

RIGHT TO EDUCATION TO THE LAST CHILD

In Delhi

(Research Findings)

By: Arvind Singh

Contents

| | |
|---|----|
| 1. Executive Summary | 2 |
| 2. Right to Education for All- <i>A Background</i> | 6 |
| 3. Introduction..... | 8 |
| 4. A Reflection on Disadvantaged Children in Context of Delhi..... | 9 |
| 4.1 Child Labor | 9 |
| 4.2 Street Children | 10 |
| 4.3 Bonded Children..... | 11 |
| 4.4 Child Domestic Labor | 12 |
| 4.5 Migrant children..... | 13 |
| 4.6 NT/DNT Families | 13 |
| 4.7 Construction Worker Children..... | 14 |
| 4. Opportunities of Right to Education to Disadvantaged Children..... | 15 |
| 4.1 Right of Children to Free and Compulsory Education Act, 2009 | 15 |
| 4.2 National Child Labor Programme | 16 |
| 4.3 Sarva Shiksha Abhiyaan | 17 |
| 5. Stakeholders in Making Right to Education Accessible to Disadvantaged Children..... | 17 |
| 5.1 Department of Labor..... | 17 |
| 5.2 Department of Education..... | 18 |
| 5.3 Department of Home/Police..... | 18 |
| 5.4 Department of Women and Child Development | 18 |
| 5.5 Municipal Corporation of Delhi..... | 19 |
| 5.6 The Delhi Building and Other Construction Workers Welfare Board..... | 19 |
| 6. Status of Right to Education in Delhi | 20 |
| 7. Non-availability of a Centralized Tracking System of Education to Disadvantaged Children | 22 |
| 8. Identification of Enrollment of Disadvantaged Children- DISE, AISES..... | 23 |
| 8.1 DISE | 23 |
| 8.2 AISES..... | 24 |
| 9. What we are seeking from Judiciary..... | 26 |
| Annexures-I - Status of Education among children belonging to NT/DNT families..... | 27 |
| Annexure- II-Recent Interventions by State High Courts..... | 29 |
| Annexure-III- Status of Disadvantageous Children in Delhi..... | 32 |
| Other References | 36 |

1. Executive Summary

Education is the most potent mechanism for the advancement of human beings. It enlarges, enriches and improves the individual's image of the future. A man without education is no more than an animal. Education emancipates the human beings and leads to liberation from ignorance. It is the very foundation of good citizenship. Today, it is principal instrument in awakening the child to cultural value, in preparing him for later professional training and in helping him to adjust normally to his environment.

According to Pestalozzi, education is a constant process of development of innate powers of man which are natural, harmonious and progressive. It is said that in the Twenty First Century, 'a nation's ability to convert knowledge into wealth and social good through the process of innovation is going to determine its future,' accordingly twenty first century is termed as century of knowledge.

From being a basic necessity of life a much broader approach was chosen, with the adoption of Universal Declaration of Human Rights. The Preamble to the UDHR stated that: every individual and organ of society...., shall strive by teaching and education to promote respect for these rights and freedoms...." In accordance with the Preamble of UDHR, education should aim at promoting human rights by importing knowledge and skill among the people of the nation states. Article 26 (1) of UDHR proclaims that: *Everyone has a right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*¹ Further, it provides that the Parties to the Convention (including India) recognize that, with a view to achieving the full realization of this right "primary education shall be compulsory and available free to all"

During the general discussion by the committee on Economic, Social and Cultural Rights on the right to education (1998), an agreement was reached that four elements define its core content that²:

- No one shall be denied a right to education;
- Everyone is entitled to basic (primary) education in one form or another; this includes basic education for adults.
- Primary education must be compulsory and free
- No one may withhold a child from primary education. A state (including India) has an obligation to protect this right from encroachment by third person

The Founding Fathers of the nation recognizing the importance and significance of right to education made it a constitutional goal, and placed it under chapter IV Directive Principle of State Policy of the Constitution of India. Article 45 of the Constitution requires state to make provisions within 10 years for free and compulsory education for all children until they complete the age of 14 years.

¹ Universal Declaration of Human Rights-<http://www.un.org/en/documents/udhr/>

² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

Further Article 46 declares that the state shall promote with special care the educational and economic interests of the weaker section of the people³. It is significant to note that among several Articles enshrined under Part IV of the Indian Constitution, Article 45⁴ had been given much importance as education is the basic necessary of the democracy and if the people are denied their right to education then democracy will be paralyzed; and it was, therefore, emphasized that the objective enshrined under Article 45 in Chapter IV of the Constitution should be achieved within ten years of the adoption of the Constitution. By establishing the obligations of the state the Founding Fathers made it the responsibility of coming governments to formulate a programme in order to achieve the given goals, but unresponsive and sluggish attitude of the government to achieve the objective enshrined under Article 45 belied the hopes and aspirations of the people. However, the Judiciary showed keen interest in providing free and compulsory education to all the children below the age of fourteen years. *In case of Unni Krishan V State of Andhra Pradesh the Supreme Court the Supreme Court observed that: The right to education is implicit in the right to life and personal liberty guaranteed by Article 21 and must be interpreted in the light of the Directive Principle of State Policy contained in Articles 41, 45 and 46. The Apex Court, thus held that-*

- (i) Every Citizen of this Country has a right to free education until he completes the age of fourteen years
- (ii) Beyond that stage, his right to education is subject to the limits of the economic capacity of the state

Further the Supreme Court in *M.C. Mehta V State of Tamil Nadu* the Supreme Court observed that *"to develop the full potential of the children, they should be prohibited to do hazardous work and education should be made available to them"*⁵. In this regard the Court held that, the government should formulate programme offering job oriented education so that they may get education and the timings be so adjusted so that their education should not be affected. Again in *Bandhua Mukti Morcha V Union of India*, Justice K. Ramaswamy and Justice Sagir Ahmad, observed, *illiteracy has many adverse effects in a democracy governed by rule of law. Educated citizens could meaningfully exercise his political rights, discharge social responsibilities satisfactorily and develop spirit of tolerance and reform. Therefore, education is compulsory, compulsory education is one of the states for stability of democracy, social integration and to eliminate social evils"*⁶. The Supreme Court by rightly and harmoniously construing the provision of Part III and IV of the constitution has made right to education a basic fundamental right.

The Government of India by Constitutional (86th Amendment Act) Act, 2002 had added a new Article 21A which provides that *"the state shall provide free and compulsory education to all*

³ Article 46 of the Indian Constitution- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

⁴ The State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years

⁵ <http://www.indiankanoon.org/doc/212829/>

⁶ <http://judis.nic.in/supremecourt/imgs1.aspx?filename=40500>

children of the age of 6 to 14 years as the state may, by law determine⁷". And further strengthened this Article 21A by adding clause (K) to Article 51-A⁸ which provides who is a parent or guardian to provide opportunities for education to his child or ward between the age of 6 and 14 years. Not only restricting itself to certain categories of citizens, the Constitution has provided for right to equality (article 14), providing an opportunity to every citizen to live a life with dignity (article 21) and to get social justice (article 38). All the given Constitutional guarantees will be exercised only when the children belonging to disadvantaged category will be provided an opportunity to education.

However, even after eleven years of making the elementary education fundamental rights for every citizen of this country, still, millions of children are out of the purview of their right to education. The Right to Children to Free and Compulsory Education Act, 2009 in Chapter 1 has tried to define to two categories "child belonging to disadvantaged group" and "child belonging to weaker section". However, the responsibility of has been given to the appropriate government to specify those categories of children by notification. The appropriate government in context of this Act is, unless the context otherwise requires (Section2)

- a) "appropriate Government" means
- i. in relation to school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;
 - ii. in relation to a school, other than the school referred to in sub-clause (i), established within the territory of-
 - A. a State, the State Government;
 - B. a Union territory having legislature, the Government of that Union territory;

Further, under section 8 (c) of the Act provides that "*ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds*". And, therefore, the appropriate government may provide at least 25 percent reservation to children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory education till its completion- Section 12 (1) (c).

In context of socio-economic, political, linguistic, geographical, gender, cultural settings or such other factor, various state governments has provided their own definition of children belonging to weaker section and disadvantaged group. However, for weaker section, the definition is uniformly applied by various states and union territories "*which has defined children belonging to weaker section as those children whose annual family income is less than or equal to 1 lakh rupees*". For instance, Daman and Diu vide Circular No. DE/ADM/RTE/Recognition/2012-13/1053 has defined children belonging to weaker section as those children whose family income is equal or less than rupees 1 lakh⁹. Similarly, Delhi government through a Notification- No.15 (172)/DE/Act/2010/69, dated 07.01.2011 provides that child belonging to weaker section means

⁷ <http://indiacode.nic.in/coiweb/amend/amend86.htm>

⁸ Fundamental Duties enshrined in Part IV-A of the Indian Constitution through 42nd Amendment, 1976

⁹ No.DE/ ADM/RTE/Recognition/2012-13: U.T. Administration of Daman & Diu, Directorate of Education, Daman: Dated- 30.October 2012

“a child whose parents have total annual income of less than one lakh rupees from all sources and who have been staying in Delhi for last three years”. Recently the Karnataka government while defining “child belonging to weaker sections” means, “child belonging to all other castes and communities residing in Karnataka, excluding those categorized as disadvantaged group and income of whose parents or guardians is less than the one prescribed by the Social Welfare Department from time to time to determine the creamy layer. The said income limit at present is Rs.3.5 lakh per annum.”¹⁰

Similarly, in pursuance of Section 2(d), various state government and union territories have attempted to provide a list of children for their inclusion in right to education act. For instance Daman and Diu administration has defined through a notification children belonging to disadvantaged category as children consider the children of slum dwellers and landless agriculture laborers, Mangela, Mitna castes. In Karnataka the “disadvantaged group” comprises 11 categories – orphans, children with HIV, children with special needs, migrant and street children, Scheduled Castes, Scheduled Tribes, Categories I, IIA, IIB, IIIA and IIIB¹¹.

