the walk within the construction premises was also hazardous with the presence of large construction machinery and on-going construction work. Parents reported that they were often unable to escort children to and from the schools due to strict work schedules. This indicated that for children at construction sites, physical access to schools was impaired by long distance, dangers on site and the lack of transport. Girls faced additional barrier related to their safety in these contexts.

Language of instruction as a barrier and inadequate preparedness of schools

The CRSA covered a large number of families that had migrated from outside of Maharashtra, especially from West Bengal. Parents from West Bengal said they were reluctant to enroll their children in school unless the school provided education in Bengali. In the vicinity of the particular construction site, there were no schools catering to a Bengali medium population. The local NGO mentioned that while the education authorities had set up some multi-lingual schools, there were not enough schools of this nature in Mumbai and certainly not in the area that was surveyed as part of the CRSA. There was no evidence of support being provided to children to cope with the unfamiliar medium of instruction.

Social norms that discriminate against girls

At both the construction sites, the study found evidence of discriminatory social norms that led girls to discontinue their education after they attained puberty. Apart from concerns for their daughter's safety related to the distance to school, parents reported that their respective communities did not consider educating a girl as important. In fact, a girl

continuing education after attaining puberty was seen as a failure on the part of her parents to provide for the girl or to get her married. Some parents shared they did not send their daughters to school because they feared that such mobility could ‘expose’ the girls and thus needed to impose control - for fear of losing face and social ostracism if something ‘untoward happened to the girl’.

Out of school children working or helping with household chores

Although there was high awareness of the ‘illegality’ of child labor at construction sites and parents and children were careful in reporting if children were indeed engaged in working on the construction sites, children did report that they (or other children) were engaged in ‘helping parents’. One child respondent shared that she worked for about 8 hours every day to help her mother run a canteen on the construction site and another child said that his brother helped their father by spraying water on the walls when they were newly cemented. All 5 girls who had never enrolled in school said that household chores included taking care of younger siblings and these were some of the reasons for never having been to school.

2.12 Children living in the slums of Mumbai

The existence and subsequent expansion of slums, both in terms of population and area, has been one of the defining features of urbanization in India. According to the 2011 census, 41 percent of the households in Mumbai live in slums (legal and/or illegal)³⁵.

According to the latest official records³⁶, 0.8 million children are currently enrolled in any type of school at the elementary level in Mumbai, more than half of whom are enrolled at private (aided or unaided) schools. Accounting for the diverse city population, education is provided in 8 different languages, including (in descending order) English, Marathi, Hindi and Urdu through a network of over 1000 schools.

Disaggregated data on education indicators for children living in slums is not available but according to raw data shared by local authorities, in Mumbai city, children from Muslim

35 ActionAid and TISS (2013). *Making Street Children Matter – A census study in Mumbai city*. Retrieved from http://actionaid.org/sites/files/actionaid/mumbai_street_children_v3.pdf

36 Brihanmumbai Mahanagar Palika - Education Department Sarva Shiksha Abhiyan, (2014). *District Profile: Mumbai -Suburban*. UDISE code:2722. Based on Unified District Information System for Education (UDISE), 2013-14 (30 Sept 2013). Retrieved from <http://portal.mcgm.gov.in/irj/go/km/docs/documents/MCGM%20Department%20List/Education%20Officer/Docs/Information%20Of%20Education%20Department%20Regarding%20Schools/DistrictProfile%20.pdf>

communities are over represented among out-of-school children³⁷. In Mumbai suburban, more than half the girls and 42 percent boys from communities classified as ‘Special Backward Class’ drop out at the Primary school level (DISE 2012-2013) and about 34 percent boys and girls from these communities drop out from Upper Primary schools. According to a study of 200 respondents aged 10-21 years in a slum in Mumbai, nearly half had dropped out of school at some stage; a majority of those who dropped out cited poverty as the reason for dropping out and a majority of those who dropped out were girls (54 percent)³⁸.

Challenges to the fulfillment of right to education and non-discrimination

The study covered a total of 167 children living in the slums of Mumbai, of which 85 were going to school, 76 children had not been to school for at least the past 6 months at the time of the CRSA and 6 had never been to school. This sample included 6 children with a disability, all of whom were out of school. Three children had a speech related disability (of these, 2 were drop outs and one never enrolled), two had a mental disability (1 drop out and 1 never enrolled) and 1 was visually impaired (dropout).

Schooling options for children in the sample included private (inclusive of government aided schools) and government schools.

Findings from the CRSA indicate that instead of attending school, children in slums started working at an early age either because they had to supplement their family’s low income levels or because they had lost interest in education due to uninteresting methods of teaching-learning and threatening and unfriendly environments at school. Social attitudes that discriminated against girls’ education were a major barrier, especially in Muslim communities.

Widespread prevalence of child labor

Many children who were out of school in the sample worked in one of the many informal sector industries in the slums or located close by. Most of these slums catered to specific

37 Maharashtra Prathamik Shikshan Parishad (2014). *Raw data on out-of-school children identified through SDP for special training program for 2014-15*. Shared by Out-of-School Children Section, Maharashtra Prathamik Shikshan Parishad.

38 Mali, et. al. International Journal of Biomedical and Advance Research (2012). *A Comparative Study of the School Dropouts with a Socio-Demographically Comparison Group of Urban Slum Inhabitants in Maharashtra* (2012). Retrieved from www.ssjournals.com/index.php/ijbar/article/download/160/160

industries such as rag picking, scrap dealing and textiles. Children also engaged in activities such as selling vegetables and food, making accessories and jewelry, working in hotels and tailoring. Children reported that they worked to support their family's meager income, in some cases because of financial burdens caused by the death of a parent or because they found school 'boring' and 'uninteresting'. CBOs and parents reported that many children were lured by 'gangs' into drugs and substance abuse to persuade them to work in the rag picking industry. For those children who reported drawing a separate income, the range was from Rs. 300 to Rs. 4000 per month. Most children attending school did not report working for money but were engaged in household chores and sibling care at home.



