

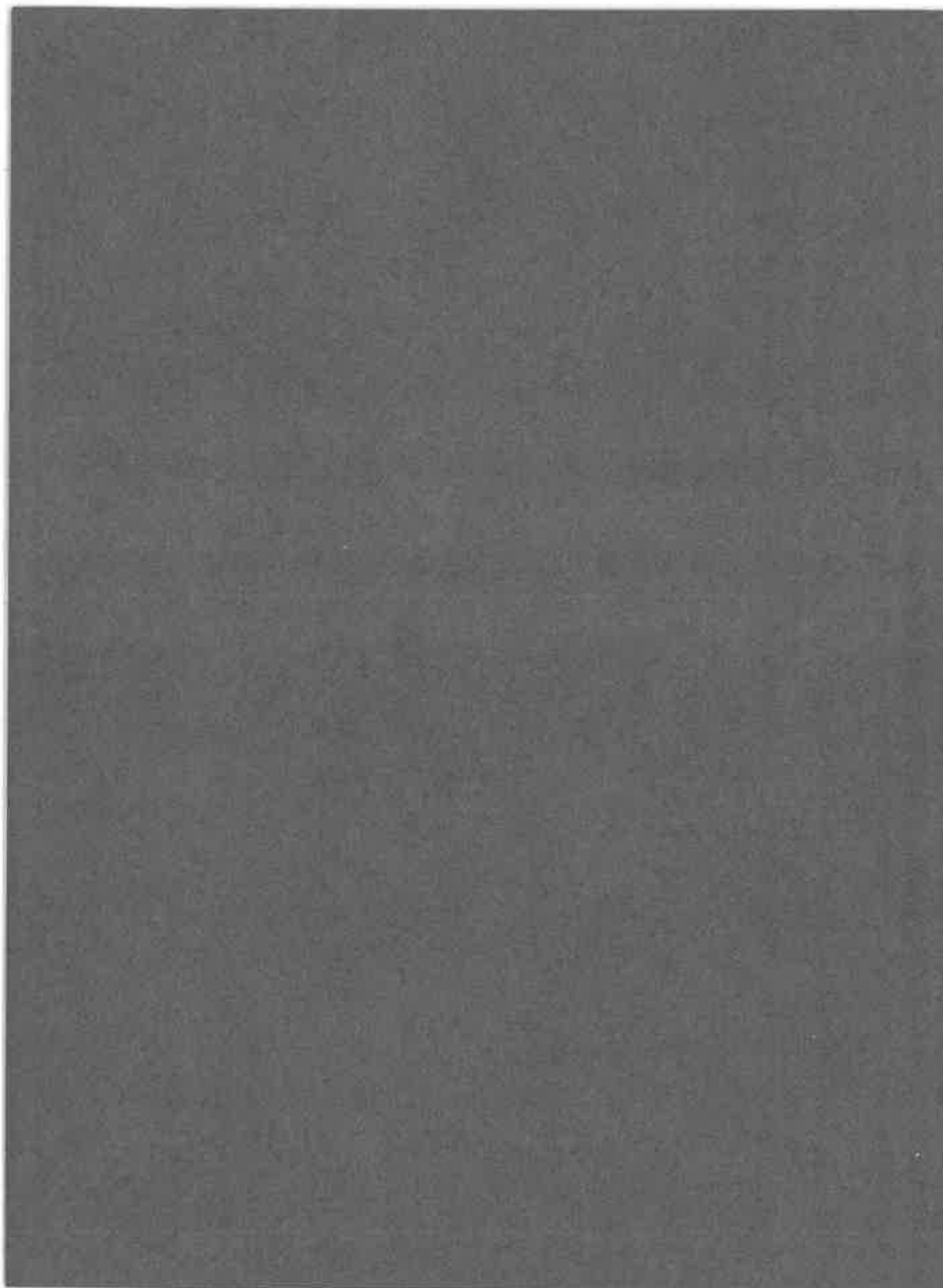
# Public Education in Mumbai: Rhetoric or Rights?



September 2008

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A Report of the Indian People's Tribunal on Environment and Human Rights.



# **Public Education in Mumbai: Rhetoric or Rights?**

**A REPORT BY  
THE INDIAN PEOPLE'S TRIBUNAL ON ENVIRONMENT AND HUMAN  
RIGHTS TRIBUNAL HEADED BY JUSTICE H. SURESH (RETIRED)  
FORMER JUDGE, BOMBAY HIGH COURT**

**NOVEMBER 2008**

## **Public Education in Mumbai: Rhetoric or Rights?**

**Report of the Indian People's Tribunal on  
Environment and Human Rights**

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## THE TRIBUNAL

**M**r. Justice H. Suresh, Retired Judge of the Bombay High Court, led the Tribunal. Justice Suresh started his practice as a lawyer in 1953. In 1967, he took up office as a Judge of the Bombay City Civil Court. Subsequently, in 1986 he was elevated to the High Court of Bombay. He held the position as Judge of High Court until he retired in 1991. During his tenure as Judge of the High Court, he pronounced several progressive judgments. He has also headed numerous commissions addressing human rights violations and is an integral part of the human rights movement in India. The most prominent of these commissions are the 'People's Verdict', one of the few unbiased and detailed reports on the Bombay 1993 riots, and the 'Terror of Pota and other Security Legislation' in 2004. He has also authored the book *Fundamental Rights as Human Rights*.<sup>1</sup>

**Sri Arvind Vaidya** - Mr. Vaidya was the Principal of Nandadeep High School in Goregaon for fifteen years. In 1972, he started working with teachers' unions and took voluntary retirement from his post as Principal in 1998 in order to pursue this work on a full-time basis. He also served as the Secretary of the Maharashtra Secondary Teachers Organization for six years. While working at the Maharashtra State-level, he realized that many policy-level changes were taking place and wanted to study these policy changes. In 1995, he decided to stop working with teachers' unions, and started working on the issue of education. He is one of the founding members of Shikshan Hakka Abhiyan, which was started in 2000. Shikshan Hakka Abhiyan is a movement involving several students' groups, teachers, political groups, and NGOs. It is involved in work towards the realization of children's right to education. Currently, Mr. Vaidya is working with Shikshan Hakka Abhiyan in Maharashtra.

**Ms. Simantini Dhuru** - Ms. Dhuru has been involved in various human rights and environmental movements as a media activist. She has made several documentary films on various pertinent social and human rights issues, many of which have won both national and international acclaim. She began working with the Aveshi-Abacus project in 1991 and now devotes most of her time to activities in the field of education. She is a consultant - member contributing to the NCERT curriculum for Environment Sciences. She continues to be actively associated with the Narmada Bachao Andolan, National Alliance of People's Movements and other human rights and media related campaigns.

**Ms. Arundhati Chavan** - Ms. Chavan, the Principal of Mumbai B.Ed and D.Ed College, has been working in the field of education for over eighteen years. She is also the President of the Maharashtra Parents Teachers Association United Forum, which is comprised of parents and teachers from over 140 schools.

1. Justice H. Suresh, *Fundamental Rights as Human Rights* (Mumbai: Sabrang Publications, 2003).

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## ABBREVIATIONS

1. AIE	Alternative and Innovative Education
2. AO	Administrative Officer
3. CCL	Child/children in conflict with the law
4. CESCR	Committee on Economic, Social and Cultural Rights
5. CISE	Committee for the Improvement of Standards of Education
6. Committee	Committee on the Rights of the Child
7. CRC	Convention on the Rights of the Child
8. EBB	Educationally Backward Block
9. ECCE	Early Childhood Care and Education
10. EGS	Education Guarantee Scheme
11. FGD	Focus-group Discussion
12. ICDS	Integrated Child Development Services
13. ICESCR	International Covenant on Economic, Social and Cultural Rights
14. IPT	Indian People's Tribunal on Environment and Human Rights
15. KGBV	Kasturba Gandhi Balika Vidyalaya Scheme
16. MCGM	Municipal Corporation of Greater Mumbai – also known as Mumbai Municipal Corporation (MMC) and Bombay Municipal Corporation (BMC)
17. MCS	Model Cluster School for Girls
18. MDMS	Mid-day Meal Scheme
19. MPEGS	Mahatma Phule Education Guarantee Scheme
20. MPSP	Maharashtra Prathamik Shikshan Parishad.
21. NFE	Non-formal Education
22. NGO	Non-governmental Organisation
23. NPEGEL	National Programme for Education of Girls in the Elementary Level
24. SSA	Sarva Shiksha Abhiyan
25. UDHR	Universal Declaration of Human Rights
26. UNDP	United Nations Development Programme
27. UNESCO	United Nations Educational, Scientific and Cultural Organization
28. UNFPA	United Nations Population Fund
29. UNICEF	United Nations Children's Fund
30. UN Spl. Rapporteur	UN Special Rapporteur on Right to Education



## 1. SUMMARY AND METHODOLOGY

The Indian People's Tribunal for Environment and Human Rights (IPT)<sup>2</sup> in conjunction with organizing groups from Mumbai created a four-member Tribunal, headed by Justice H. Suresh (Retd.), to enquire into the status of children's right to elementary education in Mumbai. This Tribunal was primarily conducted by means of a public hearing in Mumbai on 1 and 2 July 2006. The intention was to provide a platform for members of the public as well as government officials, including persons from the education department, to share their experience with municipal schools in Mumbai. The Secretariat of the Tribunal made a special effort to invite various Government officials, Administrative Officers (Schools) and Superintendents of every ward, as well as the chairperson of the Education Committee of the Municipal Corporation of Greater Mumbai (MCGM).<sup>3</sup> However, with the exception of one woman Superintendent from one ward<sup>4</sup>, no other Government official attended the public hearing. For this reason, the Tribunal's report reflects only the concerns voiced by children, parents, teachers, social workers and educationists. In addition, the Tribunal conducted spot visits to adivasi padas in Borivali National Park, a non-formal education centre for construction workers' children in Wadala, Tunga Village Municipal School, Nariman Lane Municipal School, Magthane Municipal School, Kendriya Vidyalaya III in Colaba. Information gathered during these visits is also included in the report.