The Central Government while having accepted the categories of children belonging to disadvantaged section in Andaman and Nicobar Island, which has defined such children as-

- children belonging to Schedule Tribe, as notified for Andaman and Nicobar Island
- children belonging to Other Backward Classes, as notified for Andaman and Nicobar Island
- the orphans, children of scavenger families, children with special needs and HIV affected or infected

Delhi government, however, has a very limited definition in pursuance of section 2 (d) as child belonging to Schedule castes, the Schedule tribes, the Other backward classes, not falling in the creamy layer, child with special needs and suffering from disability as defined in the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1986. Due to a limited definition of children belonging to disadvantage category in context of right of children to free and compulsory education, thousands of children in Delhi are not able to exercise their fundamental right.

Therefore, the definition of children belonging to disadvantaged category in context of Delhi should be expanded in order to bring every child within the net of right to education. Similarly, norms and criteria related to “neighborhood school” may be relaxed for disadvantaged groups such as street children, children of construction and migrant workers, children of NT/DNT families, children of sex workers etc. Moreover, documents as a proof of residence as specified in the notification should be relaxed for children belonging to disadvantaged category.

¹⁰ <http://www.thehindu.com/todays-paper/tp-national/rte-admissions-priority-for-children-from-weaker-sections/article4453856.ece>

¹¹ <http://www.thehindu.com/todays-paper/tp-national/rte-admissions-priority-for-children-from-weaker-sections/article4453856.ece>

2. Right to Education for All- A Background

The Universal Declaration of Human Rights asserted that “everyone has a right to education”.¹² The participants in the World Conference on Education for All, of which India was a party, recalled that “education is a fundamental right for all people, women and men, of all ages, throughout the world; understood that education could help ensure safer, healthier, more prosperous and environmentally sound world, while simultaneously contributing social, economic, and cultural progress, tolerance, and international cooperation; knowing that education is an indispensable key thought not sufficient condition for personal and social improvement; recognized that traditional knowledge and indigenous culture and cultural heritage have a value and validity in their own right and capacity to both define and promote development; acknowledging that, overall, the current provision of education is seriously deficient and that it must be made more relevant and qualitatively improved, and made universally available; recognizing that sound basic education is fundamental to strengthening of higher levels of education and of scientific and technological literacy and capacity and thus to self-reliant development; and recognizing the necessity to give to present and coming generations an expanded vision of and a renewed commitment to basic education to address the scale and complexity of challenge. The expanded vision of Education for All¹³ –

- universalizing access and promoting equity
- Focusing on learning
- Broadening the means and scope of basic education
- Enhancing the environment for learning
- Strengthening partnerships

While emphasizing on universalizing and promoting equity Article 3 (4) of EFA asserted that: An active commitment must be made to removing educational disparities. Underserved groups: the poor; street and working children; migrant worker etc. should not suffer any discrimination in access to learning opportunities.

In 2000, in Dakar, Senegal, all parties affirmed their commitment to achieving Education for All by the year 2015. They identified six key education goals which aim to meet the learning needs of all children, youth and adults by 2015. The **first goal** envisaged to expand early childhood care and education. **Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.** Similarly, **second goal** provide free and compulsory primary education for all, thereby ensuring that by 2015 all children, particularly girls, children in difficult circumstances and disadvantaged community have access to and complete free and compulsory primary education of good quality.

India has a global commitment of universalizing the education, therefore, it started Sarva Shiksha Abhiyaan (Education for All), and however, during its first phase of implementation it has been restricted to children aged 6-14 years. The basic aim of the programme was to universalize elementary education in a time bound banner with the following objectives-

All children in school, Education Guarantee Centre, Alternate School, ' to School' camp by 2003;¹⁴

- All children complete five years of primary schooling by 2007;
- All children complete eight years of schooling by 2010;

¹²<http://www.un.org/en/documents/udhr/>

¹³http://www.unesco.org/education/pdf/JOMTIE_E.PDF

¹⁴<http://www.educationforallinindia.com/ssa.htm>

- Focus on elementary education of satisfactory quality with emphasis on education for life;
- Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010;
- Universal retention by 2010

Moving a step further and two of six goals of EFA were adopted as **Millennium Development Goals** and India committed to Achieve Universal Basic Education by ensuring that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.

It is an established fact that basic education improves the level of human wellbeing especially with regard to life expectancy, infant mortality, nutritional status of children etc. Therefore, an amendment was made to the Constitution through 86th Amendment which made Education as a Fundamental Right under Article 21 A. The Fundamental Rights, embodied in Part III of the Constitution, guarantee civil rights to all Indians, and prevent the State from encroaching on individual liberty while simultaneously placing upon it an obligation to protect the citizens' rights from encroachment by society¹⁵. Earlier, some immunity, were provided to children of this country from being exploited and to give the opportunities of education, through prohibition of employment of children below the age of 14 years in mines and other hazardous occupations under article 24; Article 23 provides prohibits human trafficking making it an offence punishable by law, and also prohibits forced labor or any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. The remarkable step taken by the government, when an amendment to the Constitution made and education had become a fundamental right in this country, however, children above fifteen years and between 3-6 years still left untouched. Article 45 which originally mandated the State to provide free and compulsory education to children between the ages of six and fourteen years, replaced by the provision for early childhood care to all children below the age of six.

The last efforts made by the government in implementing right to education, is that it came up with legislation “*Right of Children to Free and Compulsory Education Act, 2009*”. The Act was notified on 1st April 2010 and made obligatory for every state to provide elementary education to all children aged 6-14 years. One of the basic commitments of RTE Act is to provide all Norms and Standards including right to education all section of children within three years of its implementation. However, accessibility to elementary education for all children is still a distant dream.

Similarly, the goals of Education for All (EFA) are centrally concerned with equality that is every child should be having accessibility to affordable education particularly those belonging to weaker section, disadvantaged section and girls. If children are excluded from access to education, they are denied their human rights and prevented from developing their talents and interests in the most basic of ways. It is also in the fundamental interests of society to see that this happens – progress with economic and social development depends upon it. Nevertheless, millions of children still fail to gain access to schooling, and even larger numbers among those who do enroll leave prematurely, dropping out before the skills of literacy and number skills have been properly gained in which a majority of such children are girls.

¹⁵http://en.wikipedia.org/wiki/Fundamental_Rights,_Directive_Principles_and_Fundamental_Duties_of_India#Fundamental_Rights

3. Introduction

Free and compulsory education for all children up to the age of fourteen years is the Constitutional commitment in India (Article 45). At the time of the adoption of the Constitution in 1950, the aim was to achieve the goal of *Universalization of Elementary Education* (UEE) within the next ten years i.e. by 1960. Keeping in view the educational facilities available in the country at that time, the goal was far too ambitious to achieve within a short span of ten years. To facilitate the achievement of UEE goal, the National Council of Educational Research & Training (NCERT), the National Institute of Educational Planning & Administration (NIEPA) and many other institutes were set up in 1960's as resource, research and training centers. In order to give access to elementary education for all children up to 14 years of age and for universal participation till they complete the elementary stage of educational programs, the National Policy on Education (NPE) in 1968, the NPE in 1986, the Program of Action (POA) elaborated in the NPE of 1986 and the updated form of the NPE in 1992 gave an unqualified priority to the Universalization of Elementary Education (UEE) program¹⁶.

The NPE, 1968 stressed on the elimination of disparities in the educational system and on the improvement in the quality of the school. The emphasis was more on retention rather than merely on enrollment. Between 1950 to 1968, there was substantial increase in the number of primary schools, but records shows that in 1967-68 the retention rate came down to 35%. This shows that the policy statement did not get translated into a detailed strategy of implementation. As a result, problems of access, quality, quantity, utility and financial outlay, have accumulated over the years, to reach massive proportions¹⁷.

The Fifth All India Educational Survey-1986 mentions that, the disparity in enrollment still persisted between the states at the primary level. To tackle these problems, the Govt. of India formulated a new education policy in 1986. In this policy, along with the universal access, enrollment and universal retention of children up to 14 years of age, a substantial improvement in the quality of education, was emphasized. *This policy gave the highest priority to solving the problem of children dropping out of the school.* This is evident from the emphasis given on non-formal education in the policy.

At the same time it was decided that the various parameters of implementation of New Policy must be reviewed after every five years. This would ascertain the progress of implementation of the policy and focus on the emerging trends in the area of education.

The NPE, 1986 which was modified in 1992 as a 'Program of Action (POA) made certain modifications in the earlier policy. The POA, 1992 emphasized three aspects: universal access and enrollment; universal retention of children up to age 14 years; and a substantial improvement in the quality of education to enable all children to achieve essential levels of learning at the primary education levels.

As per 2001 Population Census, children in the age group of 0-14 constituted about 360 million and accounted for 35.3 percent of total population. Children in the 5-14 age groups constituted about 251 million and accounted for 24.6 percent of the population. Though there is an increase in the absolute number of children, the proportion of children in the total population is declining between 1991 and 2001. By Census of India projections, the proportion of children (0 to 14) has further comedown to 32.1 percent during 2006. Elementary school age children (5 to

¹⁶<http://www.educationforallinindia.com/ssa.htm>

¹⁷<http://aises.nic.in/home>

14) in the total population constituted 241.7 million accounting for 21.7 percent of the total population.