Ineffective pedagogy and lack of accountability among teachers

A commonly cited reason for dropping out was 'lack of interest' in school. Children reported that they dropped out because they did not like going to school and found it uninteresting. Parents on the other hand reported that some children lied to them about going to school and 'bunked' school. That school experience was uninteresting for the children was exemplified during classroom visits where the research team observed that teachers used non-participatory methods of teaching - they only wrote on the blackboards or read from the text books and did not engage children in the learning process. Some children reported that teachers indulged in irresponsible behavior such as talking on the phone during class

and chewing on tobacco while teaching. According to parents, teachers at government schools were not fulfilling their duty to teach children as was required and displayed a negligent attitude – since education was free at government schools and parents were not required to pay for the education, and so teachers did not feel obliged to teach well.

Corporal punishment and culture of violence among children

All child respondents reported prevalence of physical punishment and verbal scolding at school. A CBO included in the research cited examples of severe punishment meted out to children in the area that caused children to drop out of school. Children also reported high levels of bullying and harassment by their peers and failure of the teachers to intervene and protect them in such cases. One child reported an instance where a teacher punished him when he complained about being bullied by his classmates, instead of investigating the matter and protecting the child. Children also reported that teachers used children to punish their peers (asking one child to slap or hit another).

Discriminatory attitude toward girls

Girls reported shouldering a major share of the household chores and caring duties that caused some of them to drop out of school. In a discussion with a local CBO, Muslim parents did not allow girls to continue education after attaining puberty. A few parents, especially from the Muslim communities, expressed a desire to encourage their daughters to complete at least elementary schooling but faced pressure and criticism from their relatives and neighbors which influenced them into withdrawing their girls from the school. Girls attending school also reported that their parents did not allow them to participate in cultural activities at schools.

Discrimination against children with disabilities

Of the six disabled children in the sample, not a single child was attending school. The CRSA found that children with disabilities and/or with any illness appeared to be discriminated by the local school. In one particular slum community, a local CBO shared that children with epilepsy were either not enrolled in school or were withdrawn from school by their parents due to lack of adequate care facilities for their children in the school. In another instance, the CBO reported that a local municipal school in one of the slums denied admission to all children from a particular family because they had a skin disease. There were nine children with speech, sight and intellectual disabilities in

the slum community, all of whom were out of school. However, none of the children or their carers directly attributed the disability as a reason for being out of school.

Migration and the denial of education (due to lack of documentation)

Many children in the sample, especially from the Muslim communities, reported that they had originally migrated from different parts of the country such as Uttar Pradesh, Bihar, Karnataka and Tamil Nadu and moved from one slum to another within Mumbai. Closely linked to the issue of migration was the issue of lack of documentation. Parents highlighted the difficulties faced by migrant families who often did not have the adequate documentation to enroll their children in school at the new location(s). Parents seemed unaware of the provisions under the RTE whereby schools could not deny admission to children on account of lack of documentation. Feedback from parents' also indicated that they were aware that schools were violating norms (under the RTE) by denying admission to their / other children.

Lack of access to Early Childhood Education

Lack of early childhood education was an issue faced by many children in the sample, especially those belonging to Muslim communities. A majority of the children in the sample had not attended an Anganwadi, Balwadi or a private preschool, in spite of parents and community members unanimously agreeing on the importance of early education in preparing children for primary schooling. The non-enrolment was more apparent among those who had never been to school or had dropped out. A higher proportion of girls than boys had not attended pre-school. According to the local NGO partner, the non-enrolment could be linked to the migratory patterns observed within the sample – when children were young they did not have access to Balwadis in their village or when they first moved to live in Mumbai, their parents were unaware of a *Balwadi* in the vicinity.

Chapter 3: Discussion

This section discusses some of the key issues identified by the CRSA. It is clear that the children who were left out of school in the select sample groups were facing challenges specific to their location, social identity and socio-economic situation and those provisions for ensuring the rights of these children to education have fallen short. School experiences for many children are far from what the UNCRC and the RTE have envisioned and directed school authorities to deliver on. Children are scared, bullied, discriminated and not learning. Clearly, Maharashtra cannot rest on the laurels of high aggregates on many of the indicators that measure education outcomes if one analyses the current scenario.

Why are some children out of school? Are schools demonstrating that their teaching learning methods are contributing to children's better learning outcomes? Why are children reporting that school does not interest them and why do parents feel helpless in holding schools accountable? These are some of the questions that will be discussed in the following section.

Children face exclusion on account of multiple factors

While sample groups were selected on the basis of a key feature which secondary reports indicated impinged on their rights to education, such as frequent migration, social exclusion on the basis of caste, religious and ethnic identity, gender and parent's occupation, the CRSA findings revealed that often children faced disadvantages on account of multiple factors. For instance, all children from the migrant communities were affected by frequent migration but while more boys enrolled in residential facilities and had better chances for realizing their right to education, parents tended not to enroll girls in residential facilities for fear of safety. Similarly while many children living in urban areas were living in families that struggled to make ends meet, some urban children lived in areas that did not have schools (construction sites or reserved forests) and amongst these, girls were worse off because parents tended not to send girls to school if it entailed travelling long distances. Multiple identities overlapped and superimposed to create multiple exclusions and this suggests that what may work for children from Scheduled Tribe communities in a village in Thane may not necessarily work for a child from another Scheduled Tribe community living within, for instance, a national park in Mumbai. Solutions for ensuring children's rights to education should take cognizance of, and be responsive to, the specific circumstances of children.

Some children continued to be out of school due to poor (physical) access to schools

After the introduction of the RTE, which mainly focused on stipulating infrastructural provisions and other inputs, the wider discourse on gaps in the education system in India has moved to focus more on the ‘quality’ of education and learning outcomes³⁹. However, for many children covered under this CRSA, lack of physical access is still a main barrier to their education rights. More than a third (37%) of all reasons for being out of school were related to schools being too far to access, in both urban and rural areas.

Findings from the CRSA revealed that not only was there a violation of RTE norms that stipulated elementary schools be made available within 1-3 kms of the habitation, local authorities had made no arrangements to bridge this gap by providing safe transportation facilities. As a result, children from the Lamani community in Beed district had to walk 5-6 kms by foot over rudimentary mud paths to reach a primary school; children from the Katkari community in Thane district had to walk similarly to reach an Upper Primary school; and children living on construction sites or within the national park in Mumbai had to walk several kilometers over dangerous terrain to reach the Primary school. Even where schools were within the stipulated distance, the terrain was such that children were unable to access it, for instance in the case of children from Beed and Thane who had to cross the river to reach the Upper Primary school.