On the basis of the public hearing, the Tribunal released its Interim Findings and Recommendations in August 2006. This was sent to the Education Officer of the Education Department of MCGM with a request that the members of the Tribunal be given a meeting with the Department to discuss their concerns.<sup>5</sup> Unfortunately, there was no response from the Office of the Education Officer. Consequently, the Tribunal had to develop its final report without any discussions with Government officials, and thus the report does not reflect Government officials' concerns.

In addition to the public hearing, the Tribunal has used the findings from research conducted by the Secretariat in 71 slum habitations across Mumbai (MCGM's jurisdiction). This research consisted of a participatory transit walk through the bastis as well as focus-group discussions with parents (mainly women) and children from the habitations. The slums/habitations were chosen according to criteria of marginalization, including unprotected hutments, pavement dwellers, places that suffered repeated demolitions, places located around dumping grounds, predominantly dalit bastis, adivasi bastis, communities that house persons from marginalized occupations such as rag-pickers, domestic workers, sex-workers and so on. A team of volunteers conducted focus-group discussions with women and children in these bastis and the insights of parents and children from these discussions have also

2 The Indian People's Tribunal for Environment and Human Rights (IPT) was constituted by a people's mandate in 1993 to investigate gross human rights violations and cases of environmental degradation. The IPT is particularly concerned with cases that affect the lives and livelihood of a vast majority of urban and rural poor.

3 All officials were invited through formal letters sent via registered post. The Secretariat received the acknowledgement cards from each official's office, but none of the officials attended the programme.

4 The Tribunal was asked not to give this Superintendent's name.

5 A letter was sent to the Education Officer by the Secretariat of the Tribunal via registered post. The Secretariat received the acknowledgement of receipt, but no further response.

been presented in this report.

The Tribunal has also relied on secondary sources such as news items and information provided under the Right to Information Act, 2005. Based on data collected over a period of one year, the Tribunal presents its findings and recommendations in this report. For the protection of privacy of the individuals interviewed, the Tribunal has withheld names of children, parents and schools, where they requested us to do so or where they did not share the information with the interviewer.



## 2. INTRODUCTION

*“ . . . In the little world in which children have their existence whosoever brings them up, here is nothing so finely perceived and so finely felt, as injustice. It may be only small injustice that the child can be exposed to; but the child is small, and its world is small . . . ”*

Charles Dickens, *Great Expectations*<sup>6</sup>

Much of a child's socialization process revolves around schooling. This report asks the reader to “see with a child's eyes, hear with a child's ears, and feel with a child's heart”.

In this report, the IPT presents its findings and recommendations regarding public education in Mumbai to government officials and the public. The report documents children's, parents' and teachers' experiences vis-à-vis municipal schools in Mumbai. It also presents data and facts that are useful for policy makers and activists in order to debate and discuss the future of municipal schools and public education in Mumbai. It urges the government to take strong measures to address the issues highlighted in the following pages.

This report is the outcome of a public hearing on schooling in Mumbai, which took place on 1 and 2 July 2006. This enquiry into the public education system is different from enquiries into catastrophic events violating human rights. However, the revelations here represent one of the greatest tragedies silently unfolding in modern India. In fact the horror is hidden in the silence. The findings of the Tribunal are distressing, to put it mildly. Denial of quality education to such large numbers of children in Mumbai has not only seriously reduced their right to equal opportunity; it has also damaged their prospects for a better future.

This state of affairs is not a sudden development. It is deeply rooted in India's social and political history. A brief overview of these developments is presented in order to give perspective to the challenges facing public education in Mumbai today.

Access to knowledge is equal to access to power. For centuries in almost all parts of the world, this power has been controlled by a minority of people and denied to the majority - India is no exception. Ancient Indian mythology has several examples, such as Eklavya and Shambuka, that attempt to justify unequal access to knowledge. The varna system institutionalised this notion of ascribed status through religion, where access to knowledge and skills was pre-ordained for some, with others, such as women and the lower castes, excluded. For more than three thousand years, this condition remained largely unchallenged, with the exception of the work of the Buddha and, later, the work of the poet saints in the thirteenth century.

The advent of British rule brought about some fundamental changes - at least initially. During this period, political and economic upheavals in Europe were challenging the power and authority of the feudal lords and the Church. Two such examples were that of the French Revolution in 1789 and the Industrial Revolution in. Echoes of the changes brought by these two revolutions slowly reached the colonized Indian sub-continent. Consequently, in 1813 the East India Company began its official support of formal education in the sub-continent - almost a century after its arrival in India. For the first time, access to formal education was notionally open to all regardless of caste and gender. The wealthy upper-caste men had initially been the only ones to have the benefit of 'Western' education, however the scenario gradually began to change.

<sup>6</sup> Charles Dickens, *Great Expectations*, (London: Chapman and Hall, 1861).

In 1882, Mahatma Jotiba Phule, a representative of the working castes, made history by becoming the first Indian to demand public education for all. Ironically, the IPT finds itself having to renew this demand 125 years later, that is, the demand that the government take complete responsibility to ensure quality education for all, including marginalized children. What is more ironic is that in 1882, Phule made his demand to British colonial rulers on behalf of the Indian people, yet the IPT is forced to renew this demand to its own government. Sixty years after India gained independence, its own government has failed to fulfill Phule's request.

About thirty years after Phule's memorandum to the Hunter Commission, G.K. Gokhale moved his Free and Compulsory Education Bill in the Imperial Legislative Assembly in 1911.<sup>7</sup> Gokhale pointed out that powerful nations had invested substantially in educating their children. He pointed out that the American government spent 6 shillings per child, the Swiss spent 14, the Australian government spent 11, the British in England spent 10 shillings per child, but that in India the Imperial government spent only 1 penny. He demanded that the British in India follow this development and substantially increase the budget for education. His historic argument justifying even the increase in salt tax in order to subsidize education is well known.<sup>8</sup> However, many members representing the privileged classes of Mumbai, as well as Maharajas and other feudal lords, opposed the bill. The Maharaja of Darbhanga, Bihar collected 11,000 signatures opposing the bill. His memorandum highlighted the problems the feudal classes would face, including a crisis in agricultural labour, if all children went to school. Consequently, the bill was not approved.<sup>9</sup> Meanwhile, most upper caste and some working caste boys, as well as a smaller number of girls, were being drawn into the stream of formal education. However, the caste and gender hierarchy persisted, with higher education remaining limited to the privileged classes. With the upsurge in the Independence movement, many leaders and organizations established educational institutions of their own. Their motives were lofty - to nurture a young generation that opposed foreign rule. Thus their educational networking was primarily a strategy to build a cadre of young, educated people for an independent India, rather than an instrument to fight social inequality. Some of these institutions continue to function even today; and most subsidize education of the fee-paying middle class with substantial aid from the government, continuing to remain outside the reach of the depressed classes.

In 1937, Mahatma Gandhi made an epochal effort at Wardha when he attempted to persuade the elected Congress Governments to build a unique system, the Nai Taleem or Basic Education. He sought to revolutionize every aspect of education by questioning and redefining its fundamentals, including what was worth learning, how learning was to take place and the ultimate purpose of learning. For him, the goal of national independence could not be separated from the attainment of social justice. This vision was, however, not popular with most of the leadership and the plan never really came to fruition, with the governments claiming lack of resources as the reason for non-implementation.

The excuse of lack of resources continued even after Independence and continues to be used today. Dr. Ambedkar deserves the credit for ensuring that the commitment to provide "free and compulsory education" for all children up to the age of fourteen years was expressed unambiguously in 1960 as the 45th Directive Principle in the Constitution and a fundamental right.<sup>10</sup> Today this commitment is diluted. It remains unfulfilled and in its present form as the

7 The Right to Education Bill, India, 2005.

8 K. Kumar, *Political Agenda for Education*, Sage Publications, 1991.

9 A. Sadgopal, *Common School System for the Future of India*, vol. 63, no. 16, 11 May 2008.

10 A. Sadgopal, *supra* note 9.

86th Amendment violates the Constitutional spirit.

The Kothari Commission<sup>11</sup> instituted in 1964 reiterated the original commitment of elementary education for eight years. The Parliament adopted the report as the National Education Policy (NEP) in 1968, but this crucial recommendation of education for eight years was not put into practice. Formal education remained outside the reach of the vulnerable sections of society.

The global events of the mid-1980s compounded the situation. India in the New World Order sought to become a rich country at the cost of its poor. From the mid 1980s, important welfare concerns such as education, health and the public distribution system, lost their priority status in the Indian State. For example, in the field of education, the 1986 NEP ushered in the World Bank (WB) sponsored parallel, substandard education for marginalized peoples in the form of the District Primary Education Programme (DPEP) of 1990.<sup>12</sup> The Jomtien Conference convened by the UN agencies and the WB proved to be the death-knell of the State's commitment to education in any real sense, formalizing the dilution of the idea of equal quality elementary education for all. The Sarva Shiksha Abhiyan in its various avatars is the embodiment of the State's lip service to education.