4. A Reflection on Disadvantaged Children in Context of Delhi

4.1 Child Labor

Those children, *who are doing paid or unpaid work in factories, workshops, establishments, mines and in the service sector such as domestic labor.* The Ministry of Labor, Government of India has employed the term ‘child labor’ only in the context of children doing ‘hazardous’ work. By implication, children who are not doing ‘hazardous’ work are not considered to be child laborers and are said to be doing child work. The consequence of this narrow definition of child labor is that the Labor Ministry’s definition only includes a very small percentage of children who are in the work-force and leaves out millions of children who require policy and programmatic support from the Government. However, in accordance with the Recommendation of the Second National Labor Commission Report the definition of child labor must be as follows: *“All out of school children must be treated as child laborers or as those who have the potential to become child laborers...Thus, all work done by children, irrespective of where it is done must be considered as child laborers.*

India continues to host the largest number of child laborers in the world today. According to the Census 2001, there were 12.7 million economically active children in the age-group of 5-14 years. The number was 11.3 million during 1991 (Population Census) thus showing an increase in the number of child laborers. Workers in general are classified into main and marginal workers by the population census. *Census data shows that there is a decline in the absolute number as well the percentage of children (5-14) to total population in that age group classified as main workers from 4.3 percent in 1991 to 2.3 percent in 2001. But there was a substantial increase in marginal workers in every category of worker irrespective of sex and residence.* As a result, despite the number of main workers declining from 9.08 million in 1991 to 5.78 million in 2001, the total number of children in the work force increased. A large part of the increase was accounted for by the increase in marginal workers, which increased from 2.2 million in 1991 to 6.89 million in 2001. Main and Marginal workers put together, the work participation rate (WPR) of children in the 5-14 age group has declined from 5.4 percent during 1991 to 5 percent in 2001. The trends between 1991 and 2001 of declining main child workers along with increasing marginal workers may indicate the changing nature of work done by children. This is also to be seen in the context of decelerating employment growth in general in the economy during the last decade.

| Changes in Work Participation (Main and Marginal) Rate of Children in different age groups¹⁸ | | | | | | |
|--|-------------|--------------|---------------------|-------------|--------------|---------------------|
| All India | 1991 | | | 2001 | | |
| | Boys | Girls | All Children | Boys | Girls | All Children |
| 5 to 9 | 0.9 | 0.9 | 0.9 | 1.5 | 1.4 | 1.4 |
| 10 to 14 | 10.9 | 9.9 | 10.4 | 8.8 | 8.5 | 8.7 |
| 5 to 14 | 5.7 | 5.1 | 5.4 | 5.1 | 4.9 | 5.0 |

¹⁸ Source: Census of India 1991 and 2001

It is quite noteworthy that percentage of child labor in Delhi has increased by 53.19 percent from 1991 to 2001.¹⁹

4.2 Street Children

The UNICEF definition of street and working children was followed for this study. According to UNICEF, three types of children belong to the category of street children. The first is **street-living children** who ran away from their families and live alone on the streets. This includes children from households both in Delhi and outside Delhi. The second is **street-working children** who spend most of their time on the streets fending for themselves, but return home on a regular basis. The last category is **children from street families** who live on the streets with their families.

Findings of the Census of Street Children in Delhi²⁰
50,923 children below 18 years of age were identified as street children in Delhi during 12 July to 28 August 2010. Street children in Delhi constitute nearly 0.4 per cent of the total population. **Street children below 18 years constitute nearly 1 per cent of the total number of children in Delhi.**

North Delhi district had the highest concentration of street children at 10,091, and South West Delhi the least at 2,936 children. Of the 50,923 street children, **the sample study randomly selected 1,009 children, or 2 per cent of the total,** to understand their socio-economic and related conditions.

- A majority of the street children (36.03 per cent) belonged to the category of **children from street families**. **Children who work on the streets** constituted 29.05 per cent and **street-living children** constituted 27.91 per cent of the total street children population in the city
- Only 20.5 per cent of the street children in Delhi were girls
- Around two out of three street children, i.e., 61 per cent, belonged to the 7-14 years age group while 23 per cent were from the 15-<18 years age group
- **Social class is a key determinant in leaving a child on the streets to work or live** because one out of three street children was a dalit (**36 per cent**), **17 per cent were adivasis**, and 38 per cent belonged to Other Backward Castes (OBCs)
- A majority of the street children were Hindus (75 per cent), followed by Muslims (17 per cent), and Christians (1 per cent)
- **In all, 50.5 per cent of the street children were not literate, 23 per cent** had received some form of non-formal education while another almost
- **20 per cent** had received some kind of formal education (13 per cent up to pre-primary, 4 per cent up to primary, and 2.4 per cent up to middle school). Nearly one-fourth of all the

Nearly half of those who claimed to attend school or said they had got an education had only received one to two years of schooling. Nearly 19 per cent were attending or had attended school up to Class V. The percentage of street children who had gone beyond the primary level was minimal. Overall, 64.2 per cent of the children demanded some kind of skill training, nearly 43.7 per cent wanted school education, and 17.4 per cent wanted both school education and skill training. Nearly 39 per cent wanted only skill training. More than 55 per cent preferred to attend classes in the evening while 41 per cent preferred to study in the morning.

¹⁹ Source: INDUS, Child Labor Project, 2007, Child Labor Facts and Figures: An Analysis of Census 2001, ILO and Government of India.

²⁰ Surviving the Streets: A Census of Street Children in Delhi by the Institute of Human Development and Save the Children

children had received some kind of non-formal education offered by civil society organizations (CSOs).

- Most of the school-going children belonged to the categories of ‘children of street families’ and ‘children working on the street’
- One out of every five (20.3 per cent) of the street children was involved in rag picking. This was followed by street vending (15.18 per cent), begging (15 per cent), working in roadside stalls or repair shops (12.19 per cent), *dhabas*/hotels (6.24 per cent), and manufacturing units (1.22 per cent)

Table 2.1: District-wise distribution of street children

| District | Street Children in Delhi | | Population of Delhi | | |
|------------------|--------------------------|------------|---------------------|-------------|--------------|
| | Number | Percent | Total Population | Rural % | Urban % |
| Central Delhi | 5862 | 11.5 | 646385 | 0 | 100 |
| East Delhi | 7325 | 14.4 | 1463583 | 1.25 | 98.75 |
| New Delhi | 5629 | 11.1 | 179112 | 0 | 100 |
| North Delhi | 10091 | 19.8 | 781525 | 5.96 | 94.04 |
| North East Delhi | 5416 | 10.6 | 1768061 | 8.01 | 91.99 |
| North West Delhi | 3581 | 7 | 2860869 | 9.28 | 90.72 |
| South Delhi | 4314 | 8.5 | 2267023 | 7.09 | 92.91 |
| South West Delhi | 2936 | 5.8 | 1755041 | 12.85 | 87.15 |
| West Delhi | 5769 | 11.3 | 2128908 | 4.08 | 95.92 |
| Total | 50923 | 100 | 13850507 | 6.82 | 93.18 |

Table 2.2: Age and gender-wise distribution (percentage)

| District | 0-3 yrs | | | 4-6 yrs | | | 7-14 yrs | | | 15-<18 yrs | | | Total | | |
|------------------|-------------|--------------|-------------|-------------|--------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total | Male | Female | Total | Male | Female | Total |
| Central Delhi | 4.31 | 8.57 | 5.12 | 9.71 | 17.89 | 11.25 | 63.58 | 64.68 | 63.79 | 22.39 | 8.85 | 19.85 | 81.20 | 18.80 | 100 |
| East Delhi | 6.52 | 16.13 | 8.31 | 8.15 | 11.86 | 8.84 | 63.96 | 59.28 | 63.09 | 21.37 | 12.74 | 19.77 | 81.45 | 18.55 | 100 |
| New Delhi | 9.48 | 14.40 | 10.47 | 9.09 | 19.08 | 11.11 | 54.79 | 57.97 | 55.43 | 26.64 | 8.55 | 22.99 | 79.80 | 20.20 | 100 |
| North Delhi | 8.21 | 13.67 | 9.33 | 8.25 | 14.64 | 9.56 | 59.49 | 59.19 | 59.43 | 24.05 | 12.50 | 21.67 | 79.43 | 20.57 | 100 |
| North East Delhi | 3.10 | 13.94 | 5.60 | 3.82 | 13.94 | 6.15 | 58.94 | 58.65 | 58.87 | 34.15 | 13.46 | 29.38 | 76.95 | 23.05 | 100 |
| North West Delhi | 5.11 | 10.75 | 6.33 | 9.12 | 13.99 | 10.17 | 67.53 | 62.95 | 66.54 | 18.24 | 12.31 | 16.96 | 78.36 | 21.64 | 100 |
| South Delhi | 6.52 | 9.29 | 7.13 | 11.04 | 23.54 | 13.78 | 56.52 | 56.70 | 56.56 | 25.92 | 10.48 | 22.54 | 78.08 | 21.92 | 100 |
| South West Delhi | 4.99 | 5.71 | 5.11 | 8.08 | 12.40 | 8.83 | 63.71 | 69.88 | 64.78 | 23.22 | 12.01 | 21.28 | 82.68 | 17.32 | 100 |
| West Delhi | 2.35 | 10.53 | 4.31 | 5.57 | 10.75 | 6.81 | 58.75 | 65.80 | 60.43 | 33.33 | 12.93 | 28.45 | 76.09 | 23.91 | 100 |
| Total | 5.92 | 12.17 | 7.21 | 8.02 | 15.12 | 9.49 | 60.55 | 61.02 | 60.65 | 25.51 | 11.69 | 22.65 | 79.32 | 20.68 | 100 |

Note: See Table 3 in the Annexure for the absolute number of street children and Table 4 for the total number of male/female children.

4.3 Bonded Children

The children who have either been pledged by their parents for paltry sums of money or those working to pay off the inherited debts of their fathers work as bonded labor. Bonded child labor is an acute problem in some states. However, the situation is little in Delhi when the police and executive magistrates do carry different figures relating to bonded labor.

The data on cases registered by the police under the Bonded Labour System (Abolition) Act in the Capital supplied under the Right to Information Act raises serious questions about

coordination on the issue among various agencies. The details were furnished following a directive to the Revenue Department by the Central Information Commission in connection with an application moved a non-government organization in 2011²¹. *“The RTI applicant pointed out that according to the South Delhi police, four cases were registered from 2007 to 2010, whereas the Sub Divisional Magistrate (Defence Colony) states that 210 cases were registered, SDM (HauzKhas) has given a figure of 239 and SDM (Kalkaji) of 99. “The South Delhi police does not have any data for 2011, whereas Deputy Commissioner (South) has given a figure of 114 cases registered so far this year.”*

It is quite interesting to note that between January 2005 to January 2007 899 children rescued as bonded labor in Delhi²².