While the lack of physical access to schools affected both boys and girls, girls tended to be disproportionately affected, as indicated by parents, who said that they would rather send boys over poor and ‘unsafe’ roads than the girls. Almost half (47 percent) of all the reasons cited by girls for being out of school were related to lack of access and transport facilities, while among boys, only 4 % of the reasons for being out of school were attributed to distance and lack of transport.

School authorities perpetuate discrimination against children

Both, the UNCRC and the RTE uphold the right to non-discrimination for children and direct authorities to provide an education that prepares children to live responsibly in a free society in the spirit of tolerance, equality and friendship amongst people. The CRSA findings suggest that contrary to these guarantees and ideals, many children are subject to explicit discrimination on account of their gender or caste/ethnic identities and on account

39 Behar, Anurag, Azim Premji Foundation (2011). *RTE and the activity trap* by Anurag Behar in *Livemint*. Retrieved from <http://azimpremjifoundation.org/content/rte-and-activity-trap-0>

of their differing abilities to learn and perform in accordance to the teacher's expectations. Children from Scheduled Tribe communities living in the reserved forest in Mumbai were deemed un-teachable and were segregated and attended school in a separate shift – teachers reported that these children were unruly and could not be taught; and across the board, school teachers assign cleaning jobs only to girls while leadership roles in schools were given to 'intelligent' children.



Not only did the CRSA find evidence that specific groups of children experienced discrimination from school authorities on account of their identity and specific challenging circumstances, it also found that 'privileged' children discriminated against these children, with overt or covert support and/or promotion of stereotypes by teachers and school authorities. These challenges included those children who migrated with parents in search of work and therefore were irregular to school, or children who lived in neighborhoods where there were poor sanitation facilities, thereby frequently contracting water borne diseases, or children who belonged to communities that were historically labeled as 'criminals'. When children indulged in mocking, bullying and teasing 'other' children, it indicated that schools had failed to be spaces where children learned to respect each other – a key directive to school authorities enshrined within the UNCRC and the RTE Act. Teachers and school authorities are responsible for creating a situation where children have learned to discriminate against children perceived as different. Not only is the right of children to be protected from discrimination violated but the child's right to live responsibly is violated / disregarded as well.

Social norms and the culture of violence against women and girls pose barriers to girls' right to education

The CRSA found that in many communities, girls tended to drop out of school after they attained puberty because the norm in communities they come from did not encourage continuing education for girls. Parents spoke of the fear of 'shame', 'dishonour' if they failed to marry their girls early or if something 'untoward' happened to the girl on her way to and from school, or in the school. The 'untoward' implied sexual assault or sexual activity of her own will ('eloping'). In situations where children were required to travel long distances over difficult and unsafe terrains such as dark forests, lonely paths or busy construction sites, in an environment where sexual violence against women is common, families were further dissuaded from sending their girls to schools. In the case of seasonal hostels, reports of abuse of children at these hostels made parents wary of such alternatives for their daughters. The CRSA did not find any evidence of responses toward such social norms and the culture of violence against women and girls in the sample areas. The lack of child protection at residential school facilities and lack of safe transportation for children are indicative of the lack of responsiveness of the local authorities.

Beyond concerns of fear and the need to control the mobility of girls, social norms also placed a higher value on the education of boys over girls and in situations of financial or family crisis, parents reported that they would withdraw their daughters out of school, rather than their sons. Daughters also tended to miss out on school to take care of household responsibilities more than boys. That there is more value given to sons over daughters is exemplified in the case of Beed district that is infamous for its poor sex ratio in the country and reports of widespread practice of sex selective abortions.

Exploitative labor conditions and child labor pose barriers to children's right to education

Children in the CRSA sample (purposely) belonged to families struggling to eke a livelihood. The CRSA found that such families almost always found themselves in exploitative labor circumstances – exploiting not just the parents, but the children as well – as, for instance, work on the cotton farms meant payment was made to 'families' against predetermined outputs which could only be met if all the members of the family, including children, were engaged in the work. Employers at cotton farms also preferred to employ children over adults because they were cheaper and among children they prefer girls over boys because girls worked harder than the boys – it was believed. Similarly, the sugarcane industry incentivized early marriages by paying better wages to couples

rather than individual. This influenced parents to get children married off at an early age. In Mumbai, the CRSA found reports of children being lured to work in the rag-picking industry by being force-addicted to drugs and alcohol. The CRSA found little evidence of innovative programmes to ensure children's rights to education for children forced to work.

Access to education is severely restricted for children affected by migration

Migration in search of livelihoods was the most commonly cited barrier for access to education for children in the CRSA sample. 23 percent of all children reported migration as one of the key factors that led them to drop out of school.

The underlying factor that led families and children to migrate were lack of viable livelihood opportunities in their native villages – either these families were landless or held small pieces of land that did not yield sufficient outputs. Some of the families found themselves in situations of poor livelihoods (including landlessness) due to historical exclusion.

Migration, while providing them some relief from their dire economic situation, did not, commensurately, ensure a decent livelihood as a result of which the struggle to make ends meet and ensure education and safety to their children continued.

Children were affected by migration in all three rural districts: Beed, Jalna and Thane and both urban areas – Mumbai and Thane. There were several different types of migration in evidence and different ways in which these affected the education rights of children:

Different types of migration and different ways in which it affects children

Children in Beed, Jalna and Thane reported seasonal migration where the families left the village for a period of 6 months and then returned to the same village, whereas those at construction sites reported moving less often, probably once in two years, but to newer locations each time. For children migrating seasonally, the main challenges were long absences from school leading to drop out, bullying and teasing by other children when they did return to school, lack of adequate and secure alternative facilities such as residential hostels. For children who keep moving from one location to another, such as children of construction workers, barriers to education were more related to schools denying them admission on account of lack of documentation, lack of provision of education in mother tongue and lack of access to schools within 1-3 kilometers of living quarters.