The Supreme Court judgment of 1993, famously known as the Unnikrishnan judgment,<sup>13</sup> is a silver lining in the recent history of the ongoing struggle for the right to education. The Court ruled in favour of equality and justice in no uncertain terms by stating that Article 45 in Part IV of the Constitution must be read in "harmonious construction" with Article 21 (Right to Life) in Part III, since the Right to Life is meaningless without access to education. With this landmark judgment, the Supreme Court accorded the status of Fundamental Right to "free and compulsory education" for all children up to the age of fourteen years.<sup>14</sup> This decision was one that the State could not ignore, but unfortunately the State has found ways shirk its responsibility and find loopholes. One example of this was in 1997 when the Central Government sought to introduce an ill-formulated bill through the 83rd amendment. Fortunately, the bill had to be withdrawn because of severe criticism from people's organizations, activists and intellectuals. Another such example was in December 2002 when the NDA government tabled a similar draft bill. Despite severe public protests, the 86th Constitutional Amendment was approved by Parliament.

More than half a century after the adoption of the Constitution, education as a fundamental right has now been accepted, albeit with severe fundamental flaws. First of all, the new formulation excludes children in the age group of zero to six years, the crucial years for a child's growth. Secondly, by including the phrase "in such manner as the State may, by law, determine" in Article 21-A, the State is provided with a loophole allowing to escape its duty to provide equal quality full-time education for all. Thirdly, by introducing Article 51A (K), the onus has been shifted to parents to "provide opportunities for education" (rather than making it the duty of the State to ensure quality education). Lastly, State's financial commitment has been reduced by almost 30% of what was suggested by the Tapas Majumdar Committee in 1999.<sup>15</sup>

Ironically, neither the NDA government, nor its successor, the UPA government, ever reached the stage of passing a law and notifying the Amendment. Even six years after its acceptance in Parliament the status of the Fundamental Right to Education remains in limbo.

<sup>11</sup> Kothari Commission on Education, Kothari Commission Report on Education, India: 1964-1966.

<sup>12</sup> A. Sadgopal, *supra* note 9.

<sup>13</sup> J.P. Unni Krishnan v. State of Andhra Pradesh, MANU/SC/0333/1993; AIR 1993 SC 2178 [Unni Krishnan].

<sup>14</sup> A. Sadgopal, *supra* note 9.

<sup>15</sup> Tapas Majumdar Expert Committee, (1999) New Delhi, India.

The UPA government reaped electoral benefits decisively against the NDA's 'India Shining' programme; yet it has made no effort to fulfil its electoral commitments. Despite constant advocacy for a common school system for all children, the government is exploring alternatives, such as the "education vouchers",<sup>16</sup> in order to further dilute this fundamental right and reduce the financial burden and responsibility of the State towards education. Thus far, it has made several draft bills, each more retrogressive than the other. It has gone to the extent of drafting a 'Model Bill' of 2006 and has asked individual State Governments to pass their own versions in the State Assemblies - in short making a mockery of the very concept of this Fundamental Right.

Since the acceptance of the New World Order, the Indian State's commitment to the welfare of its people, a majority of whom continue to be denied basic necessities, has declined. All the while, India's gross domestic produce, defence budget and number of winners in international beauty pageants have been reaching new heights. This finds reflection in the state of public education in Mumbai. While the IB schools catering to the so-called "knowledge economy" are spreading acres and acres of lush land, the number of full-time schools run by the Municipal Corporation has been falling every year.

India is growing, it is indeed becoming obese, its health must be restored, the balance of power must shift - thus this report.

<sup>16</sup> An education voucher is an education subsidy given to target beneficiaries. Criteria for eligibility are established by the government. See E. Weidrich, "Education Vouchers: Is there a Model for India?" (2005) Centre for Civil Society, New Delhi.





Article 21) formed the basis of the Court's decision i.e. the Court held that right to education flows from right to life. The question therefore is whether the Parliament, through the Constitutional amendment, sought to "carve out" education and reduce the scope of Article 21. It can be argued that the rights under Article 21 and Article 21-A are co-existing, though overlapping. On the issue of overlapping rights, the Supreme Court held that the rights guaranteed under Article 21 might overlap with other rights that are guaranteed within the remaining part of the Fundamental Rights Chapter; nevertheless, such rights are independent and cannot be treated as having been "carved out" of article 21 thereby narrowing the scope of Article 21.<sup>28</sup>

Therefore, even after Article 21-A comes into force; it may be argued that the Supreme Court's decision in Unni Krishnan and Article 21-A co-exist, leading to the conclusion that the scope of the fundamental right to primary education covers the following two aspects:

- a) Free pre-school education
- b) Free school education until the child completes fourteen years of age i.e. nine years of formal schooling

The fundamental right to primary education should also be read in light of other fundamental rights enshrined in the Constitution:

- a. Right to life (Article 21), which includes:
  - i. Right to food
  - ii. Right to shelter
  - iii. Right to water
  - iv. Right to safe environment

In addition to the above-mentioned components, Article 21 should be interpreted in light of India's international commitments.<sup>29</sup>

- b. Right of children below fourteen years against hazardous child labour (Article 24)
- c. Right against begging, forced labour and trafficking (Article 23)
- d. Right to freedom of religion (Article 25)

The fundamental rights specified in the Constitution are supplemented by the Directive Principles of State Policy. Article 39(e) requires the State to direct its policy towards ensuring that the tender age of children is not abused, and further to ensure that citizens are not forced by economic necessity to enter into employment unsuited to their age and strength. Further, as the Constitution has not yet been amended by the 86th Amendment, Article 45 calls upon the State to provide free and compulsory education until they complete fourteen years. After the 86th amendment comes into force, Article 45 will stand amended and the State will be required to direct its policies towards providing early childhood care and education to children in zero to six years age group. The 86th amendment has also inserted Article 51A(k), which makes it a fundamental duty of the parent to send their children to school.

<sup>28</sup> *Minority opinion in Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295*: "34. At this stage it will be convenient to ascertain the scope of the said two provisions and their relation inter se in the context of the question raised. Both of them are distinct fundamental rights. No doubt the expression "personal liberty" is a comprehensive one and the right to move freely is an attribute of personal liberty. It is said that the freedom to move freely is carved out of personal liberty and, therefore, the expression "personal liberty" in Art. 21 excludes that attribute. In our view, this is not a correct approach. Both are independent fundamental rights, though there is overlapping. There is no question of one being carved out of another." The minority opinion from Kharak Singh was upheld in *R. C. Cooper v. Union of India, AIR 1970 SC 564*.

<sup>29</sup> See *infra*, section 3.2 on International Commitments for more details.

Case Study, at page 6].<sup>23</sup>

From the above-stated deposition, it is amply clear that the fundamental right to primary education includes nine years of formal schooling from standards one through nine.

The Supreme Court's decision of a fundamental right to primary education was partly reinforced by the Constitutional amendment of 2002, by which the Parliament declared that all children between the ages of six and fourteen (as opposed to children between the ages of zero and fourteen) have a fundamental right to free and compulsory education, 'as the State may by law determine.' Section 1(2) of the Constitution (Eighty-Sixth Amendment) Act, 2002 states as follows: "(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint."<sup>24</sup>

The Central Government has not yet notified this amendment and therefore the said amendment is not yet in force. The Department of School Education and Literacy (Ministry of Human Resource Development, Government of India) has in its letter dated 13 July 2007, stated as follows:

*...In this connection, it is informed that section 1(2) of the 86th Constitutional Amendment Act provides 'it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.'... This notification has not yet been issued pending enactment of the consequential legislation envisaged in Article 21-A of the Constitution.<sup>25</sup>*

While the Government itself says that the notification will not be issued pending legislation, the Tribunal is shocked that the Centre is taking no steps to bring into force Central legislation. On the contrary, the Centre has circulated to all States, a version of the draft Right to Education Bill, 2005 as the Model Right to Education Bill, 2006. This clearly shows the absence of political will to create an enforceable fundamental right to education for children in India.

Nevertheless, it is pertinent to note that the 86th Constitutional Amendment came under great attack from activists and academicians because it seemingly diluted the principle of law laid down by Unni Krishnan i.e. abrogated the fundamental right to pre-school education. After Article 21-A gets notified and comes into force, the issue one needs to address is whether the fundamental right to pre-school education (as was held by the Supreme Court in the Unni Krishnan's case) continues to exist. It may be argued that even after Article 21-A comes into force, there exists a fundamental right to pre-school education. Two arguments may be presented in this context:

a) First, Article 21-A does not begin with a non-obstante clause<sup>26</sup> that overrides existing law. Article 141 of the Constitution reads as follows: "Law declared by Supreme Court to be binding on all courts - The law declared by the Supreme Court shall be binding on all courts within the territory of India."<sup>27</sup> Therefore, the decision of the Supreme Court in Unni Krishnan's case is binding on all courts. A plain reading of Article 21-A does not suggest that it overrides the Supreme Court's decision. Therefore, it may be argued that Unni Krishnan's judgment as well as Article 21-A will operate simultaneously.

b) Alternatively, it may be argued that in Unni Krishnan's Case, right to life (under

<sup>23</sup> *Ibid.* at 6.

<sup>24</sup> Constitution Act 1986.

<sup>25</sup> See Annexure 5 for copy of information received under RTI.

<sup>26</sup> The clause "Notwithstanding anything contained in any other law" or other forms of such expressions are called non-obstante clauses.

<sup>27</sup> Constitution of India, Article 141.

must be construed in the light of the Directive Principles of the Constitution. Thus, 'right to education, understood in the context of Article 45 and 41 means: (a) every child/citizen of this country has a right to free education until he completes the age of fourteen years and (b) after a child/citizen completes fourteen years, his right to education is circumscribed by the limits of the economic capacity of the State and its development.