4.4 Child Domestic Labor

In June 2006, when 10-year-old Sonu was sadistically tortured and killed by her employers in Mumbai, the invisible world of the domestic worker, and especially of the child worker, lay exposed in all its brutality²³.

Child domestic labor (CDL) is culturally accepted and widely prevalent in India. The classification of CDL applies to children who are engaged to perform domestic tasks in the home of a third party or employer and not their family.

As defined in the International Labor Organization (ILO) Worst Forms of Child Labor Convention (No. 182), 1999, where child domestic labor is exploitative and includes trafficking, slavery, or practices similar to slavery, or work which, by its nature or the circumstances in which it is carried out, is hazardous and likely to harm the health, safety, or morals of the child, it constitutes a worst form of child labor. Despite legislation, child labor continues to flourish in both rural and urban India. *On October 16, 2006 two important notifications to the existing Child Labor Prohibition (And Regulation) Act 1986 came into effect. The notifications ban the employment of children below the age of 14 as domestic servants and in the hospitality trade such as in roadside dhabas, restaurants, hotels, motels and spas.*

The National Domestic Labor Policy, 2011 in paragraph 1.2.10 clearly provides that no child should be employed as domestic child labor. Further, the paragraph 2.2.8 provides for setting up necessary mechanism to regulate placement agencies, therefore, the registration of placement agencies should be mandatory under Shops and Commercial Establishment Act, 1953. As per broad estimates, there are over 800-1000 placement agencies in the capital city of Delhi itself. Moreover, a Task Force was created in 2010, to recommend the welfare and regulatory mechanisms for the domestic workers and to suggest appropriate measures.

An estimated 1, 85,595 children in India are employed as domestic help and in dhabas (small roadside eateries); 49,893 children work in auto-repair workshops.

²¹<http://www.hindu.com/2011/06/28/stories/2011062862690400.htm>

²² Report on Bonded Labor in Delhi: Analyzing the Effectiveness of the Programmes for Eradication of the Bonded Labor System by SujataMadhok, 2007, Centre for Education and Communication (www.cec-india.org)

²³<http://southasia.oneworld.net/peoplespeak/domestic-workers-in-india-no-better-than-slaves#.UX4uWLUtIt0>

Children as a domestic labor work 12-14 hours a day at the cost of their education, their situation is similar to that of child labor working in hazardous conditions. Domestic workers are isolated and vulnerable, especially those that live in their employer's home. They are dependent on the good or bad will of their employer. Girl child is subjected to gender discrimination, prejudice and stereotyping in relation to their work which is regarded as low status, and accorded little value and risk physical and psychological abuse and sexual exploitation too²⁴.

4.5 Migrant children

India faces a huge challenge with “distress seasonal migration”. Millions of families are being forced to leave their homes and villages for several months every year in search of livelihoods. These migrations mean that families are forced to drop out their children from schools, something that closes up the only available opportunity to break the vicious cycle generation after generation. At worksites migrant children are inevitably put to work. *All evidence indicates that migrations are large and growing. The number of children below 14 years of age thus affected may already be in the order of 9 million.*

Migrant populations overwhelmingly belong to Scheduled Caste, Scheduled Tribes, and Other Backward Castes. They comprise the landless and land poor who possess the least amount of assets, skills or education. Studies reveal that the majority of migrant labor is to be found in states like Andhra Pradesh, Rajasthan, Karnataka, Gujarat, Tamil Nadu and Maharashtra. Almost all major states appear to be affected by migration, although to varying degrees. Many industrial and agro-industrial sectors like brick-making, salt, manufacture, sugar cane harvesting, stone quarrying, construction, fisheries, plantations, rice mills and so on run largely on migrant labor. Similarly, in context of Delhi, children of migrant workers are out of the preview of Right to Education subjecting to be more vulnerable.

4.6 NT/DNT Families

Living in precarious conditions, India's de notified and nomadic tribes are subject to maltreatment and abuse by all and sundry. They have no address, no landholdings, and no citizenship documents – in fact, no identity proof of the usual sort available to other citizens. ***Their children remain out of school and the women struggle for dignity***²⁵. Even after 62 years of independence, a large section of the country's de-notified tribes (DNTs) and communities continue to remain out of the census list, as they are not registered as primary residents. The last community-wise census of these tribes was done during the colonial rule in 1931²⁶. *Recently an evidence based research work has been done in one of the NT/DNT Families, relocated to present location during Commonwealth Games, 2010. We found children in precarious conditions with no provision of drinking water, sanitation, education, health. Case studies of the families have been provided in Annexure for reference.*

²⁴http://wiego.org/sites/wiego.org/files/resources/files/WIEGO_Domestic_Workers_0.pdf

²⁵<http://southasia.oneworld.net/news/indias-denotified-tribes-demand-a-life-of-dignity#.UX5Aq7UTlto>

4.7 Construction Worker Children

There is no respite for children of construction workers who are deprived of an education as they have to frequently move from one part of the city to another. The proposal for chalta-firta (mobile) schools for children of construction workers is still in a limbo despite Delhi Building and Other Construction Workers Welfare Board releasing Rs 7.50 crore to the Universal Elementary Education Mission for the project.

The board has not even mapped all the construction workers in Delhi. It had registered only 87,273 construction workers till March 31, 2012 as against the 2001 Census figure of 3.52 lakh. There are discrepancies in its utilization of funds, too²⁷. In an attempt to understand various issues related to Construction workers, SEWA, did a pilot study at two sites in Delhi- Anand Vihar, and Raghbir Nagar²⁸. Major findings of the study related to Education Status are-

The study shows that 64% of the workers are illiterate. Also, only a mere 3% have reached the level of senior secondary, whereas, 22% are primary school dropouts. A majority of respondents have been dropouts and have left school because of low levels of income and conditions of poverty. Further, a lot of workers have continued working in the construction sector, because this has been their traditional family occupation and has been carried over generations. There is also a feeling that because of being illiterate or semi-literate, the chances of getting employment in the formal sector are nil. In the process of analyzing the aspirations of workers, the study shows that not a single worker wants that his or her child should continue working as a construction worker. *However, because of low levels of income and unaffordable education, they feel that it is difficult for their children to continue their education. The issue of education of children has deep connections with the issue of shelter for children at workplace. As there is an absence of shelter for children at worksites, the workers are forced to carry their young infants along with them to the workplace and not only carry their young infants, but also their young school-going age children, so that the elder siblings can look after the younger ones. This adversely affects the education of the young school-going age children.*

²⁷http://articles.timesofindia.indiatimes.com/2013-04-04/delhi/38277599_1_1-cess-delhi-building-construction-workers

²⁸http://previous.wiego.org/news/E-Newsletters/2006/survey_report_socioecon_status_construction_workers.pdf

4. Opportunities of Right to Education to Disadvantaged Children

4.1 Right of Children to Free and Compulsory Education Act, 2009

Right of Children to Free and Compulsory Education Act provides an opportunity to every children of this country aged between 6-14 years to complete their primary, middle and upper middle class education. Let us have a look at some of important sections of the Act

Section 2 (c)

“Child” means a male or female child of the age of six to fourteen years;

Section 2 (d)

“Child belonging to disadvantaged group” means a child belonging to the Schedule Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economic, geographic, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

Section 2 (f)

“Elementary education” means the education from the first to eighth class;

Section 3 (1)

Every child of the age of six to fourteen years shall have a right to free and compulsory education in neighborhood school till completion of elementary education;

Provided that a child suffering from disability, as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

Section 4

Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age;

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed.

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years

Section 6

For carrying out the provisions of this, the appropriate Government and the local authority shall establish, within such area or limits of neighborhood, as may be prescribed, a school,

where it is not so established, within a period of three years from the commencement of this Act

The term “compulsory education” means obligation of the appropriate Government to-

- (i) provide free elementary education to every child of the age of six to fourteen years; and
- (ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;
- (iii) ensure availability of a neighborhood school specified in section 6
- (iv) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds
- (v) provide infrastructure including school building, teaching staff and learning equipment;
- (vi) provide special training facility specified in section 4
- (vii) ensure and monitor admission, attendance and completion of elementary education by every child;
- (viii) ensure good quality elementary education, conforming to the standards and norms specified in the Schedule;
- (ix) ensure timely prescribing of curriculum and courses of study for elementary education; and
- (x) provide training facility for teachers

Section 11

With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

4.2 National Child Labor Programme

Considering the complexity and the magnitude of the issue the National Policy on Child Labor announced in 1987 emphasized the need for strict enforcement measures in areas of high child labor concentration. In order to translate the above policy into action, the Government of India initiated the National Child Labor Project Scheme in 1988 to rehabilitate the working children starting with 12 child labor endemic districts of the country. Under the Scheme, working children are identified through child labor survey, withdrawn from work and put into the special schools, so as to provide them with enabling environment to join mainstream education system. In these Special Schools, besides formal education, they are provided stipend @ Rs.100/- per month, nutrition, vocational training and regular health check-ups. In addition, efforts are also made to target the families of these children so as to cover them under various developmental and income/employment generation programmes of the Government. In fact, major thrust to the programme came with the landmark judgment of the Honorable Supreme Court in December 1996 in the case of M.C. Mehta vs. State of Tamilnadu.

THE ANDHRA PRADESH MODEL

In Andhra Pradesh, there has been a shift in the perspective on the definition of child labour as all children out of school. All efforts were made to get every child in school by establishing a norm that no child is in work. Arguments such as children must earn because they are poor were not given as excuses for continuation of child labour. The NCLP program too was modified to a large extent. There were no stipends to the children's families 'to compensate for the loss of income'. Special schools as parallel structures were not run. Instead there were residential bridge courses for children withdrawn from work and a well laid out strategy for mainstreaming them into formal schools through coordination with the education department at the district level. Further the labour department took up the task of enforcement of law.