Seasonal migrants

Some children (mostly rural areas) migrate cyclically - each year, they migrate with their families for about 6 months to work on sites such as sugarcane farms, cotton farms, brick kilns or construction sites. None of these work sites have schools that the children can access during this work period and stay. Also, more often than not, employment contracts at these work sites were exploitative, forcing parents to include children in labor. Typically, children would enroll at a local school at their place of origin (their village) since enrollment took place during the months they were based in the village (when the families were usually home to till their land or when there was no work at the workplace). For the work months, children leave with their families, 'dropping out' of school and while some of them never go back to school, others do 'go back to school' after a gap of 6 months or so. The experience of these children on getting back to school is less than ideal, children reported that they received no support to help them 'bridge' what they had missed while they were absent, many of them said they faced condescension and harassment by teachers and peers and they lost interest in schools and eventually dropped out.



The CRSA found two alternatives that were/have been tried by the local authorities to address the challenge faced due to children who migrate seasonally – a 'temporary' school at the destination in sugarcane factories for children who migrated with families for working in the sugarcane industry and seasonal hostels at the village, for parents to leave their children behind while they migrated for work. The former shut down because teachers were not willing to go teach at the temporary schools and the latter had several shortcomings: the number of hostels was too few to accommodate the large numbers of children whose parents migrated and they have failed to ensure safety measures for

children. Children affected by seasonal migration had fallen out of the school education net since the education authorities have not found appropriate quality alternatives to address the specific situation.

Migration that involves a new location each time

Some children migrate from one new location to another new location and this is typical for those who migrate to Mumbai from within Maharashtra or from different parts of the country. Once they arrive in Mumbai, many families ‘settle’ in one of the slums and only return to their native villages, if at all, during harvest times or for festivals. Many other families, especially those working on construction sites, move from one construction site to another within Mumbai. For the former, the initial years of settling down are marked by delays in children’s education- the younger children tend to be enrolled and get on to the school cycle but if children arrive when they are older, they may not get enrolled at all. For the latter, moving from one construction site to the other implies moving from one school to another, often within an academic year. Parents often do not have transfer certificates from schools previously attended or other documents that schools ask for despite RTE regulations and children are denied admissions. Many of these children who come from other states face an additional challenge related to language of instruction and there is little support from schools to help them bridge the language gap.

Although CRSA findings suggest that the right to education for both boys and girls affected by migration are compromised, girls face additional challenges. Parents said they would rather migrate with daughters than leave them behind in the village to continue their education or put them in residential facilities due to concerns over their safety– sons could be left behind with extended family or neighbors or be put in residential schools and thus had better chances of continuing education in the village.

Poor teaching-learning methods and punishments have caused children to lose interest in going to school

One of the most commonly cited reasons for not going to school (dropping out or never enrolled) was ‘lack of interest’ in school. Parents, children and local education authorities unequivocally spoke about the lack of interest of children as a predominant reason why children dropped out of school. The tendency was to attribute this lack of interest to an innate characteristic of children – children are not interested in going to school seems to imply that the problem is within the children and not with the kind of education that is being imparted.

A few parents and local authorities explained this lack of interest as resulting from poor teaching methods and the inability of teachers to retain the attention of students' (parents) or the irrelevance of the curriculum (one block education officer). Teachers and HMs by and large attributed the problem to the lack of interest in parents' to educate their children, which was attributed to illiteracy among parents.

The CRSA teams also visited classrooms, to understand classroom processes, and interviewed teachers and students to understand what was going on in the classrooms. The findings and observations provided insights into why children reported that they were not interested in going to school.

Teachers' training does not focus on effective pedagogy

It was observed that most teachers had received training from local government officials in the past year. However, contextualizing and applying the new knowledge and skills in the classroom appeared to be the biggest challenge for teachers. Teachers reported that the trainings focused on 'what to teach' (the change in the syllabus) and not on 'how to teach'. Many teachers said that the content of training did not include pedagogical tools and tips on how to address children with different learning abilities. Teachers also did not seem to receive in-service mentoring or professional support in implementing new methods of teaching.

First and foremost, two-thirds of all the teaching-learning methods reported by the children were one-way methods such as rote learning, reading from textbooks and copying from blackboards, which was a norm across districts. This was confirmed during classroom observations where teachers almost exclusively used traditional lecturing and non-participatory methods of teaching. Very few teachers used interactive teaching methods or asked open questions to children as part of explaining a topic. Children were by and large treated as passive recipients. However, when teachers were interviewed, all of them stated that the best methods of teaching were interactive methods and that they used interactive methods of teaching in their classroom. There is an obvious contradiction between the teachers' opinion of participatory and interactive pedagogy and the actual practice in the classroom. One of the reasons for this contradiction could be the absence of effective training inputs for teachers (see Box 24).

Secondly, the attitude of teachers in general toward students was not friendly but stern and in some cases outright discriminatory, leading to children appearing excluded. Most teachers did not smile in the classroom nor address children by their names. While a

majority did not explicitly discriminate against any particular child, they did tend to focus on children sitting in the front row or on specific groups, resulting in other children becoming bored and disengaged within the classroom. Some teachers (as described earlier), used derogatory references for children from specific communities, and in one case, exercising total disregard toward children, a teacher in Mumbai told the class that they were ‘stupid’ and should ‘shut their mouth’.

Thirdly, corporal punishment was widely reported by almost all children (see Box 25). 90% of children who responded to the question on punishment reported that they or their fellow students had faced punishment in school. Many children who were out of school reported that they had dropped out due to this and the local NGOs corroborated this view in one of the sample areas. A majority of children also shared that they disliked their teachers because they scolded or hit them. When school experience is marred by punishments and assaults to a child’s dignity, it is no surprise that children reported that they were not interested in school.

Widespread prevalence of punishment in schools

While children from all sample areas reported wide prevalence of punishment in schools, Jalna recorded the highest incidences of punishment in school at 98 % and Thane rural recording the lowest at 75 percent. While both boys and girls reported being punished, boys reported slightly more (93%) than girls (87%).

Some children felt that boys got punished more than girls because they ‘misbehaved’ more often. Children from the Banjara community also shared that they felt children belonging to their tribe were singled out for punishment in school.