In the *Unni Krishnan* case, the Supreme Court has referred to education till completion of fourteen years of age as "primary education".<sup>19</sup> The Court stated: "...By primary education, we mean the education, which a normal child receives by the time he completes 14 years of age..." In its subsequent judgments, the Supreme Court has interpreted *Unni Krishnan's* Case as having laid down that there is a fundamental right to "primary education".<sup>20</sup>

Therefore, from the Supreme Court's decisions, it may be inferred that a child has a fundamental right to education till he/she "completes of fourteen years of age." This right has been referred to as a child's fundamental right to 'primary education'. Clearly, post-1993, the phrase 'primary education' has acquired a concrete legal meaning.

The phrase "completes fourteen years" [completion approach] is often misunderstood as "attains fourteen years" [attainment approach]. A plain reading of the Supreme Court's decision indicates that a child has a fundamental right to education, even after he/she attains fourteen years of age, and this right continues until he/she completes fourteen years (i.e. till such child attains fifteen years). This includes not only free pre-school education but also includes nine years of free schooling. Therefore, in the context of school education, the actual norm laid down by the Supreme Court is nine years of schooling and not eight years of schooling.

In their expert deposition on this issue, Centre for Child and the Law, National Law School of India University, Bangalore [CCL-NLSIU] has pointed out that the Government's flagship programme for universalization of elementary education is wrongly based on the 'attainment approach' instead of the legally mandated 'completion approach'. CCL-NLSIU argues that the method of conducting surveys for identifying children in the age group of six and fourteen years for implementing Sarva Shiksha Abhiyan is contrary to the Constitutional mandate. Through their deposition, *Uncounted Children in Karnataka: A Case Study*,<sup>21</sup> CCL-NLSIU has shared with the Tribunal the implications of using two different methods of calculation based on the 'attainment' and 'completion' approaches. It points out that the miscalculation leads to wrong estimates of "out-of-school" and a large number of children are left out of the Sarva Shiksha Abhiyan programme.<sup>22</sup> For instance:

*A comparative analysis of the two-census report shows a phenomenal number of 24 school children who fall under the age group of 6-14 missing in the child census data of SSA. The program census shows 42 out of school children as against 18 in the SSA child census. [Uncounted Children in Karnataka: A*

<sup>19</sup> See para 185, *ibid.*

<sup>20</sup> See *T.M.A. Pai Foundation and Ors. v. State of Karnataka and Ors.*, MANU/SC/0905/2002 : AIR 2003 SC 355. For example, see the following extract from *T.M.A. Pai's* Case: "... Q.9 Whether the decision of this Court in *Unni Krishnan J.P. v. State of A.P.* MANU/SC/0333/1993 (except where it holds that primary education is a fundamental right) and the scheme framed thereunder required reconsideration/modification and if yes, what? A. The scheme framed by this Court in *Unni Krishnan's* case and the direction to impose the same, except where it holds that primary education is fundamental right, is unconstitutional...." See also, *Islamic Academy of Education and Anr. v. State of Karnataka and Ors.*, AIR 2003 SC 3724; *P.A. Inamdar and Ors. v. State of Maharashtra and Ors.*, AIR 2005 SC 3226.

<sup>21</sup> See Annexure *Uncounted Children in Karnataka: A Case Study* by Centre for Child and the Law, National Law School of India University (Bangalore).

<sup>22</sup> See Annexure 4 for entire deposition. *Uncounted Children in Karnataka: A Case Study* by Centre for Child and the Law, National Law School of India University (Bangalore).

## 3. THE LEGAL FRAMEWORK

### 3.1. Domestic Legal Framework

#### 3.1.1. Scope of Fundamental Right to Education in India

During framing of the Constitution the majority comprising the privileged classes and upper castes ignored Dr. Ambedkar's plea to place Article 45 in Part III of the Constitution, thereby denying education the status of a fundamental Right. Instead, this Article was placed in Part IV of the Constitution making it a Directive Principal of the State Policy to be made an integral component of the Constitution by 1960. This timeline was also not fulfilled: In spite of this denial, there are five critical dimensions of the vision of education that emerge from the Constitution which must guide understanding of the Right to Education.

First, this was the only Article among Directive Principals (Part IV) that had spelt out a time frame for its fulfilment viz. *within ten years* of the commencement of the Constitution.

Second, the children below six years of age were included in the reference to the children up to 14 years of age in Article 45. This made the provision of Early Childhood Care (including nutrition, health care and balanced development) along-with pre-primary education of the children from birth to six years of age a Constitutional obligation of the State.

Third, the Constitution placed the agenda of eight years of elementary education before the State, rather than merely five years of primary education. In this light, the failure of the State to provide sufficient infrastructure in both quality and quantity must be viewed as a serious neglect of its fundamental duty. From 1990 this neglect has been officially systematized by the State through the World Bank sponsored DPEP and later the Sarva Shiksha Abhiyan.

Fourth, elementary education must be provided in such a manner as not to violate other provisions of the Constitution, especially Fundamental Rights. For instance, educational planning must be consonant with the principals of equality and social justice enshrined in the Fundamental Rights. The massive support by the State to private aided and un-aided educational institutions of varying quality catering to different sections of the society are as living proof of this violation.

Fifth, the Article 45 should have been invariably read in conjunction with Article 46, which directs the State to give special attention to the education of the SCs and STs.

The discourse on Right to Education got a new turn with the Supreme Court's judgement in the case of *Unni Krishnan v. State of AP*.<sup>17</sup> With this judgement 'Free and compulsory education up to the age of fourteen' assumed the status of a 'Fundamental Right'. The Supreme Court held that there is a fundamental right to education for all children till they complete the age of fourteen. The Court stated as follows:

...though right to education is not stated expressly as a fundamental right, it is implicit in and flows from the right to life guaranteed under Article 2<sup>18</sup>... (and)

<sup>17</sup> MANU/SC/0333/1993 : AIR 1993 SC 2178.

<sup>18</sup> Article 21 reads as follows: "21. No person shall be deprived of his life or personal liberty, except according to procedure established by law."

### 3.1.2. Role of the Centre, State and Urban Local Bodies with respect to Education

Education, which was originally a subject in the State List, was transferred to the Concurrent List of the Seventh Schedule of the Constitution in 1976. Today, both the Centre and the State have equal legislative power over education; subject to the rule that where a Central and State legislation are in conflict, the Central legislation will ordinarily override the State legislation. Currently, there is no Central law governing free and compulsory education. The Central draft Right to Education Bill, 2005 has been abandoned and circulated to all States as the Model Bill to be adopted by the State Governments. The Model Bill has no legal value and no legal action can be initiated against States for not adopting the Model Bill. It has been over a year since the Model Bill was circulated and Maharashtra is yet to adopt the same.

There are however, several Maharashtra State laws covering various aspects of education. Bombay Primary Education Act, 1948, which makes 'free and compulsory education' permissible (but not a right) is not applicable to Greater Mumbai. In Greater Mumbai, the City of Bombay Education Act, 1920 once again makes free and compulsory education 'permissible' and therefore does not guarantee any right. In effect, there is no Maharashtra legislation on the right to free and compulsory education.

Article 243W read with the Twelfth Schedule of the Constitution indicates that education is one of the areas in which decentralised self-governance through urban local bodies is sought to be established. However, in Maharashtra, administration in the field of education was decentralized as far back as 1884.

The Municipal Corporation of Greater Mumbai [MCGM] (also referred to as the Mumbai Municipal Corporation or Bombay Municipal Corporation) is the concerned urban local body, having jurisdiction over the Greater Bombay (Brihan Mumbai)<sup>30</sup> region. 'Greater Bombay' is comprised of two districts - Mumbai and Mumbai (Suburban). MCGM forms the vehicle for decentralized self-governance within this area. Section 61(a) of the Mumbai Municipal Corporation Act, 1888 spells out the functions of MCGM in the context of primary education. This section clearly lays down that "it shall be incumbent on the corporation to make adequate provision, by means or measures, which it is lawfully competent for them to use or to take..." in respect of, inter alia, "...maintaining, aiding and suitably accommodating schools for primary education subject always to the grant of building grants by the State Government in accordance with the Government Grant-in-Aid Code for the time being in force." Therefore, the MCGM has a mandatory statutory legal duty towards primary education. The MMC Act does not define "primary education."

The City of Bombay Primary Education Act, 1920 (which supplements the MMC Act) defines primary education. Section 2(5) of the said Act reads as follows: "primary education" means such education as is for the time being recognized as such by the State Government". Further, section 2(6) of the said Act defines 'recognized primary school' as follows: "recognized primary school means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority." Therefore, it is clear that a primary school is a school that imparts primary education.

A reading of the various laws indicates that "primary education"/"primary school" usually refer to schools imparting education from standards one through four<sup>31</sup> or from standards

<sup>30</sup> See section 3(a1) of the Mumbai Municipal Corporation Act, 1888 for definition of "Brihan Mumbai".

one through seven<sup>32</sup> depending on the context in which it is used. Post-1993, nationally, the phrase 'primary education' has legally acquired the status of a fundamental right. Any usage of the phrase 'primary education' contrary to the Supreme Court ruling would amount to a violation of the fundamental right if such usage has the effect of reducing the scope of the State's duty. States have a duty to provide education in consonance with the Supreme Court's orders i.e. free pre-school education and free education until completion of fourteen years of age. The Tribunal urges the Department of School Education to ensure that legal provisions (through legislations, notifications etc.) are modified to bring them in line with this Constitutional mandate. Alternatively, in order to reconcile existing State laws with the Supreme Court decision, it may be argued that where different meanings are assigned to the phrases "primary education"/"primary schools" in State laws, they would have to be construed as such for purely administrative purposes (such as qualification of teachers, teachers' salary structures, fees and so on). Contrary meanings assigned in State-level laws cannot reduce/dilute the scope of a child's fundamental right or the corresponding duty of the state to provide free and compulsory primary education. For example, the official website of MCGM claims that "Though it is not binding responsibility of Corporation, BMC has started 51 secondary Schools considering the public interest and welfare of the people,"<sup>33</sup> which is legally untenable because the MCGM cannot reduce its duty to provide primary education until class nine. Similarly, MCGM has been responding to requests for secondary schools by issuing written replies that they are under no legal duty to take responsibility for such schools.