4.3 Sarva Shiksha Abhiyaan

The SSA programme is an endeavor to provide an opportunity for improving human capabilities of all children, through the provision of community-owned quality education in a mission mode. The Sarva Shiksha Abhiyan had been set with specific targets. These are:

- All children in school, Education Guarantee Centre, Alternate School or 'Back-to-School' camp by 2003
- All children complete five years of primary schooling by 2007
- Children complete eight years of elementary schooling by 2010
- Focus on elementary education of satisfactory quality with emphasis on education for life
- Bridge all gender and social category gaps at the primary stage by 2007 and at the elementary education level by 2010
- Universal retention by 2010

Focus of SSA-

- Alternative Schooling for child labor, migrating children, street children, domestic child laborers, school drop outs and never enrolled children
- Children with special needs
- Community mobilization
- Girls Education
- Quality of Elementary Education

5. Stakeholders in Making Right to Education Accessible to Disadvantaged Children

5.1 Department of Labor

The Ministry of Labor is the key agency to take up all the activities for abolition of child labor. The department of Labor's function is the following:

- Identify and rescue child labor and ensure that all the children who are out of school in an area are covered. This would include all categories of children who are in work
- Enforcement of law- and action against employers of children: The labor department has to ensure that all the laws concerning abolition of child labor are strictly implemented. Cases are

to be booked against employers and the responsibility of rescuing and rehabilitation of children must be its major task

- Orientation to its officers at all levels has to be given. While the labor department approach of raid and rescue is necessary under certain circumstances it is vital that the Labor Department coordinates its activities with the local police and teams of volunteers who have skills in handling and counseling children thus rescued. Since the entire operation of withdrawing a child from labor force requires the coordination with multiple departments it must lay down a clear protocol of tasks to be taken up by each one of them
- **Counsel rescued children and mainstream them into formal schools**
- **Establish TECs for children rescued from labor. These centres must be purely transitory in nature and these children should be handed over to the SSA programme as soon as possible**
- Coordinate all the concerned departments of education, police, youth, women and child development and establish protocols for collaborative action

5.2 Department of Education

The role of Directorate of Education (Delhi Government) and Department of Education (MCD) is indispensable from the point of view of making the education accessible to all children aged 6-14 years. **The department of education has the task of integrating all out of school children, who include children belonging to disadvantaged and weaker section, into the school system and ensure that children enjoy their right to education.** Their function is the following:

- In order to prevent children from joining the labor force the education department must ensure that all children in the 5-8 years age group are enrolled and retained in schools
- The interventions of the SSA must pay attention to children in the 9-14 age groups like child labor, migrating children, street children, domestic child workers and school dropouts and never enrolled children

5.3 Department of Home/Police

- The role of the police is, booking the right cases under the CLPRA, Bombay Prevention of Begging Act, Juvenile Justice Act and other related laws
- All cases registered in the police stations have to be followed up in the best interest of the child and their right to education

5.4 Department of Women and Child Development

- There are a huge number of homeless children, pavement dwellers, street and working children and child beggars in the urban areas. Children away from their families are also exposed to substance abuse, drug abuse and sexual abuse. They also have the right to education since sooner than later all these children would join the labor force.

5.5 Municipal Corporation of Delhi

- Municipal Corporation ensure that all children belonging to disadvantaged categories should be enrolled in MCD schools and given them the opportunity to learn and grow
- A monitoring mechanism should be developed by MCD in order to track accessibility to right to education to disadvantaged children

5.6 The Delhi Building and Other Construction Workers Welfare Board

As provided, under section 18 (1) of the Act, Govt. of NCT of Delhi has constituted the Delhi Building and other Construction Workers Welfare Board under the Chairmanship of the Hon'ble Minister of Labor, Delhi

Functions of the Board

1. To constitute Building and Other Construction Workers Fund and to utilize the same for providing certain welfare measures like financial assistance to the families in case of accident, old age pension (the amount of pension shall be Rs.150 - per month and all increase of Rs.10/- shall be given for every completed years of service beyond 5 years), housing loans, payment of insurance premium, education, medical and maternity benefits to the workers registered with the Board.
2. To sanction financial assistance to the extent of Rs.15, 000/- to nominees/dependents of a member towards death benefit in case of death. In case the death is due to accident during the course of employment the nominees 1 dependents of the member are to be given Rs. 50,000/- towards death benefit.
3. To provide maternity benefit of Rs.1000 /- to the women employees who are beneficiary of the fund during the period of maternity. Such benefit is however limited to two cases of maternity for each beneficiary.
4. To provide maternity benefit of Rs.1000 /- to the women employees who are beneficiary of the fund during the period of maternity. Such benefit is however limited to two cases of maternity for each beneficiary.
5. To sanction an amount of Rs.1000/- to the nominee/dependents of the deceased member towards funeral expenses
6. To provide disability pension, loan for purchase of tools, medical assistance to the beneficiary, *financial assistance for education* and financial assistance for marriage.

It is to be noted that not a single function of the Board provides for education of children of construction workers. At the same time no function provides us necessary information pertaining to pre-school education of children belonging to 3-6 years age. (*Section 11 of RTE Act provides for education of children belonging between the age group of 3-6 years*).

6. Status of Right to Education in Delhi

According to 8th All India Survey of Schools there are 17, 32, 536 children in primary schools and 1, 56, 721 children in upper primary schools in all nine districts of Delhi²⁹.

| I to V | | | |
|--------------------------|-------------------|-------------------|--------------------|
| Districts | Boys | Girls | Total |
| Central | 27, 300 | 23263 | 50563 |
| East | 102502 | 86073 | 188575 |
| New Delhi | 18518 | 18479 | 36997 |
| North | 37586 | 33995 | 71581 |
| North East | 130828 | 120331 | 251159 |
| North West | 208679 | 177149 | 385828 |
| South | 138410 | 122064 | 260474 |
| South West | 123219 | 99212 | 222431 |
| West | 142619 | 122309 | 264928 |
| Total | 929661 | 802875 | 17, 32, 536 |
| VI-VIII | | | |
| Central | 19342 | 17299 | 36641 |
| East | 60763 | 48247 | 109010 |
| New Delhi | 12065 | 11235 | 23300 |
| North | 22460 | 21016 | 43476 |
| North East | 73927 | 67484 | 141411 |
| North West | 119817 | 93923 | 213740 |
| South | 85273 | 72226 | 157499 |
| South West | 71489 | 55589 | 127078 |
| West | 82424 | 74288 | 156712 |
| Total | 547560 | 74288 | 156712 |
| All (I-VIII Std.) | 14, 77,221 | 8, 77, 163 | 18, 89, 248 |

Further according to the type of management there are 1201 schools of local body (MCD, NDMC, Cantonment Board), 652 government schools, 84 private aided school and 1208 private unaided schools. Further, as per the survey schools belonging to primary education are 2565; for upper primary classes there are 580 school respectively. The following table is as follows-

| Type of School³⁰ | | |
|------------------------------------|----------------|----------------------|
| District | Primary | Upper Primary |
| Central | 124 | 15 |
| East | 324 | 71 |
| New Delhi | 36 | 12 |
| North | 159 | 21 |
| North East | 381 | 171 |

²⁹Source: 8th All India School Education Survey (8th AISES)

³⁰Source: 8th All India School Education Survey (8th AISES)

| | | |
|--------------|-------------|------------|
| North West | 522 | 103 |
| South | 408 | 44 |
| South West | 280 | 65 |
| West | 331 | 78 |
| Total | 2565 | 580 |

Enrollment of Children in Class Wise Distribution in Delhi

| Class 1 | | | |
|----------------|---------------|---------------|---------------|
| District | Boys | Girls | Total |
| Central | 5256 | 4672 | 9928 |
| East | 20550 | 17843 | 38393 |
| New Delhi | 3695 | 3591 | 7286 |
| North | 7085 | 6782 | 13867 |
| North East | 25826 | 23286 | 49112 |
| North West | 42081 | 36181 | 78262 |
| South | 27592 | 25100 | 52692 |
| South West | 25323 | 20863 | 46186 |
| West | 29563 | 25894 | 55457 |
| Total | 186971 | 164212 | 351183 |
| Class 2 | | | |
| Central | 5400 | 4768 | 10168 |
| East | 20728 | 17921 | 38649 |
| New Delhi | 3571 | 3734 | 7305 |
| North | 7461 | 7234 | 14695 |
| North East | 26366 | 25987 | 52353 |
| North West | 42096 | 38507 | 80603 |
| South | 27819 | 26099 | 53918 |
| South West | 25155 | 20855 | 46040 |
| West | 29031 | 26203 | 55234 |
| Total | 187627 | 171338 | 358965 |
| Class 3 | | | |
| Central | 5760 | 4628 | 10388 |
| East | 20738 | 17425 | 38163 |
| New Delhi | 3694 | 3709 | 7403 |
| North | 7571 | 6543 | 14114 |
| North East | 26747 | 24143 | 50890 |
| North West | 43565 | 36051 | 79616 |
| South | 27788 | 24783 | 52571 |
| South West | 24556 | 19645 | 44201 |
| West | 29034 | 24592 | 53626 |
| Total | 189453 | 161519 | 350972 |
| Class 4 | | | |
| Central | 5529 | 4668 | 10197 |
| East | 20785 | 16969 | 37754 |
| New Delhi | 3734 | 3692 | 7426 |

| | | | |
|----------------|---------------|---------------|---------------|
| North | 7862 | 6945 | 14807 |
| North East | 26580 | 23823 | 50403 |
| North West | 41827 | 34378 | 76205 |
| South | 27379 | 23539 | 50918 |
| South West | 24760 | 19388 | 44148 |
| West | 28567 | 23501 | 52068 |
| Total | 187023 | 156903 | 343926 |
| Class 5 | | | |
| Central | 5355 | 4527 | 9882 |
| East | 19701 | 15915 | 35616 |
| New Delhi | 3824 | 3753 | 7577 |
| North | 7607 | 6491 | 14098 |
| North East | 25309 | 23092 | 48401 |
| North West | 39110 | 32032 | 71142 |
| South | 27832 | 22543 | 50375 |
| South West | 23425 | 18431 | 41856 |
| West | 26424 | 22119 | 48543 |

7. Non-availability of a Centralized Tracking System of Education to Disadvantaged Children

According to Provisional Census 2011, the percentage of children aged between 0-14 years is 29.0, in which male child are 28.9 percent and female children 29.1 percent³¹. The provisional Census 2011 tells that there are **19, 70, 510** children in the aged group (0-6 years) in all nine districts of Delhi. According to 8th AISES (All India School Education Survey) **17, 32, 536** were enrolled in primary education and **1, 56, 712** children in upper primary school as on 08.09.2010

According to a survey conducted by *Samajika Suvidha Sangam* (Mission Convergence Directorate) shows that there are **6, 43, 315** children in the age group **7-17 years** of whom **4, 50, 402** are not in schools. According to *Sarva Shiksha Abhiyan* (SSA), the number of out-of-school children in the age group 6-14 years in North West District was 7219-of-school Children in Delhi (whereas the door-to-door survey conducted by NCPCR in 9 slums of Jahangirpuri was 2929). According to **AWP&B (Ministry of HRD)** there are estimated **2, 85, 5, 026** children in the age group 6-14 years in which **32, 063** children were out of school. Further, when Institute of Human Development and a NGO Save the Children conducted a study “**Surviving the Streets**” they found that there were approximated 50, 000 children in Delhi.