Common methods of physical punishment reported by children included getting hit with sticks or rulers, teachers twisting children’s ears, children being asked to hold their ears through the legs (murga banana), being slapped, pinched and their hair being pulled. In a very disturbing finding, one form of punishment reported by children in Jalna and in Mumbai included making children hit each other.

Children reported that they were punished either for disruptive behavior (making noise in the classroom, fighting in class, and so on) or for not completing their homework, late arrival in school, improper uniform, and related issues.

Prevalence of punishment was reported and in many cases and condoned by parents, who said that they too punished children. They also mentioned that teachers should punish children in the classroom since it helped discipline and teach them. Most teachers and HMs, on the other hand, were careful and diplomatic when reporting on methods of disciplining children. They said they did not hit children but ‘made children understand their mistakes in a loving manner’. Some teachers however were unabashed, stating that punishments were normal and acceptable and lamented that ever since corporal punishment was prohibited by the RTE, they found it difficult to discipline and control children. Some teachers even attributed lack of punishment to poor learning outcomes.



Poor quality of teaching-learning methods was also corroborated through the learning outcomes demonstrated by child respondents who participated in the ASER tool assessment carried out under the CRSA.

A basic assessment of literacy levels of school-going children revealed that significant numbers of children were not able to read words or texts taught at grade levels below the grade at which they were enrolled, during the time of the situation assessment. This indicated that schools are failing children and did not impart even basic reading skills to children⁴⁰.

⁴⁰ The ASER tool for assessing basic literacy, developed by Pratham was used in the CRSA. The tool assesses a very basic minimum level of literacy and does not measure grade appropriate abilities nor does it measure cognitive abilities or critical understanding.

Almost half (46%) of the children studying in Grades 1 and 2 were unable to recognize alphabets in the medium of instruction and a similar proportion (47 percent) of the children attending Grades 3, 4 or 5 could not read a text meant for the level of Grade 2 students. Among the out of school children (most of whom had dropped out), more than 67% in the age group of 6-10 years were unable to recognize alphabets in the medium of instruction at the local school and close to 33% of the children in the age group 11-14 were not able to read any text.

Lack of accountability among service providers and lack of awareness among parents

The CRSA found that local authorities across the sample areas showed little critical awareness of their own responsibility in providing/ ensuring good quality education and tended to blame parents and children for poor learning outcomes. The teachers for instance, were inclined to believe that parents were the only primary duty bearers for ensuring that children go to school and that the education status of the parents and the interest in educating their children were the main factors affecting children's learning outcomes. No teacher identified teachers or schools or local education authorities as the duty bearers responsible for ensuring that children go to school and learn in an effective manner.

School authorities also appeared to have failed in their responsibility to identify out of school children and take special measures to enroll or bring them back to school. While most government school principals claimed that they conducted annual household surveys to identify out of school children and reported that there were no out of school children in their area, the CRSA found 209 children who had not been to school for at least the preceding 6 months, including 30 children who had never been to school. None of the schools in the areas marked by frequent and seasonal migration had conducted any mapping or collected data on children affected by migration and the schools did not offer any support to children whose schooling was interrupted either.

Teachers and HMs attributed poor learning outcomes to frequent migration and the irregularity of children rather than to their own failure in supporting children to learn. Feedback from parents on children's frequent absenteeism from school and reports from NGOs indicated that school authorities were dishonest in their records pertaining to attendance and reporting on adherence to the RTE norms. The CRSA team rarely found school attendance records that corroborated parent feedback on their children's attendance.

In line with school authorities, local government officials also identified parents as the primary duty bearers responsible for ensuring that children attend school. Most of them, except an official in Jawahar block, claimed that there were no children who had never been enrolled in their block (contrary to the findings in the CRSA). One local government official accepted some responsibility for the government's failure in effectively addressing drop outs from a specific community, and traced the challenge to historical marginalization of the community.

Not only did local education authorities and teachers and HMs believe that parents were the sole duty bearers responsible for ensuring the education of their children, even parents tended to believe that they were solely responsible for ensuring that their children attended school.

Parents did not view education as a 'right' and an entitlement and saw free and compulsory elementary education as a 'service' provided by the government. They did not identify teachers, education authorities and the local government as duty bearers and did not think they could hold teachers or HMs accountable for ensuring their children receive quality education. Parents said they felt 'helpless' and 'powerless'. The inability to delineate the role of other duty-bearers also explains the bias toward stating more demand side constraints to education, as compared to the supply side (see Box 26).

Children cited mainly demand side reasons for remaining out of school

The CRSA divides the reasons for being out of school, as reported by children and parents, into two categories - demand side barriers (factors related to their socio-economic circumstances) and supply side barriers (factors related to provision, delivery and quality of education). The findings show that of all the reasons provided by the children for being out of school, almost two-thirds were related to demand side and only one third was related to the supply side. Inability to highlight supply side reasons could be an indication of low awareness among children and parents about their 'right' to education as also the low expectations that children and parents have from schools and the education system.

While the RTE empowers School Management Committees to hold school authorities accountable, the CRSA found that in many sample areas, members of the SMC were unaware of their own roles and responsibilities. SMC meetings were irregular and the capacity of the SMCs to execute their roles, limited.

Lack of early education opportunities adversely impact primary schooling prospects

The CRSA data suggests a relationship between not having attended a pre school or early education centre (Balwadi or Anganwadi) and being out of school. From amongst children who were in school, those who had not attended a pre-school formed a small proportion (24%). However, among those who were out of school, those who had not attended pre-school formed a sizeable proportion - amongst children who had dropped out, the proportion was 39% and amongst those who had never enrolled, 57% of children had never been to a pre-school. Parents and community based organizations were unequivocal in highlighting the importance of pre-school, in terms of preparing the children for school – in the context of imparting basic discipline, the practice of staying away from parents, getting used to the language of instruction, manners, hygiene practices and so on. According to them, without these measures, children found it challenging to cope with the school environment which eventually may lead to dropping out of school. While going to a pre-school and attending primary school may be connected, the CRSA data did not find a strong correlation between early education and learning outcomes. During observations and physical visits, it was found that the Anganwadis were ill-equipped in terms of learning materials and most teachers were not trained in early education, therefore unwittingly contributing to a weak learning foundation.