**Extract from Letter No. Sec Sch/9145 dated 17 January 2005 written by Deputy Education Officer**

"To impart secondary education is not the duty of the corporation due to economic difficulties. Considering the present financial conditions of the corporation, it cannot afford to open new secondary school. A resolution to this effect has been passed in Mayor's conference – No. 916/dt 27-7-1998. It would not be possible to start secondary schools as mentioned in your above letter"

**Extract from letter No. EOP/1725 dated 9 August 2005 written by Education Officer in Charge**

"To run a secondary school is not binding for the corporation, therefore, it would not be possible to open a secondary school."

The above letters, which have been brought to the attention of the Tribunal are legally untenable for the following reasons:

1). Misreading of the 'primary education' in Section 61(q), MMC Act. Since the said section seeks to directly define the scope of MCGM's duty vis-à-vis primary education, and is not purely for administrative purposes (such as teachers' qualifications/salaries etc.) no

<sup>31</sup> See *Dhanaraj Lakhaji Kamble v. Education Officer, Zilla Parishad and Ors*, MANU/MH/1309/2002. The Bombay High Court held that a primary school is a school where the course of study is provided from first standard to fourth standard. See also, Definition of 'high school' in the Secondary Schools Code: "A High School is a secondary school, which provides a course in general education leading to the Secondary School Certificate Examination (S.S.C. Examination) or an equivalent examination recognized by Government at the end of tenth standard. Such a school may provide instruction from fifth standard or above, but not beyond tenth standard," (emphasis added).

<sup>32</sup> See the usage of the word "primary stage" in the Secondary Schools Code in Note (1) of Rule 22.2 (i.e. in the context of transfers from a school outside Maharashtra): "At the primary stage i.e. so far as Standards I to VII in Maharashtra State concerned and which are outside the jurisdiction of the Maharashtra State Board of Secondary and Higher Secondary Education and which have been defined as "Primary School Standards", the admission should be given in the same class."

<sup>33</sup> See the Section titled "About Us" in the Official Website of Municipal Corporation of Greater Mumbai, <http://www.mcgm.gov.in>.

other alternative meaning can be assigned to it. Any provision (vide circular/notification/rule etc.) contrary to the meaning given by the Supreme Court would have to be withdrawn. When section 61(q), MMC Act is interpreted in light of the Supreme Court's decisions, one can clearly delineate MCGM's mandatory statutory duties in the following manner: a) duty to provide free pre-school education and b) duty to provide free and compulsory school education at least until standard 9.

2) Provisions for implementing fundamental rights are not subject to the financial capacity of the State. Therefore, the MCGM should know that lack of finance is a poor alibi in matters relating to fundamental rights, as has been declared by the Supreme Court in the case of *Municipal Council, Ratlam v. Vardichan and Ors.*<sup>34</sup>

Therefore, the Tribunal urges the Department of School Education and the Education Committee (MCGM) to re-visit all laws (legislations and notifications) to bring them in line with the Constitutional mandate.

Under section 61(q) of the MMC Act, MCGM can discharge its statutory function towards formal schooling in two ways:

a) Establishing government schools i.e. maintaining and running schools until standard nine;

b) Supporting private schools i.e. by aiding schools run by private managements, which are recognised by the Education Committee of MCGM depending upon whether they are in accordance with certain criteria.<sup>35</sup>

Rules of recognition for private schools are governed by the Grant-in-Aid Code and the Secondary Schools Code. The legal framework for private aided schools is as follows:

Standards	Type of school under Code	Chief Law
1 - 4 only	Primary School	Grant-in-Aid Code
1 - 4 + 5 - 7 i.e. from 1 - 7	Primary school	Grant-in-Aid
5 - 7 only	Secondary school	Secondary Schools Code
5 - 7 + 8 - 10 i.e. from 5 - 10	Secondary School	Secondary Schools Code

Relevant extracts from the Codes are presented below:

## Grant-in-Aid Code

### Admission and Rustication

- Admission not to be denied merely on grounds of race, caste, creed or language (Rule 10)
- No child to be admitted without school leaving certificate if he/she has previously attended another recognised school. (Rule 20)
- For children who are attending school for the first time, or who have not attended another recognised school, birth certificate is required (Rule 20)

<sup>34</sup> *Municipal Council, Ratlam v. Vardichan and Ors.*, 1980 4 SCC 162.

<sup>35</sup> *Mumbai Municipal Corporation Act, 1888, section 61(q).*

**Fees**

- Parents cannot be asked to contribute to any funds or raise money for special occasions; donations in cash or kind are not allowed; school and/or management can collect funds only on a purely voluntary basis with prior approval of "appropriate authority" and such collection cannot be during one month before or after admission, declaration of results. (Rule 5BB)

**Class Strength (Rule 27)**

- Forty students (maximum) per class or per standard.
- Minimum 8 square feet per child seating space.
- Classes with less than twenty children will not be recognised as a rule. Exceptions will be made by the Education Department.
- School having standards from one through four, but with less than sixty children on the rolls will not be recognized as a rule.

**Schooling Hours and Days**

- Minimum four hours per day for five days and two hours on any other day of the week.
- Maximum number of holidays (including vacation) is 95 days to 105 days (exclusive of half-days and Sundays).

**Curriculum**

- Curriculum as prescribed by the Education Department should be adopted. The school manager can make changes with prior approval of the Department. (Rule 9)
- Only those textbooks sanctioned by the State Government of Maharashtra or Education Department of MCGM can be used. (Rule 12)
- No religious instruction is to be provided in a school wholly maintained out of State funds. Exception exists where the school has been established under an endowment or trust that requires religious education. (Rule 11)

**Secondary Schools Code****Admission and Rustication:**

- Schools to reserve 52% for backward communities (Scheduled Castes, Scheduled Tribes, Special Backward Classes and Other Backward Classes). (Rule 13)
- Admission not to be denied merely on grounds of community, caste or religion. (Rule 14)
- No child to be admitted without school leaving certificate if he/she has previously attended another recognised school. (Rule 17)
- For children who are attending school for the first time, or who have not attended another recognised school, birth certificate is required (Rule 17)
- Child who fails twice in the same standard can be asked to leave the school. (Rule 56)
- Repeated insubordination/malpractice in examination/wilful mischief can be



grounds for expulsion from school. (Rule 56)

### Fees

- Parents cannot be asked to contribute to any funds or raise money for special occasions; donations in cash or kind not allowed; school and/or management can collect funds only a purely voluntary basis with prior approval of "appropriate authority" and such collection cannot be during one month before or after admission, declaration of results. (Rule 11)
- Schools not to charge fees other than standard rates notified in the Code (Rule 49): Standard five - Rs. 5/-, Standard six - Rs. 6/-, Standard seven - Rs. 7/-, Standard eight - Rs. 8/-, Standard nine - Rs. 9/-, Standard ten - Rs. 10/-.
- Admission fee equivalent to one month's tuition fees can be charged at the time of admission (Rule 49).
- As per Rule 50, separate fees for co-curricular and extra-curricular activities cannot be charged except for a consolidated term fee for items provided in the Rule 50.6 of the Code. However, rule 50.6 clause (21) has an omnibus clause, "any other curricular or co-curricular activities", which almost makes Rule 50.1 redundant.

### Class Strength

- Maximum strength in any class is 50, extendable to 60 with prior permission. Every additional class can have a maximum strength of 45, extendable to 50 with prior permission. (Rule 13)
- Each classroom should have enough space for the students actually admitted at the rate of seven square feet per child. (Rule 13)

### Schooling Hours and Days

- Maximum 80 holidays in a year, including Sundays.
- School should work for a minimum of 230 days and do actual instructional work for not less than 195 days in an academic year.
- Five hours of instruction per day for five days/week. School to meet for six hours per day with recess.
- On any one day, school to meet only for two to three hours with recess.
- 26 – 27 instructional hours per week.

### Curriculum

- Only those textbooks that are sanctioned by the Department, Maharashtra State Board of Secondary and Higher Secondary Education or the Council for Indian School Certificate Examination can be used. (Rule 44)
- Except sanctioned textbooks, use of other books cannot be made compulsory. (Rule 44)
- Workbooks, cram books, guides, etc. should be used. (Rule 44)
- No religious instruction to be provided in a school wholly maintained out of State funds. Exception where school has been established under an endowment or trust that requires religious education. (Rule 45)
- In cases of schools that are aided, no child will be required to attend religious instruction without the written consent of the parent at the time of admission. (Rule 45)

#### Medical Examination

- Medical examination is mandatory and should be conducted in standards five, eight and ten.

In addition to the above laws, several schemes are implemented by the State. Chief among these is the Sarva Shiksha Abhiyan [SSA] and the Mid-day Meal Scheme [MDMS]. Both these schemes are the shared financial responsibility of the Central and State Governments. For SSA, during the 10th Plan period (2002 - 2007), the Centre-State financial share is in the ratio of 75:25, which will be altered to 50:50 in the 11th Plan period. SSA is implemented by concerned State SSA Societies. In Maharashtra, the Maharashtra Prathamik Shikshan Parishad implements the SSA. MDMS is implemented by the Department of Women and Child Development, Government of Maharashtra.