The landmark law, mandating free and compulsory education for all children, was enforced from April, 1, 2010. But a reality check shows that even as the gross enrolment ratio is an astounding 98 per cent at the primary school level, actual attendance of students in schools is far lower. The states which stands out for the bulk of children who are out of school are Bihar which has 13.4 lakh such kids and Rajasthan has 10 lakh. **In Delhi, the number stands at 1.24 lakh³². The RTE Act has set a deadline of March 31, 2013, for every child to be enrolled in a school.** On the other hand a total of **2.42 lakh** children in the Capital are out of school, according to a 2009

³¹http://www.censusindia.gov.in/vital_statistics/srs/Chap_2_-_2010.pdf

³²<http://indiatoday.intoday.in/story/only-57-per-cent-children-going-to-school-rte-act-report/1/134270.html>

survey by the Samajik Suvidha Sangam Society, and 71 per cent of Delhi's children go to school against the national figure of 94.5 per cent and 100 per cent for States like Tamil Nadu, according to a fact sheet released at a convention on “People's Review of RTE implementation in Delhi”³³. Perhaps this discrepancy in data is due to the fact that names of children who are out-of-school and school dropouts may be continuing in the attendance registers as enrolled.

Consequently, State-wise Distribution of Working Children in the age group 5-14 years has increased in Delhi from **27,351 in 1971** to **41889 in 2001**³⁴. It is quite interesting that the implementation of RTE Act is being monitored by Ministry of HRD whereas, the rehabilitation of Child Labor is through Labor Ministry and provision of creating early childhood care and education is for Ministry of Women and Child Development. In context of Delhi, MCD, NDMC and Cantonment Board, are added to the list of appropriate government which needs to provide provision to right to education. Therefore, greater convergence is needed if the government is really committed to see every child get their right to education.

All such out-of-school children are to be considered as disadvantaged children or potential child laborers; children involved in domestic help, street children etc. who would sooner or later join the labor pool.

8. Identification of Enrollment of Disadvantaged Children- DISE, AISES

8.1 DISE

District Information System for Education which came into being in the middle of 1995 when it was realized that a sound information base for planning and monitoring of project intervention was an almost non-negotiable requirement. The educational statistics collected by the states under the guidance of the MHRD were not only inadequate to meet the growing needs of the decentralized planning but were characterized by inordinate delays, highly aggregative and were not amenable to validation and reliability tests. Since school statistics formed the core of educational statistics, it was rightly recognized that major reforms in school statistics both in terms of their scope and coverage as well as availability and use have to be carried out. Accordingly, NIEPA took up this as a challenge and accepted the responsibility for designing and implementing such a system for primary education³⁵.

The task of developing a school based statistical system was initiated by NIEPA during 1995 with the financial assistance from UNICEF. In tune with the spirit of DPEP, the district was selected as a nodal point for collection, computerization, analysis and use of school level data. The system was later on extended to state and the national level. A first version of the software named as District Information System for Education (DISE) was released during the middle of 1995. The information which is collected through a questionnaire provide every information

³³ <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/242-lakh-children-in-delhi-out-of-school/article2202756.ece>

³⁴ Source: Census 2001

³⁵ <http://www.dise.in/dise2001.htm>

about school, type of building, mid-day meal, type of management in school, physical facilities and equipment, new admissions, enrollment of children in new academic session³⁶.

However, it is quite surprising that DISE also does not talk about the enrollment of disadvantaged children into the mainstream education. *One of its section “Enrollment in current academic session by social category” into four castes- SC, ST, OBC and Minorities, however, it is very difficult to know the status of right to education of children belonging to the disadvantaged section, even they come from the four given castes.* There may be instances where there may be disadvantaged children within the above given castes, but without any valid data it is really difficult to extract the same. Further, it would also be difficult for the state to ensure that right to education up to primary level has reached to every child of this country.

8.2 AISES³⁷

The First All India Educational Survey (AIES), undertaken in 1957 by the then Union Ministry of Education provided this information by covering all the States/UTs. Since then six more surveys have been undertaken by the National Council of Educational Research and Training (NCERT) which provided basic inputs for planning new schools, upgrading existing schools, and also for enhancing the essential facilities in them. In addition, these surveys have also provided inputs to make schools more attractive as well as to provide quality education. Therefore, contribution of these education surveys in macro as well as micro-level planning of school education is recognized as quite significant. It may be pertinent to mention that, over a period of time, these surveys have acquired important status and are considered major source of educational statistics by different organizations at the national and international levels.

The eighth AISES data would be useful for monitoring of implementation and assessing the impact of SSA, to provide Universal access, enrolment, retention and improvement of quality in elementary education and planning for Universalization of Secondary Education.

Objectives of the Eighth AISES

In school education, lots of changes have taken place since 2002 in term of schooling facilities and growth in enrolment due to various initiatives such as SSA. The objective of the survey is to develop the database to calculate and analyze a set of educational indicators for:

- i. Describing the current status of School education system at different levels with respect to access, enrolment, retention, participation in school process and achievement,
- ii. Assessing the progress of educational development and indirectly the success of policies, programmes and project interventions by tracking the direction and magnitude of change in the values of the indicators over time, and identifying problems or deficiencies in the system for necessary intervention, and
- iii. ***Assessing equity in educational opportunities and achievements across relevant levels and sub-populations of the education system for possible interventions needed to remove disparity by administrators, policy makers and researchers***

³⁶<http://www.dise.in/dise2001.htm>

³⁷<http://aises.nic.in/aboutsurvey>

The objectives will be met by collecting data on the aspects broadly listed hereunder:

- i. Availability of schooling facility for primary, upper-primary, secondary and higher secondary stages within the habitations (including SC/ST) in different population slabs. In case the facility is not within the habitation, the distance at which available
- ii. Availability of basic facilities in the recognized schools such as building, classrooms, drinking water, electricity, urinals, lavatories, incentive schemes and beneficiaries, medical check-up and vaccination/inoculation of students
- iii. Class-wise enrolment (Total, SC, ST, OBC, EBMC – Muslim) and children with disabilities by sex) in primary, upper primary, secondary and higher secondary stages of recognized schools
- iv. The number of children with disabilities along with degree of disability in primary, upper primary, secondary and higher secondary schools
- v. The subject-wise enrolment at higher secondary stage, availability of laboratories and library, physical education teachers, librarian, guidance counselor, non-teaching staff in the recognized secondary and higher secondary schools
- vi. The position of teachers (by sex and SC/ST/OBC/) with academic and professional qualifications at different school stages in recognized schools
- vii. Distribution of recognized schools in regard to languages taught and languages used as medium of instruction
- viii. Enrolment and teachers in primary/upper primary classes of unrecognized schools
- ix. The position of enrolment and instructors in schools/centres under Education Guarantee Scheme & Alternative and Innovative Education (EGS&AIE)
- x. Number of children and teachers by sex in pre-primary schools
- xi. The position of enrolment and teachers in oriental schools, viz., Maktabas, Madrasas and Sanskrit Pathshalas
- xii. Class-wise enrolment by single age, new entrants, promotes, and repeaters in the context of UEE

It is very difficult to correlate the third objective of the survey and objectives of data collection. For example, assessing equity in educational opportunities and achievements across relevant levels would be done only when disparity across different categories of children would be minimized in terms of inclusion of children belonging to disadvantaged category within the scope of this survey.

9. What we are seeking from Judiciary

Necessary directions from the Honorable Court is seeking for the below points-

- (i) expanding the defining children belonging to disadvantaged group in context of Delhi as- Child Labor, Domestic Child Labor, Children of Migrant Workers, Children of De-notified/Notified Tribal's, Beggars, Children in Domestic Help, Street Children, Bonded Labor, Children of female sex workers, Children involved in rag-picking, Homeless Children and Orphan Children
- (ii) Norms and criteria related to "neighborhood school" may be relaxed for disadvantaged groups such as street children, children of construction and migrant workers, children of NT/DNT families, children of sex workers etc.
- (iii) Documents as a proof of residence as specified in the notification should be relaxed for children belonging to disadvantaged category
- (iv) giving necessary direction to State Government, Urban Local Bodies, Departments, Social Welfare Board and Delhi Building and Other Construction Workers Welfare Board having given the responsibility to provide elementary education, to make necessary provision in a time bound manner so that no child should left out of the scope of exercising their fundamental right to education
- (v) giving necessary direction for the inclusion of children belonging to disadvantaged group in various sample surveys done by various government departments
- (vi) giving necessary direction to State Government, Urban Local Bodies, Departments, Social Welfare Board and Delhi Building and Other Construction Workers Welfare Board to initiate a research study in Delhi updating the status of children belonging to disadvantaged so that a uniform data may be available to everybody in order to do targeted mainstreaming of children into education process
- (vii) giving necessary direction for developing a Tracking System of children belonging to disadvantaged category mainstreamed in various schools across Delhi

Annexures-I - Status of Education among children belonging to NT/DNT families Case Studies

Dated- 11.06.2013

Case Study-1

Adi (7) and Abhishek (8) are two sons of the Azad Sapera and the Rakhi who is the mother of them and basically belongs to Haryana. Their father Azad who earns ₹ 2500 per and month mother is a house wife. In the families there are 6 members in which 4 are male and 2 are female and there are 2 children. Adi and Abhishek are school going children studying in class 2nd respectively. Other members in the families are illiterate and the lives in Kaccha house. No government facility is available to them in terms of water, electricity, sanitary and hygienic conditions of living and health. Due to regular migration the education of their children get delayed time and again and had to leave school after some time. The family had been relocated from Kalkaji Depot to Okhla Mod Red Light crossing on Mehrauli-Badarpur road. Getting children enrolled in schools is a typical task for the family as they do not have proper residence said, Rakhi who is totally unknown about RTE Act.