Chapter 4: Conclusions

This CRSA was initiated with a couple of hypotheses to explain why some children were out of school and what factors enable or disable quality education. To conclude, most of these hypotheses were validated and provide crucial directions for policy makers, service providers and civil society, including Fundacion Educacion & Cooperacion

1. There exist pockets of marginalization and discrimination where children are more vulnerable and excluded from their rights to education and non-discrimination.

Aggregate figures for enrolment, retention and school completion for the state of Maharashtra do not represent the education outcomes for children from especially disadvantaged communities who face contextual obstacles that prevent them from realizing their right to education. These ‘pockets of exclusion’ are characterized by their relative inaccessibility in general – either due to distance or due to difficulties in physical access to Primary or Upper Primary schools. Children deprived of their right to education tend to belong to communities that have been historically marginalized on account of their caste/ethnicity and continue to be perceived and labeled negatively by the wider community and school authorities. Their parents are largely engaged in unskilled labor in the informal sector, migrate seasonally or often and tend to work under exploitative conditions, and the children are forced to work as well. For many of these communities, traditional social norms that discriminate against girls and discourage their mobility are exacerbated in the context of gender-based violence against girls, resulting in higher dropout rates amongst girls as compared to boys.

2. There are gaps and violations in the realization of children’s rights to education in terms of access, quality and infrastructure

The right to education for children from pockets of exclusion is severely compromised—either they have never been enrolled or they dropped out before completing Primary or Upper Primary education or their current school experience is marred by violence, discrimination and inadequate pedagogy – causing poor learning outcomes and disinterest among children. The education system has not been able to understand the specific challenges that children from excluded communities face: discrimination at home and in communities, lack of physical access to school, poor livelihood options for families and frequent migration, discriminating social norms and a culture of violence against women and girls. Solutions provided by the authorities are inadequate and do not address the poor quality of education provided.

3. There are several demand and supply side reasons that lead to gaps and violations of the right to education and non-discrimination

The main factor causing violation of children's right to education is that neither the rights-holders (children and their guardians) nor the duty-bearers (education and school authorities, the local government and guardians) perceive education to be a right. Parents are not aware of what children are entitled to nor are they aware that they can hold schools and authorities accountable for delivering on these provisions. Service providers do not acknowledge their responsibility.

A combination of challenging circumstances faced by children and their families and failure of the education system to deliver is mainly responsible for a violation of children's rights to education. Poor livelihood options for families, forcing children to constantly move, and exploitative labor conditions coupled with the failure of schools to comply with the norms for child friendly, good quality education have contributed to this situation.

Interestingly, parents rarely identified gaps in service provision as a barrier to realization of children's rights to education and exclusively attributed poor education outcomes to their own socio-economic conditions. The inability to identify service providers- local education authorities and schools - as primary duty bearers, is an indication of low awareness, low expectations and low demand for the rights of children also contributing to continued rights violations.

4. Realization of children's rights to education is interconnected and dependent on the realization of other rights such as their rights to protection, to a healthy life and an adequate standard of living.

The CRSA clearly showed that violations of children's rights in other areas had a direct impact on the realization of children's rights to education and non-discrimination. The violation of children's rights to protection was widely prevalent in schools and impacted children's rights to education in a significant manner. A majority of children reported being punished and some even reported to have dropped out because of punishments; significant proportions of girls reportedly dropped out of school out of fear for their safety in traveling long and unsafe distances. Parents and NGOs reported that news of child abuse in residential schools dissuaded them from enrolling children, especially girls in residential facilities. The lack of commitment on behalf of the schools to ensure child protection posed a significant barrier to the realization of children's rights to education. Many children in the CRSA sample lived in impoverished conditions with some communities noted for high malnourishment among children, some communities at high

risk of being affected by HIV and AIDS and some communities being at high risk of water borne diseases due to poor sanitation facilities. Not only did poor health conditions impinge on the children's ability to attend school regularly, children affected by poor health were often subject to ridicule and discrimination by school authorities and peers. Children dropped out as a result of such experiences or reported unpleasant schooling experiences on account of such violations.

A major and most commonly cited reason for children being out of school was linked to poor livelihoods - of their families and communities. Many families were forced to migrate for better livelihoods, were employed in exploitative conditions and in many instances, children were also employed in exploitative work. In the absence of alternative good quality education, these children were deprived of their right to education.

5. Lack of awareness and accountability of duty bearers serves to perpetuate violation of children's right to education

Across the sample areas, all parents identified themselves as duty bearers but failed to identify education authorities as duty bearers. Combined with the lack of awareness of education as a 'right', parents reported feeling 'powerless' against education service providers and tended to blame their own circumstances and their children's 'lack of interest' in education for poor learning outcomes. The lack of awareness among parents and consequent lack of demand for children's right to quality education has ensured that gaps in service provision continue unchallenged, thereby perpetuating violation of children's rights to education. Even as members of the SMC, parents were unaware of their roles and responsibilities and did not demand accountability from schools or local education authorities.

Contrary to parents' almost exclusive (and misplaced) blame on their own circumstances and on their children, for poor education outcomes, local education authorities, teachers and HMs were oblivious of their own responsibilities and role in ensuring quality education for all children in their administrative catchment area. Not only did they tend to blame children and their parents for poor learning outcomes, they discriminated against these children, further affecting learning outcomes. Even as teachers and HMs received training on 'children's rights', multi-grade teaching and were aware of interactive teaching methods, they failed to internalise the principles and have poor capacities in implementing effective pedagogy.

The absence of duty bearers' awareness on the 'right' to education and subsequent failure to demand (parents) or deliver (teachers, HMs and local authorities) is a significant factor contributing to the violation of children's rights to education.



Chapter 5: Recommendations

The CRSA has highlighted that children in select sample areas and communities fall outside of the education system and experience poor quality schooling because the education system has failed to address the specific challenges they face related to school access, participation and learning as envisioned in the RTE and the UNCRC. While the education system needs to improve overall in its capacities and delivery of good quality education for all children, for specific groups of children who are currently marginalized, specific measures will be needed. These measures need to be developed in partnership with local communities and children and be guided by the principle of best interests of children.