The National Programme for Education of Girls in the Elementary Level (NPEGEL), which was introduced post-SSA forms the gender component plan of SSA. NPEGEL is required to be implemented by either the State Mahila Samakhya Society or the State SSA Society for educationally backward blocks [EBBs].<sup>36</sup> In addition to EBBs, NPEGEL may also be implemented in blocks of districts that have at least 5% SC/ST population and SC/ST female literacy rate below 10%. Since the Mahila Samakhya Scheme has not been implemented in Maharashtra, there is no Mahila Samakhya Society. Therefore, the responsibility of implementing NPEGEL rests with MPSP (SSA Society). Mumbai does not fall within the category of EBB or block of district with low SC/ST female literacy. However, it is pertinent to note that NPEGEL also provides that the scheme should be implemented in selected urban slums. It is for the States to decide which urban slum areas should be brought under the scheme. Under the NPEGEL, existing schools should be identified to develop them as 'model cluster schools' for girls [MCS]. MCS is required to be developed for every cluster (five to ten villages) as a model girl-child friendly school. Each MCS receives grants for several infrastructural changes and educational activities.<sup>37</sup> Chief infrastructural changes are the construction of an additional classroom supply of drinking water, the supply of electricity and the installation of a toilet. Another crucial intervention made by the NPEGEL is the provision for child care centres, which are intended to relieve girls of the responsibility of sibling care. Additional incentives to girl children may also be given within the SSA norm of Rs. 150/- per child per year. It is important to note that Rs.150/- per child per year is already used to provide free textbooks. Therefore, only the balance amount may be used to provide additional incentives to girls. The decision to provide additional incentives should be need-based and can be taken at the school level by Mothers' Committee/Women's Committee or Parents Teachers Association. NPEGEL also has a comprehensive structure for monitoring its implementation.<sup>38</sup>

The Kasturba Gandhi Balika Vidyalaya Scheme (KGBV), which provides for residential schools for girl children, is also administered in educationally backward blocks [EBBs]. Mumbai is not identified as an EBB of Maharashtra and therefore the said schemes are not implemented in Mumbai.

### 3.2 INTERNATIONAL LEGAL FRAMEWORK

There are several international instruments upholding the right to education. India is

<sup>36</sup> Educationally Backward Blocks (EBB) are blocks where the level of rural female literacy is less than the national average while the gender gap is above the national average.

<sup>37</sup> See Annexure 7 for copy of NPEGEL.

<sup>38</sup> Id. NPEGEL document explains the structure

legally bound to adhere to only those that it has ratified. Three key instruments that India has ratified, and that have a bearing on elementary education are as follows:

1. Universal Declaration on Human Rights, 1948
2. International Covenant on Economic, Social and Cultural Rights, 1966.
3. Convention on the Rights of the Child, 1989

The content of these instruments and the interpretation given to their provisions internationally assume importance in light of the Supreme Court's decision. The Supreme Court has laid down that even in the absence of legislations giving effect to international law and principles that have been ratified by the State, the same may be read into the 'Fundamental Rights' Chapter of the Constitution to make them enforceable.<sup>39</sup>

Article 26 of UDHR lays down that free education should be provided at least in the "elementary and fundamental stages" and is compulsory.<sup>40</sup> Article 13 of ICESCR<sup>41</sup> and Article 28 of CRC<sup>42</sup> provide inter alia that primary education shall be free and compulsory. The UN Special Rapporteur on Right to Education has recommended that the right to education should not be demarcated into primary, basic, fundamental, etc. because this leads to confusion related to varying terminologies. She also observes that there is great mismatch between what countries perceive to be basic education and what international human rights instruments intended. She has stated that the intention behind the concept of right to education in international human rights instruments was to cover children in the age group of six to fifteen years i.e. it was aimed at linking the right to education to the minimum age for employment,<sup>43</sup> whereby education should be made compulsory until the legally allowed minimum age for employment. This linkage between minimum age for employment and minimum level of schooling-irrespective of the manner in which it is referenced-has also been repeatedly endorsed by the Committee on the Rights of the Child [Committee].<sup>44</sup> However, several countries have lost sight of this connection and therefore, primary education is not being provided up to the minimum age for employment. Therefore, the UN Special Rapporteur advocates a focus shift from "primary schooling" which is compulsory to "compulsory schooling" until minimum age for employment. It is pertinent to note that in India, there is no legislation that prescribes a minimum age of employment. Article 24 of the Constitution provides that children cannot be employed in factories/mines or in other hazardous forms of labour until the age of fourteen. Post-Unni Krishnan Case, it may be argued that since the Supreme Court envisaged that all children should be in schools until the completion of fourteen years of age, the minimum age of employment has been indirectly laid down by the Court as fifteen years.

Further, the meaning of Article 13 of ICESCR has been expounded upon by the Committee on Economic Social and Cultural Rights [CESCR] through its General Comment on Right to Education.<sup>45</sup> The ICESCR has adopted the UN Special Rapporteur's framework

39 *Vishaka and Ors. v. State of Rajasthan*, AIR 1997 SC 3011.

40 See Annexure B for extract from international instrument.

41 See Annexure B for extract from international instrument.

42 See Annexure B for extract from international instrument.

43 See Commission on Human Rights, Annual Report of Special Rapporteur on the Right to Education, UNHCR, 2001, 57th Session, E/CN.4/2001/52., at para. 82, available at <http://www2.ohchr.org/english/issues/education/rapporteur/annual.htm> [hereinafter cited as Spl. Rapporteur 2001].

44 See for example Committee on the Rights of the Child, Report of the Twenty-Eighth Session, CRC/C/111, 28 November 2001, at para. 49, available at: <http://documents.un.org/mother.asp>.

45 Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, Right to Education (Article 13 of the Covenant), General Comment No. 13, E/C.12/1999/10, December 8, 1999, at para 15, available at, [www.un.org](http://www.un.org), visited on July 13, 2006.

of rights and has stated that the State has a four-fold duty to make schools available, accessible, adaptable and acceptable:<sup>46</sup>

- Duty to make schools available 'duty to make financial investment to ensure sufficient number of 'functional' schools;
- Duty to make schools accessible 'duty to make schools free of cost and free from discriminatory practices and take measures that are 'enabling';
- Duty to make schools adaptable 'duty to make the content flexible to adapt to the changing needs of students within their cultural settings;
- Duty to make schools acceptable 'duty to ensure that curriculum is acceptable to parents and children; that language does not form a barrier to education; and that schools are 'child-friendly'.

The above duty framework is integral to Article 13 of ICESCR and the same may be used to interpret the scope and implications of India's international commitment towards education.

<sup>46</sup> Dr. Niranjanaradhya et al, *The Fundamentals of the Fundamental Right to Education in India* (Bangalore: Books for Change, 2006) at 19.



## 4. FINDINGS AND OBSERVATIONS

### 4.1. Access, Enrolment and Retention

#### 4.1.1 Access to Pre-School Education

Though under a statutory duty to provide pre-school education, MCGM has not taken any measures to discharge this function. The main schemes in India that address pre-school education are as follows:

- a) Integrated Child Development Services Scheme (ICDS),
- b) Early Child Care Education Scheme (ECCE), and
- c) Sarva Shiksha Abhiyan (SSA).

ECCE Scheme, which is a scheme primarily meant to supplement the ICDS Scheme, is not implemented in Maharashtra. The ICDS Scheme, which is primarily implemented by the Department of Women and Child Development, has the following basic parameters:

- One ICDS centre for every 1000 persons in rural and urban areas; one ICDS centre for every 700 persons in tribal areas.
- In slums, 1 ICDS centre for every 40 children can be demanded by the people. State to set up an ICDS centre within three months of such a demand.
- ICDS centre to provide health check ups and immunization, supplementary nutrition as per prescribed norms and early childhood care and education.

While the ICDS scheme does provide for a pre-school educational component, the said component has been officially acknowledged to be very weak. The thrust of the scheme is nutritional support to children in the age group of zero to six years. The Mid-Term Appraisal of the Tenth Plan assesses the ICDS scheme in the following manner:

Since the education component of anganwadis under ICDS is very weak, the repetition rate in primary classes is quite high due to enrolment of underage children. There is a heavy casualty of dropouts in Class I and II. This wastage has to be stemmed by strengthening pre-school education. SSA should have a separate component for ECCE, where ICDS is not in operation. Even where ICDS is operating, the preschool component of ICDS should be covered under SSA. This component should include, *inter alia*, need-based training of anganwadi workers, supply of TLM like play-way kits, supporting development of curriculum and materials for ICDS and honorarium for ICDS workers for extension of anganwadi timings to the duration of school hours. Efforts should be made to locate ICDS centres within school premises or in the close proximity of primary school. It is also essential that joint training programmes are organised for primary school teachers and ICDS workers to facilitate transition of preschool children to Class I of primary school.<sup>47</sup>

In order to strengthen the pre-school education in ICDS, SSA contains a component

<sup>47</sup> Mid-Term Appraisal of the Tenth Five Year Plan (2002 – 2007), at para 2.1.27.

on pre-school education. The SSA document clearly states as follows:

...The Sarva Shiksha Abhiyan realizes the importance of pre-school learning and early childhood care and its role in improving participation of children in schools. In order to facilitate a greater convergence with the Integrated Child Development Services, efforts to strengthen them in the area of pre-school education will be made. Specific support will be available to existing ICDS centres.... The supplementary support for ECCE will always be in conjunction with the ICDS. Provision of honoraria for pre-school teacher, training of anganwadi sevikas for Pre-school learning, activity materials, play items, etc., could be provided as support for ECCE.... A provision of up to Rupees fifteen lakhs per year in a district for any innovative intervention including for Early Childhood Care and Education has been made.<sup>48</sup>

Accordingly, supplementary interventions suggested under SSA are as follows:

- Need-based training of anganwadi workers;
- Provision of additional person in anganwadis;
- Provision of additional learning materials;
- Setting up pre-school education centres in areas where there is no ICDS centre;
- Organising training programmes for community workers;
- Planning for early childhood care and education;
- Development of materials for early childhood care and education activities;
- Providing convergence between the school system and the pre-school arrangement.