Case Study-2

Anjali (13) And Arman (10) are Siblings and their mother name is Sulochana who leaves in J Block, Prem Nagar belongs to one of the DNT families. They came to Delhi from Karnal (Haryana) and living in Delhi since many years. They have 15 members in the family in which 7 are male and 8 are female and there are two children which are in school going age. Family belongs to the Sapera which may belong to NT/DNT families. We found that both the children are non-going school and engaged in child labor. The present status of the children is that children are no-school going as they find school no more interesting. According to them in their previous school teacher beats them a lot. When we asked about the reason of having beaten by the teacher there were unable to utter a single word.

Case Study-3

Lovely, Rihan and Tohina are the siblings and are of age 7, 12 and 8 respectively. Vicky who is the father of all these children earns ₹1200. Naresha is a house wife and takes care of the family. The family belongs to Sapera community and now earns their livelihood by making iron tools across the road. In total there are 6 family members and in which 2 are male and 4 are female and 3 children which come are school going age children. Presently the children are drop out because of the migration and presently they visited for admission but had not been given any appropriate response from school authorities. They live in Kaccha house called as Jhughi and they are economically very weak. The other members of the society are illiterate and yes they are facing problem in the migration as the children are affected as they suffer when they have to take re-admission in another school. In this case the main problem is the migration as the children were studying earlier have to drop out from school and main question is that in which class they will be enrolled, in class which they were studying or in the earlier class and sometime they have to suffer more than a year loss.

Case Study-4

Munisha (F) is 12 of year and whose father is Sajan Nath and whose mother name is Kanta. They live in J block. Prem Nagar, Homeless home. They basically belongs to Karnal (Haryana) having 8 members in which 3 are male and the 5 are female in which there are 4 children which belongs to RTI Act and the children are not going to school. Education is nil in the family and 8 member stay in one jhuggi and there is no accessibility of PHC and a very poor family. No government facilities are provided to them. The children are not going to school because they helping in household work and also to take care of siblings and they never enrolled in the school.

Case Study-5

Rohit (M) of 11 year is Son of Ram singh who is a Lohar and his mother is Tanya who is a house wife lives in Prem Nagar, J block which is homeless. There are 4 members in the families in which 3 are male and 1 is female. Rohit is school going and other members are illiterate and they live in a jhuggi. The family is totally dependent on the income of Ram singh who is the only earning person in the family. No government facility is provided to them. Rohit is school going child who studies in the 4th standard in a government school near Govindpuri metro station. Yes the migration is the problem for them and they say that if there is again any relocation of families then there is no time for them to get three child enrolled in the school and they will not do the admission again. In this case problem of migration arises as if they again and again relocation is there then they cannot go for admission every time. Ram Singh says that *“government should make necessary arrangements for our children education, as we have been frequently relocated from one place to another, so that we do not get any kind of problem in getting admissions in other schools. He further says “children of army person never get such problem as they also get transfer from one place to another, then why such discrimination with our children”.*

Case Study-6

Sahil (M) and Gabru (M) are siblings of 8 year and 6 year respectively. Their father Sajan is Sapera who earns ₹ 2000 per month. They belong to Sapera community which is recognized as NT/DNT families and their mother Sunita is a house wife. Children in Sajan’s family have never been to school. *Education is no more interested to them due regular migration and no necessary provisions for their children to get admission after having been relocated to one place. Though both children want to go to school but feel scared from the teacher and principal, as they feel that they will be given punishment if not study good.* The whole family is illiterate and have never school so far.

Annexure- II-Recent Interventions by State High Courts

Government submits draft notification to the Karnataka High Court

The State government on Monday told the Karnataka High Court that applications of students belonging to the “weaker sections” of society will be given preference in admission to the private schools while filling up seats under the 25 per cent quota as per the Right to Education Act. Children of parents whose earnings are Rs.1 lakh or below per annum come under this category

Then, students whose parents or guardians earn anywhere between Rs. 1 lakh and Rs. 3.5 lakh per annum would be considered for admission.

However, the government made it clear to the court that the upper income limit of Rs. 3.5 lakh per annum would remain for selecting students under the “disadvantaged group” as defined under the RTE Act but it would first admit “most disadvantaged” students from amongst this group.

The “disadvantaged group” comprises 11 categories – orphans, children with HIV, children with special needs, migrant and street children, Scheduled Castes, Scheduled Tribes, Categories I, IIA, IIB, IIIA and IIIB.

Draft notification

Indicating these aspects to the court in a draft notification, the government has differentiated the “weaker sections” and the “disadvantaged group,” while stating that “child belonging to weaker sections” means, “child belonging to all other castes and communities residing in Karnataka, excluding those categorized as disadvantaged group and income of whose parents or guardians is less than the one prescribed by the Social Welfare Department from time to time to determine the creamy layer. The said income limit at present is Rs. 3.5 lakh per annum.”

However, the draft notification has not specified whether the government will give any preference to children whose parents earn less than Rs. 1 lakh per annum while making admission of students from the “disadvantaged group” on the lines of proposal to be adopted in case of students belonging to “weaker section.”

The government also said that the students belonging to the “most disadvantaged group” — orphans, children with HIV, children with special needs, migrant and street children — would be given the first preference for admission under the RTE quota. The RTE implementing officer will collect the required information from orphanages and other officers of the department concerned and facilitate admission of these children from respective school’s neighborhood.

Details on SC, ST quota

The draft notification also states that in case 7.5 per cent seats earmarked for SCs are not filled, the said seats would be added to the 1.5 per cent seats earmarked for STs and vice versa. If seats in both these categories remain unfilled, then such seats would be added to the remaining 16 per

cent seats earmarked for other categories in the “disadvantaged group” and “weaker section” and vice versa.

After exhausting students from neighborhood of the school those outside neighborhood would be considered for admission under this quota, the draft notification states.

Selection of students for under “disadvantaged group” would be as per the certificate given by the competent authorities of the department concerned, and for “weaker section”, it would be based on income certificate issued by the Revenue Department to the parents or guardians of students.

The government submitted the draft notification during a hearing of a public interest litigation petition which had complained that the fixation of higher income limit would deprive students from below poverty line families from getting admission to private schools. The court, during the earlier hearings, had expressed displeasure over higher income limit fixed for admission under the RTE Act.

A Division Bench comprising Acting Chief Justice K. Sreedhar Rao and Justice S. Abdul Nazeer took the draft notification on record and said that it would dispose of the case by issuing an order shortly.³⁸

RTE implementation under HC scanner

KOLKATA: The Calcutta high court on Friday enquired about the steps taken by the state education department to implement the Right of Children to Free and Compulsory Education Act, 2009, in the state. The division bench of Chief Justice Arun Mishra and Justice Joymalya Bagchi, while hearing a petition from the Jatiyatabadi Paribartankami Shikshamonoshko Abhibhabak Mancha - an organization of parents from Jalpaiguri - directed the department to file an affidavit on the matter on Monday.

The organization moved the court with a complaint that schools in North Bengal weren't abiding by the rules laid down by the RCFCE Act, 2009. In their petition, they submitted that the schools were continuing to demand capitation fees from students during admission and weren't maintaining the stipulated student-teacher ratio. Children from economically weak families were also being denied admission to schools of their choice, it was submitted.

In March, 2012, the state education department had formulated the RCFCE Rules. According to the rule, no school can turn away children from economically backward sections of society. Local bodies like municipalities and panchayats were to maintain records of all children aged between 6 and 14 years to ensure that they receive free and compulsory education.

The rules also state that the state government will reimburse schools for education provided to children belonging to weaker sections of society. The state would also withdraw recognition of schools that don't abide by the rules, it was mentioned. Schools would also have to provide special training to drop-outs and place them in appropriate classes according to their age.

³⁸<http://www.thehindu.com/todays-paper/tp-national/rte-admissions-priority-for-children-from-weaker-sections/article4453856.ece>

The gazette notification in this regard also mentioned the setting up of a Right to Education Protection Authority in the state till the State Commission for Protection of Child Rights is created in West Bengal to supervise implementation of provisions of the RCFCE Act, 2009.³⁹

³⁹http://articles.timesofindia.indiatimes.com/2013-01-05/kolkata/36161580_1_rte-implementation-drop-outs-schools

Annexure-III- Status of Disadvantageous Children in Delhi

Surviving the Streets- *Research Abstracts of Street Children in Delhi*

- There are 51,000 street children in Delhi; 20% are girls
- 70% are on the street despite having a home in Delhi
- 50.5% are illiterate. 87% earn a living—20% as rag pickers, 15.8% as street vendors, 15% by begging
- Over 50% have suffered verbal, physical or sexual abuse
- Fewer than 20% have ID cards or birth certificates, and so they miss out on government schemes

Little boys with painted moustaches, performing acrobatics and begging for a reward. Kids dodging between vehicles to sell their wares. Girls, siblings in their arms, seeking alms. Common enough vignettes at the crossroads in Delhi, as in many other cities of India. Just like the sight of innumerable children working in roadside eateries and industrial units.

Between feeling upset and wanting to help these children enjoy a normal life, including going to school, many of us wonder about their hard lives. In a first-of-its-kind census, Save the Children, an NGO, in association with the Institute for Human Development, Delhi, has now tried to supplement the quantitative data with qualitative data on some 51,000 children, below 18, living and eking out a livelihood on the streets of Delhi.