At the level of broader and long-term interventions, there is a need to ensure decent livelihoods for all persons and specific measures need to be taken by the State to ensure adequate livelihoods for marginalized communities. Exploitative labor practices must be eliminated and replaced by decent working conditions as established by various national and international legislations. The legislation on prohibition of child labor needs to be strengthened, enforced and monitored to ensure that employers do not force and lure children into exploitative work.

In the short and medium term, the state must take measures to ensure that children are not out of school, to offset the opportunity costs of their education, or to support their families with their labor.

Where families do chose to move in search of better livelihoods, children must have the option of continuing their education whilst living with their families as the preferred option. Providing easy access to quality education at destinations and an effective system for moving children from one school to another needs to be put in place. Where it is not in the best interests of the child to move with the family, alternative education options such as residential school facilities could be considered, provided the state and local authorities ensure quality education and protection of children in such institutions. For children who move from one linguistic area into another, effective programmes to bridge language barriers need to be put in place. All options must be accessible, adequate and of good quality (teaching methods, infrastructure, safety). In order to develop appropriate responses to meet the specific challenges faced by children on the move, local education authorities must regularly map and assess the situation to estimate how many children are affected and what options would work in their favor. Alternatives must be explored in consultation with children and their families.

In every school, children's rights to protection from abuse and violence must be prioritized and every school must have an explicit policy on child protection, including the protection from violence by teachers and peers. Teachers, parents and children are to be made aware of children's rights to protection and accessible and effective mechanisms for reporting and redressal must be established and communicated. Communities and children should be prepared to take a lead on establishing and monitoring these mechanisms.

Children's rights to non-discrimination need to be recognized and honored by schools. Teachers and HMs must be made aware of their biases and supported in correcting their attitude and behavior such that they provide equal opportunities for all children. Curriculum and teaching methods must be reviewed to remove any references to stereotypes that serve to perpetuate discrimination. There must be zero tolerance for discrimination against children by peers or teachers or any school authority on any ground. Children, parents and school authorities must be made aware of this and mechanisms be put in place for redress of any instance of discrimination. Inclusive and diversity responsive classrooms and schools must replace the practice of segregating children on the basis of any factor (caste, abilities, school performance, gender, and so on.)

Parents, teachers and local authorities need to be made aware of rights-based approaches to education and their roles and responsibilities. Schools must be supported in understanding and implementing good quality education as envisioned in the RTE and the UNCRC, monitored for compliance and held accountable to deliver on the same.

Capacities of parents from marginalized communities to hold schools and local authorities accountable need to be strengthened. Children also need to be made aware of their rights to education, protection and participation and their evolving capacities to voice their concerns, lodge complaints and hold duty bearers accountable need to be strengthened.

In underserved areas especially where there are pockets of exclusion (remote hamlets and villages, construction sites, national parks), physical access to schools and improved school infrastructure needs to be prioritized. Provision of facilities for water and sanitation must be prioritized to specifically support adolescent girls. Provision of early education and care services will be critical in such areas to support children's growth and improve their chances for completing primary education. In order to support teachers in adopting interactive and more effective pedagogies, in-service training and mentoring is to be provided and teachers must be freed from responsibilities that impinge on their primary role as teachers.

Teachers, education authorities and parents must be made aware of differing learning needs of children from the perspective that all children can learn. Teachers need to be trained to understand and respond to these different needs, irrespective of whether these are children who move frequently and change schools often, children with a visual impairment or children who find it hard to sit in one place for long periods of time. Different alternatives for meeting these specific needs such as remedial education, peer education and others must be explored and teachers trained in providing these specific measures. A healthy approach that celebrates diversity and differences in children must be nurtured to replace a negative and condescending approach to children who do not fit in a certain mould that teachers or school authorities expect.



Appendix 1: Definitions and concepts

Anganwadi Centre- The provisions of the Integrated Child Development Scheme are provided at the Anganwadi Centre (AWC) through a volunteer from the community who is trained in early childhood education. This volunteer is also called an Anganwadi teacher/worker⁴¹.

ASER test – This study measured the learning outcomes of students (reading skills) using the test developed by the ASER centre (an independent unit within Pratham) to measure the reading and numeracy skills of children. This is a floor test that records the reading ability of children across five levels- nothing or unable to read (recognizes fewer than 4 out of 5 letters correctly), letters (can recognize 4 out of 5 letters correctly), word (can read 4 out of 5 words correctly), paragraph (can read a 1st standard level short paragraph) and story (can read a 2nd standard level longer paragraph)⁴².

Attendance - For purpose of CRSA, children's attendance has been defined as – i) Regular- Children who had attendance rates of over 85% in the last academic year were considered to be regular ii) Irregular- Children who had attendance rates of below 85% in the last academic year were considered to be irregular.

Community Based Organizations (CBOs) - Community based organizations including members of the local NGOs, Panchayti Raj Institutes, Gram Panchayat, Self-help groups and others.

Early Childhood Education - For the purpose of the study, this included any form of education received between the ages of 3-6 years prior to starting formal primary schools. These mainly consisted of either attending an anganwadi centre, a private preschool or a balwadi centre.

HMs – Head Masters/ Head Mistresses of schools

KGBV - The Kasturba Gandhi Balika Vidyalaya (KGBV) scheme was launched by the Government of India in August, 2004 for setting up residential schools at upper primary level for girls belonging predominantly to the SC, ST, OBC and minorities in difficult areas.

Methods of teaching-learning in school – i) One way methods of teaching-learning - These included asking children to copy from the blackboard, asking them to read and find out answers on their own or reading from a text and asking them to repeat the same

⁴¹ <https://en.wikipedia.org/wiki/Anganwadi>

⁴² ASER Centre, Evidence for action (2014). *Arithmetic Level Results for Enrolled Children – 2014*. Retrieved from <http://www.asercentre.org/education/data/india/statistics/level/p/66.html>

ii) Participatory methods of teaching-learning - These included teaching the children through group activities, using interactive aids such as charts, posters, thread or story and use of Information and Communication Technology inside the classroom.