The annual budget and work-plan of the BMC indicates the following financial allocation towards pre-school education:

Year	Allocation under the Head Innovation/ Early Childhood Care and Education
2002 – 2003 for Mumbai City	9 lakhs for Zone I 9 lakhs for Zone II 16 lakhs for Zone III
2003 – 2004	Data not given
2004 – 2005 for Mumbai (Suburban)	15 lakhs
2005 – 2006 for Mumbai (Suburban)	14.88 lakhs

Source: Data dated 12 December 2006 obtained in response to RTI application.

Even though the data presented above does not give a chronologically consistent picture of the amount allocated by the MCGM towards pre-school education, it nevertheless shows that a certain sum is set aside for pre-school education. Discussions with anganwadi sevikas indicate that the MCGM has not in any way helped in the implementation of the ICDS and therefore it is unclear how this money has been utilized.

*"...We are in no way concerned with the BMC. We have no connection with the BMC at all. They do not train us, they do not give us any support. On the contrary, the BMC makes us do additional work for free (khali phukat). For example, even though a nurse from PHC should come and help in giving*

<sup>48</sup> Early Childhood Care and Education, Sarva Shiksha Abhiyan at para 5.3.

*vaccines and polio, they do not send anyone and expect us to do it all on our own. All anganwadi workers are going to protest against these things. ..."*  
[anganwadi sevika during a discussion]

The Tribunal also sought to examine the quality of pre-school education within the existing ICDS framework.<sup>49</sup> First, we found that there are several pockets in slums that do not have government-run anganwadis or alternatively, there is a complete lack of awareness amongst parents regarding such anganwadi facilities. Almost 90% of the anganwadis are run in private homes (invariably small, cramped, one-room places), which are not suitable for any teaching or learning to take place. Wherever there is evidence of some form of pre-school education, the principles of early childhood learning and child development have been ignored. Untrained persons as opposed to teachers run the said pre-school education. Most often such interaction is a poor imitation of the structures and curriculum (themselves questionable) followed in private schools and play centres. The findings are presented below:

	Zone 1 (Total 16 bastis)	Zone 2 (Total 36 bastis)	Zone 3 (Total 20 bastis)
No government-run anganwadis OR No awareness amongst parents/children regarding presence of government-run anganwadis	9	18	6
Anganwadis used only for supplementary nutrition and no pre-school educational component	3	1	3
Anganwadis where songs/stories are taught+ games played	3	5	4
Anganwadis present but no information on pre-school educational component	NA	6	5
No information at all regarding anganwadi	NA	6	2

The quality of the pre-school education component is captured by the following discussion with anganwadi sevikas:

*"...There is no fixed syllabus as such. Sometimes we teach A,B,C,D because some parents come and ask us to teach their children. Otherwise we don't. The Government does not ask us to teach A,B,C,D or teach 1,2,3,4. We usually teach "badh-badh geet" and allow them to play some small games. Initially, the Government used to provide slates and chalk pieces, but now they have stopped that. Occasionally, like once in three years or so, the Government gives us charts – fruit charts, vegetable charts, etc. And we display these. But now for a very long time we have not received any charts. There is no system where they can give us charts every six months or once a year...and these things are difficult to maintain because children sometimes tear them/scribble on them. Also, it is very difficult for us to teach children because anganwadis are run in homes. Sometimes, the husband goes on night duty and then during the day he sleeps at home. So then they shout at us if we teach loudly or allow the children to speak because their sleep gets disturbed. So children have to be quiet in the anganwadi. In such circumstances, it becomes very difficult to teach children. Another problem is that there is very little space in the anganwadi for children to sit and learn or play games. The Government gives us old-fashioned grinders for flour. Why do we need this? We don't need to make*

<sup>49</sup> Based on the findings from focus-group discussions held in 71 bastis in Mumbai.



### 4.1.1 Reduced role of the State (including MCGM) in school education

Free education for all children requires an important investment from the State. Merely examining budgetary allocations in a vacuum will not indicate the adequacy/inadequacy of the investment made by the State in education. The investment will therefore have to be examined in light of several factors such as growth of population, extent of migration, growth of slum population and so on. As per the 2001 census, Maharashtra received the largest number of migrants (7.9 million). Furthermore, the total number of immigrants over a period of ten years is largest in Greater Mumbai.

Mr. Mahesh Kamble (TISS) shared with us the trends in State Government budget. While actual expenditure on education occupies 15% of the total expenditure, it nevertheless has a decreasing trend. For example, the expenditure for 2004 – 2005 was 16.28%, in comparison to expenditure in 2005 – 2006 i.e. 15.5%. Even at the Central level, budgetary allocation has been on a decreasing trend.

As comparison to	GSDP
1999-2000	3.9%
2002	3.48%
2004-2005	2.69%
2005-2006	2.56%
2006-2007	2.36 (expected)

The actual expenditure of budgetary allocations at the Central level show that only 50% of the allocated sum has been spent in each plan period. For instance, in the 1997 – 2002 period (Nineth Plan), provision for 2260 crores was made, while only 1100 crores was actually spent in the plan period. This is approximately 50% of the planned expenditure. Similarly, in the Tenth Plan period (2003 – 2007), provision for 2538 crores have been made, but only 50% has been actually spent.

The State's budgetary trends were supplemented by the preliminary analysis and findings presented by Ms. Phoebe Simon (YUVA) regarding MCGM's budget:

Table 1

Rs. in Crores

Row No.	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006- 2007	
2	MCGM budget	5199	5519	6257	7239	7717	9865
3	Education budget	495	504	609	705	689	779
4	Education budget as % of MCGM budget	9.52%	9.13%	9.73%	9.74%	8.93%	7.90%
5	Percentage increase in MCGM budget over 5 Years	6.16%	13.37%	15.69%	6.60%	27.83%	
6	Percentage increase		1.82%	20.83%	15.76%	- 2.27%	13.06%

*flour in the anganwadi. But we still have to store such useless items and this takes up a lot of space. We share all these things in training meetings. For example, the anganwadi is run from 10 to 1:30. During this time, we have to collect children, start the session with some prayer, followed by "badh-badh geet" and then food. It takes up all the time. After that we have to fill in so many registers. This takes up about two to three hours everyday. Instead, we can plan our day better and focus on teaching children," [Discussion with Anganwadi Worker].*

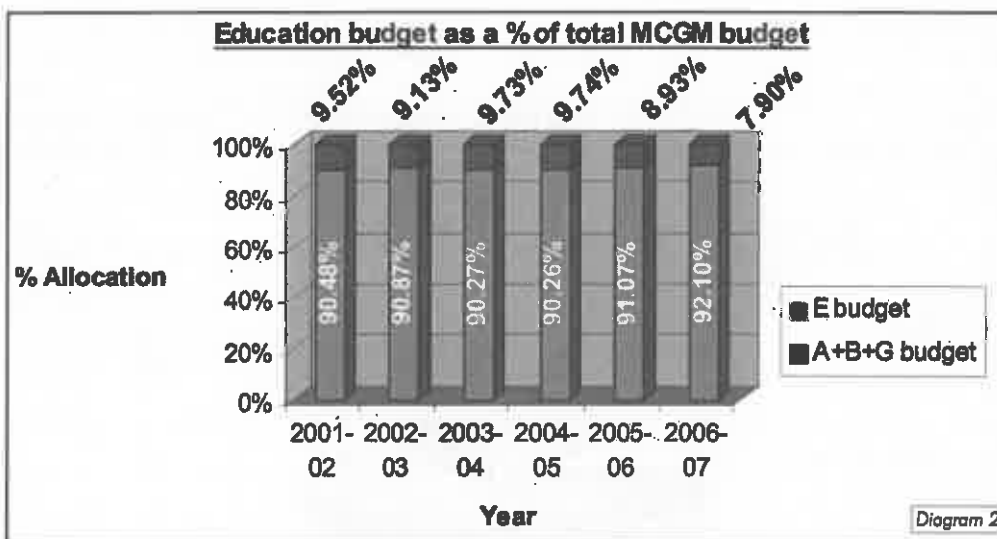
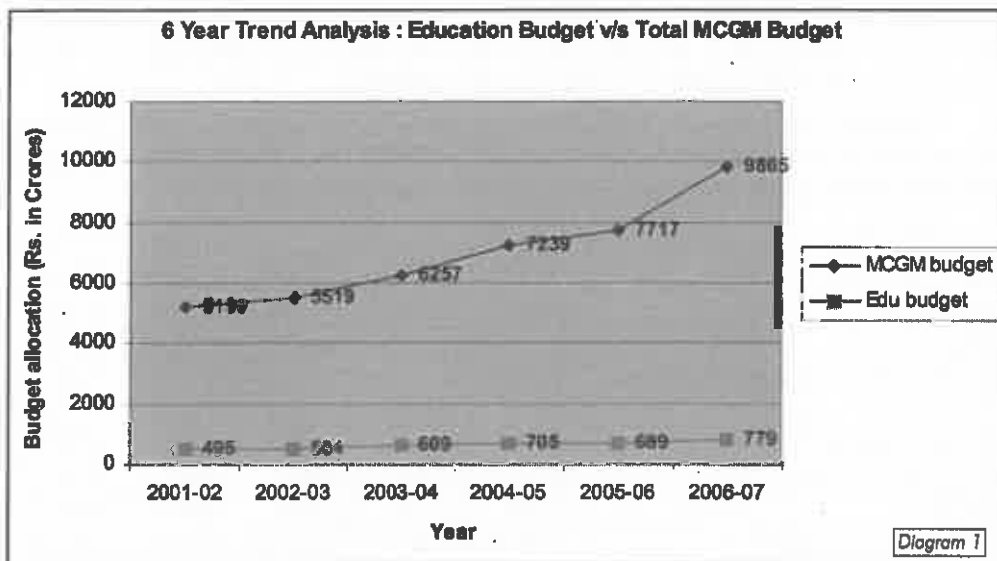
Such concerns were voiced repeatedly by several anganwadi sevikas. Therefore, the Tribunal finds that the pre-school education component is unstructured. The DWCD/ Department of School Education and the Education Department of the MCGM have not co-ordinated to develop a concrete plan for pre-school education. Further, there is absolutely no linkage between pre-school education and the existing school education structure. The Tribunal has not received any information to suggest that there is an organic linkage between pre-school education and municipal schools.