The survey, ‘**Surviving the Streets**’, conducted in all nine districts of Delhi state in July-August 2010, reveals that an astonishing 70 per cent of street children have to fend for themselves though their parents, siblings or other relatives also live in the city. Only around 10 per cent were found to be totally cut off from their homes and villages. The largest chunk (61 per cent) was in the 7-14 years age group, while 23 per cent were in the 15-18 years bracket. As Delhi, with Mumbai and Calcutta, is home to the largest number of street-dwellers, the capital was chosen for the first detailed study, “which hopefully will catch the attention of the government”, says Thomas Chandy, CEO of Save the Children.

“There could be 10 per cent underestimation in the survey of street children in Delhi, particularly those working in industrial units,” says Dr. Balwant Mehta, a senior researcher at the Institute for Human Development. Having done a survey of shelter less people in Delhi in the winter of 2007, Mehta reveals that the numbers have risen sharply from the then figure of 41,000, including children. The latest detailed survey, through interaction with those living on the streets, has revealed the number of street children alone to be 50,923, with girls constituting 20 per cent.

Most of the children are engaged in rag picking (20.3 per cent) followed by vending (15.18 per cent), begging (15 per cent), working in roadside stalls or repair shops (12.19 per cent), dhabas (6.24 per cent) and manufacturing units (1.22 per cent). It is difficult to ascertain the number working in industrial units, as these kids are hardly able to get out of the hell-holes they work in. Earning on an average about Rs.2, 240 per month, over 57 per cent of the street children visit their homes periodically and hand over about half their earnings to parents, relatives, gang leaders and even the police.

Despite staying and moving about in groups, over 50 per cent spoke of some kind of abuse—verbal, physical and even sexual, sometimes at the hands of policemen. “Yet most of them did not want to go back home. There is a strange attractiveness of the street as against the terrible hunger, poverty or other factors that brought them to Delhi,” says Chandy.

Article courtesy:www.outlookindia.com

54 child laborers rescued in Delhi

New Delhi, May 06, 2010: Fifty-four child laborers were rescued by authorities from button-making units in south Delhi on Thursday and 10 of their employers taken into custody. This is the fourth such operation in the national capital in the last eight days in which a total of 145 children have been rescued from various parts of the capital. The Delhi Task Force on Elimination of Child Labor, police and Labor Department officials conducted today's raid in Govindpuri area following a complaint filed by child rights NGO Bachpan Bachao Andolan (BBA). Fifty-four children were rescued from button-making units in the area, BBA said in a press statement. The children, all in the age group of 7-14 years, have mostly been trafficked from Bihar. All the units were illegally running in the residential area. The owners had employed adults on the first and second floor and in almost all the units, children were locked on the top floor and made to work from 10 am to 1 am in the night, BBA officials said. In one of the units, 11 children ate, slept and worked in a 20x10 room that was ill-ventilated, they said. Seven-year-old Raju (name changed), said, “my uncle brought me here from Bihar six months back. My parents were told that I would be paid. It's been six months that I have been working here but I have not been given a single penny. They tell methis is the training period so I would only get my lunch. I used to make 4,000-5,000 buttons in a day.” Sub Divisional Magistrate of Kalkaji, VP Singh said, "10 employers have been arrested in the raid. We would see to it that they are booked under stringent penal provisions and ensure compensation and rehabilitation of the victims." On April 28, 72 child laborers were rescued from bag manufacturing units in Nabi Kareem area of central Delhi and eight of their employers taken into custody. On May 3, 16 child laborers were rescued from a bakery unit in Rohini while three children were rescued by authorities from an electric sockets manufacturing unit in west Delhi on May 4. (Hindustan Times 6/5/10)

Civil society urges PM to ban child labor

Eminent citizens have petitioned PM Manmohan Singh asking him to ban all forms of child labor for those less than 14 years of age. Spearheaded by international child rights organization `Save the Children', 45 eminent members of society have demanded that the Child Labour Act be amended to remove contradictions between the Child Labor Prevention and Regulation Act (CLPRA) and the Right to Education (RTE) Act that provides education as a right for every child. "You cannot have one law that promises elementary education to all children and another one regulating child labor. Children cannot be both working and in school at the same time; let's ensure that it is only the latter," Harpal Singh, board chair of `Save the Children', said. The signatories included members of the newly reconstituted National Advisory Council Harsh Mander, NC Saxena and Anu Agha, Planning Commission members Arun Maira and Syeda Hameed, National Commission for Protection of Child Rights chairperson Shantha Sinha, AICC

secretary and Congress MP Meenakshi Natarajan, Congress MP EMS Nachiappan and Oxfam CEO Nisha Agrawal. The RTE Act, that came into force on April 1, 2010, guarantees the right of every child between the ages of 6 and 14 to free and compulsory elementary education. According to estimates, there are close to 13 million children who are now engaged in child labor while unofficial estimates put this figure at over 40 million. A statement by 'Save the Children' said that the CLPRA makes a distinction between hazardous and non-hazardous categories of work for children below 14. It said there cannot be any distinction between hazardous and non-hazardous labor for children below 14. "Child labor in any form is detrimental to the physical, mental and cognitive growth and development of the child. By allowing children below 14 to work, we stand morally diminished. We rob them of their childhood," Harpal Singh said. Approximately 70% children in child labor are in agriculture. Yet, the CLPRA does not take cognizance of this category of children. The law must be amended to include the millions of children engaged in child labor on agricultural farms, it said. (Times of India 22/6/10)

No survey for child labor, yet states take money from Centre

A decade-old Supreme Court order directing implementation of laws abolishing bonded and child labor has become a money-spinner for states as the Centre, without taking stock of utilization of its grants, continues to dole out Rs.2 lakh per district. This came in for sharp criticism from an SC bench comprising Chief Justice S H Kapadia and Justices K S Radhakrishnan and Swatanter Kumar, which said, "This is what we come across while hearing forest matters. The Centre notifies an area as a sanctuary and the states get crores of rupees. But the area does not even have two donkeys." The bench asked solicitor general Gopal Subramaniam to find out within four weeks since when the Centre had been giving money for identification of bonded and child labor for their rescue and rehabilitation. Counsel for National Human Rights Commission, which had recently submitted a report suggesting measures to improve rehabilitation of bonded and child labor, said the Centre had been giving Rs.2 lakh per district for the last three years to carry out regular surveys to locate such people. Amicus curiae and senior advocate A K Ganguly informed the bench that state governments routinely filed reports telling the court that they had found no bonded or child labor in their districts but kept availing the central grant for the survey. (TOI, 4/10/2010)

Education a must to eradicate child labor

A State-level workshop on Eradication of Child Labour and Right to Education was jointly organized by the People's Cultural Centre (PECUC) and Campaign Against Child Labour (CACL) in collaboration with Terre des Hommes (TDH) and Odisha Alliance on Convention on Rights of the Child (OACRC) at the Rotary Bhawan here. CACL convenor Binayak Swain said that equitable and quality education can be the prerequisite for eradication of child labour. CACL former national convener and PECUC secretary Ranjan Mohanty said that the Right to Education Act can be used as a major tool to eliminate child labor and the schools need to be prepared accordingly. He also urged the State Government to implement the State's draft action plan for elimination of child labor soon. UNDP State Head Ambika Prasad Nanda stressed on education which creates confidence among the children. Government Deputy Chief Whip Arun Sahu said that due to lack of awareness, the parents are not sending their children to school and a social

reform is the need of the hour. State Labor Commissioner Alekh Chandra Padhiari informed that there are 835 NCLP schools in 24 districts. "Only the NCLP cannot eliminate child labor and citizens should be sensitized to prevent it," he added. Padhiari also recommended for reducing the institutional gap and think about pragmatic rehabilitation of the child laborers. Regarding the State preparedness for the RTE Act, SCERT Director Sebak Tripathy said, next to Sikkim, Odisha is the second State to have come up with a State rule on the RTE Act. He also said that notification has been given to all the schools not to conduct any entrance for admission and there will not be any common examination for them. "We have prepared new curriculum for Class I-VII," Tripathy informed. SCPCR chairperson Saraswati Hembram stressed on the follow-up action to be taken after rescue of the child laborers. She suggested that proper coordination should be maintained among various Government departments dealing with the child-related issues and assured her support in the efforts of bringing a ray of hope in the life of children. While PECUC programme director Anuradha Mohanty welcomed the guests and participants, PECUC chairperson Adaramani Boral presided over the meeting. NGOs, educationists, PRI functionaries and teachers participated and gave their views on improving the school infrastructure, adequate trained teachers, increase in MDM quality, identification of child labor families and linking them with the poverty alleviation programmes, enforcement of the law, appropriate rehabilitation package, mass awareness campaign and transit home for the rescued child laborers. A documentary film, describing the success story of rehabilitation of the child laborers through education by the PECUC, was also exhibited. (Pioneer, 31/12/2010)

Other References

http://www.censusindia.gov.in/vital_statistics/srs/Chap_2_-_2010.pdf

<http://www.dise.in/Downloads/Publications/Publications%202008-09/DRC0809/DRC%202008-09%20Volume%20I.pdf>

http://www.censusindia.gov.in/2011-prov-results/data_files/delhi/2_PDFC-Paper-1-major_trends_44-59.pdf

<http://infochangeindia.org/children/statistics/estimates-of-child-labour-in-india-by-age-group-0-14-5-9-10-14-5-14-by-residence-1961-2000.html>

http://mospi.gov.in/national_data_bank/education_20nov12/1.%20School%20Enrolment%201980-81%20to%202005-06.pdf

http://mospi.gov.in/national_data_bank/education_20nov12/7.%20Gross%20Enrolment%20Ratio%201986-87%20to%202005-06.pdf

http://mospi.gov.in/national_data_bank/education_20nov12/17.%20Gender%20Parity%20Index%201986-87%20to%202005-06.pdf

<http://www.cec-india.org/workingpapers/EffectivenessoftheEradicationofBondedLabour-Delhi2007.pdf>