National Child Labor Project (NCLP) - The NCLP is a scheme initiated by the central government of India to rehabilitate working children in India in 1988. The key objective is the rehabilitation of children engaged in hazardous labor (as defined by the Child Labor Act) in districts with high prevalence. The scheme is entirely sponsored by the centre. This is currently being implemented in 271 districts across the country. It is being implemented in 18 districts in Maharashtra⁴³.

Right to Education Act (RTE) - The Right of Children to free and compulsory education Act, 2009 is the premier legislation making education a fundamental and a constitutional right for children between the ages of 6 and 14 in India.

Sarva Shiksha Abhiyaan (SSA) - 'Sarva Shiksha Abhiyan (SSA) is the Government of India's flagship programme for achievement of Universalization of Elementary Education (UEE) in a time bound manner, as mandated by 86th amendment to the Constitution of India. The SSA is being implemented in partnership with State Governments to cover the entire country⁴⁴.

School enrolment or non-enrolment - i) In-school children- children who had attended school at least once in the last 6 months were considered to be in-school children ii) Children who dropped out - children who had not attended school for at least the last 6 months in the last academic year were considered to be children who had dropped out of school. According to some government officials and principals those children who stop coming to school for over 3 months were considered to have dropped out. This CRSA however adopted a more liberal definition as the study dealt with children from different communities, livelihood profiles (migratory) and areas iii) Never enrolled- Children who had never enrolled in a formal school or who never went to a school were considered to be under this category.

School Management Committee -The School Management Committee (SMC) is an association consisting of principal, teachers, parents, influential members from the community and students (in Maharashtra) that is set up for all government schools. The committee is meant to perform a few functions including monitoring the schools' working and preparation of the school development plan⁴⁵.

43 Government of India, Ministry of Labor and Employment (undated). Retrieved from <http://labour.nic.in/childlabour/nclp>

44 Sarva Shiksha Abhiyan, Ministry of Human Resource Development (undated). Retrieved from <http://ssamis.nic.in/>

45 ASER Centre, Evidence for action (2014). *Arithmetic Level Results for Enrolled Children – 2014*. Retrieved from <http://www.asercentre.org/education/data/india/statistics/level/p/66.html>

Appendix 2: Sample design and size

The table below gives a snapshot of the sample design and size

District	Block	Groups covered	Interview with children		FGD with parents of		FGD with CBO/ SMC	KII with DEO	KII with BEO	Schools visited	Insti- tu--tions visited	KII with Prin- cipal/ head of institute	KII with tea- chers	AWC
			In School	Out of School	In School	Out of School								
Beed	Dharur	Lamani commu- nity	16	6	1	1	1	1	1	1	1	1	1	1
	Kaij	Paradhi commu- nity	11	11	1	1	1		1	2		2	1	1
	Georai	Minorities (OBC/ SBC/Mus- lims)	8	10	1	1	1		1	1		1	1	1
Jalna	Ghan- sawangi	Tribal commu- nity/Non migrants/ Migrants	5	5	1	1	1							
		Tribal commu- nity/Non migrants/ Migrants	5	5						1		1	1	1
	Partur	Tribal commu- nity/Non migrants/ Migrants	6	4	1	1	1		1		1	1		
		Tribal commu- nity/Non migrants/ Migrants	5	5						1		1	1	1
	Badna- pur	Tribal commu- nity/Non migrants/ Migrants	4	6	1	1	1			1		1	1	1
		Tribal commu- nity/Non migrants/ Migrants	5	5										

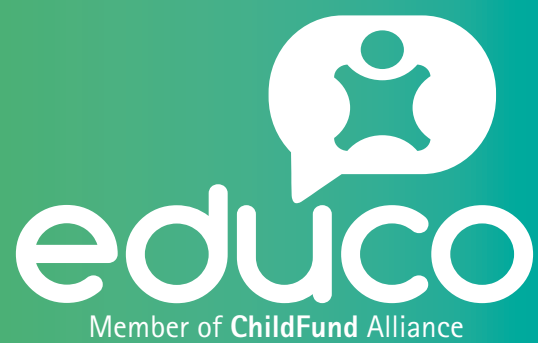
Thane (Rural)	Jawahar	Katkari Tribes	10	9	1	1	1	1	1	2	1	2	2	1
		Ka Thakar	10	10	1	1	1			1		1	1	1
	Mokha-da	Ka Thakar	11	14	1	1	1		1	1		1	1	1
Rural total			96	90	9	9	9	2	6	11	3	12	10	9
Thane Urban	Bhi-wandi (urban)	Children of sex worker		5										
	Virar Belt (urban)	Children of construction workers	11	11		1								
Mum-bai Sub-urban	Gore-gaon	Slum dwellers (Muslims/ Non-Muslims)	11	12	1	1	1			1		1	1	
		Tribal community	10	10	1	1				1		1	1	
	Kurla	Slum dwellers (Muslims/ Non-Muslims)	10	10		1	1			2		1	1	
		Slum dwellers (Muslims/ Non-Muslims)	10	10	1	1	1							
		Slum dwellers (Muslims/ Non-Muslims)	10	11	1	1	1							
	Bhan-dup	Slum dwellers (Muslims/ Non-Muslims)	12	11	1									
		Children of construction workers	9	10	1	1								
	Chem-bur	Slum dwellers (Muslims/ Non-Muslims)	11	11										

Mum- bai	Byculla	Children of sex worker	18	-	1	1	1			1		1	1	
	Matun- ga	Slum dwellers (Muslims/ Non-Mus- lims)	11	10	1	1	1			2	2	2	2	
		Slum dwellers (Muslims/ Non-Mus- lims)	10	8	1	1	1							
Urban Total			133	114	9	10	7			7		6	6	
Total Rural + Urban			229	209	18	19	16	2	6	18	5	18	16	9

Appendix 3 – NGO partners

The table below presents the list of NGO partners for the study

District	NGO partner
Beed	Janvikas Samajik Sanstha
Jalna	Swaraj Gramin Vikas Pratishthan
Thane (rural)	National Rural Research and Development Association (NARAD)
Thane (urban)	Mumbai Mobile Crèches (MMC)
Mumbai (including suburban)	Save the Children India (STCI)
	Mumbai Mobile Crèches (MMC)
	Prerana



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