#### **Summary of Findings**

- The fundamental right to pre-school education has been neglected.
- The MCGM, while under a statutory duty to provide for pre-school education, has not done so because of an inaccurate interpretation and usage of the term "primary education".
- Given that the MCGM does not provide any intervention at the pre-school level, it is unclear how the SSA funds for ECCE are being utilized.
- The pre-school educational component of ICDS is at best unstructured and weak.
- There is no organic linkage between pre-school education and formal schooling in municipal schools in Mumbai.

#### **Recommendations**

- The SSA component for pre-school education should be utilized fully by MCGM. The status report should be updated on the Government's ICDS website <http://www.icds.gov.in> for the public to review.
- MCGM and Department of School Education should develop a Plan of Action to develop the pre-school education curriculum and train all anganwadi sevikas to follow the same. The same should be made available to everyone at <http://www.icds.gov.in> and <http://www.mcgm.gov.in>
- MCGM should fulfil its statutory duty and play a more active role in supplementing the existing ICDS scheme, particularly its pre-school education component by providing teaching materials, materials for children as well as training to anganwadi sevikas.
- Most importantly the MCGM should formulate a plan to link all existing anganwadis to the municipal school within the said area/vicinity.
- There should be participation of parents and the civil society to ensure that the Anganwadis discharge their functions effectively.



The fifth and sixth row from Table 1 demonstrate that budgetary allocations in the MCGM seem rather unplanned and arbitrary. It is very difficult to draw a trend as to the proportionate increase in education budget as the MCGM budget increases each year. As one can see, while in 2002 - 2003, when the MCGM budget increased by 6%, the education budget increased by 1.8%. However, in the following year (2003-04), when the MCGM budget increased by 13%, the education budget shot up by 21%. In 2004 - 2005, the increase in both is almost equal, but in the following year (2005 - 2006), while the MCGM budget increased by 6.6% (although lesser than the increase in the previous year), the education budget declined by 2%. All this reveals unsteadiness in education budget planning.

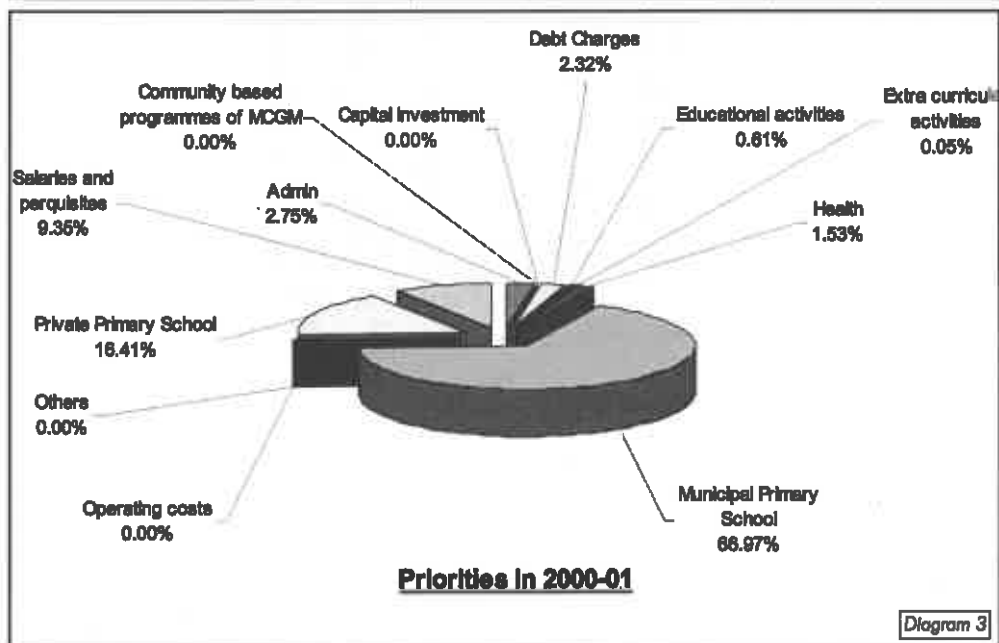
Interestingly, however, one can also read a planned decrease in allocation to education as a percentage of total MCGM budget, since 2005 - 2006 (Row 4). See also Diagram 2.

Therefore, it is an area of concern that the MCGM may be prioritizing other investments at the cost of free education. At a prima facie level, this also hints that the MCGM may be moving towards a slow withdrawal in education investments.

In addition to the trends in budgetary allocation towards education, it is also interesting to examine the trends in expenditure of the budget itself. The following table indicates all the expenditure heads.

*Rs in Thousands*

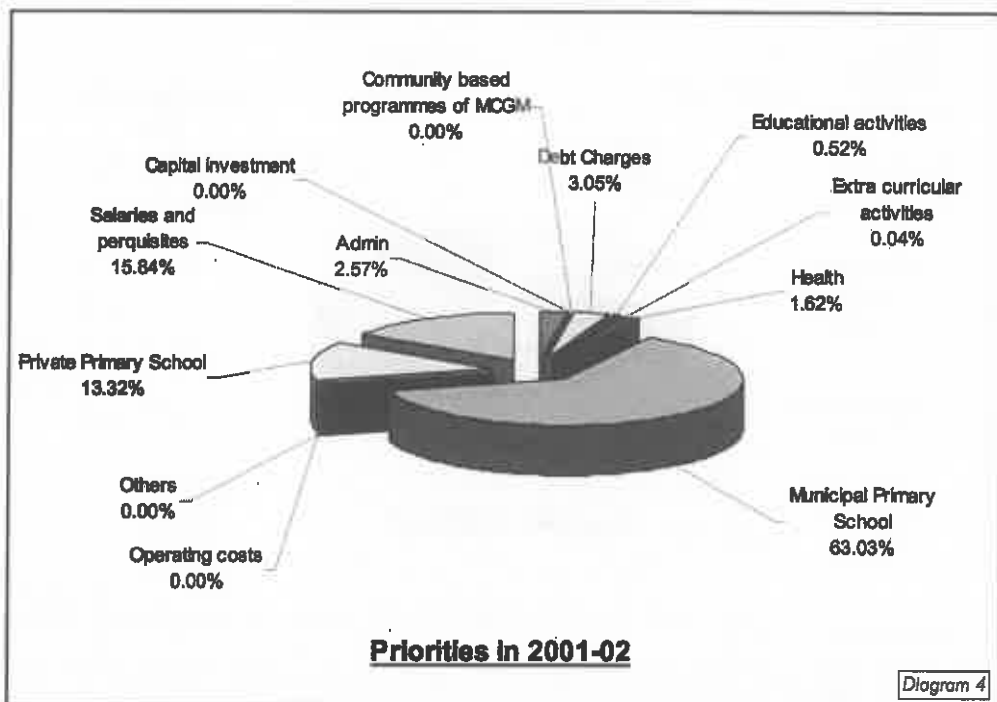
Expenditure Heads	2000-01	2001-02	2002-03	2003-04	2004-05
Administration	102315	104772	141785	116384	114069
Capital investment	0	0	135000	363000	85000
Community based programmes of MCGM	0	0	0	0	1554
Debt Charges	86141	124479	137578	132672	112583
Educational activities	22762	21384	21866	21828	20691
Extra curricular activities	1946	1759	2039	2269	1926
Health	56900	66193	42982	60323	68923
Municipal Primary School	2487128	2569108	2715124	2612870	2703045
Others	147	0	41226	0	17962
Operating costs	0	0	17048	370	0
Private Primary School	609271	542895	597799	632533	630481
Salaries and perquisites	347264	645461	875327	1278777	1329930
Total	3713874	4076051	4727774	5221026	5086164



From Table 2 and Diagram 3, the following points emerge as regards expenditure priorities in 2000 - 2001:

- Maximum expenditure incurred in Municipal Primary Schools at 67%. According to the Budget document, this was spent on supervision costs, schools, libraries and

- Provident Fund Charges;
- 16.4% of the budget has been spent on Private Primary schools for supervision and as grant-in-aid to schools;
  - 9.4% of the budget has been spent on salaries and perquisites (pension, PF, and deposit linked insurance scheme), followed by 2.8% administrative expenditure, 2.3% debt charges and 1.5% on health (medical inspection of children and mid-day meal);
  - 0.6% has been spent on educational activities – Urdu Teachers Junior College of Education (separate for males and females), refresher courses for teachers, training facilities for municipal teachers (Hindi), functions, scouting, education research unit, physical education, elocution and other competitions for students, Academy of Music and Art and Language Development Project at Gilder Tank;
  - 0.05% has been spent on “Extra-Curricular Activities” as named in the budget document, which includes, teaching aid centres, audio-visual education and Institute of Maths and Science.<sup>50</sup>

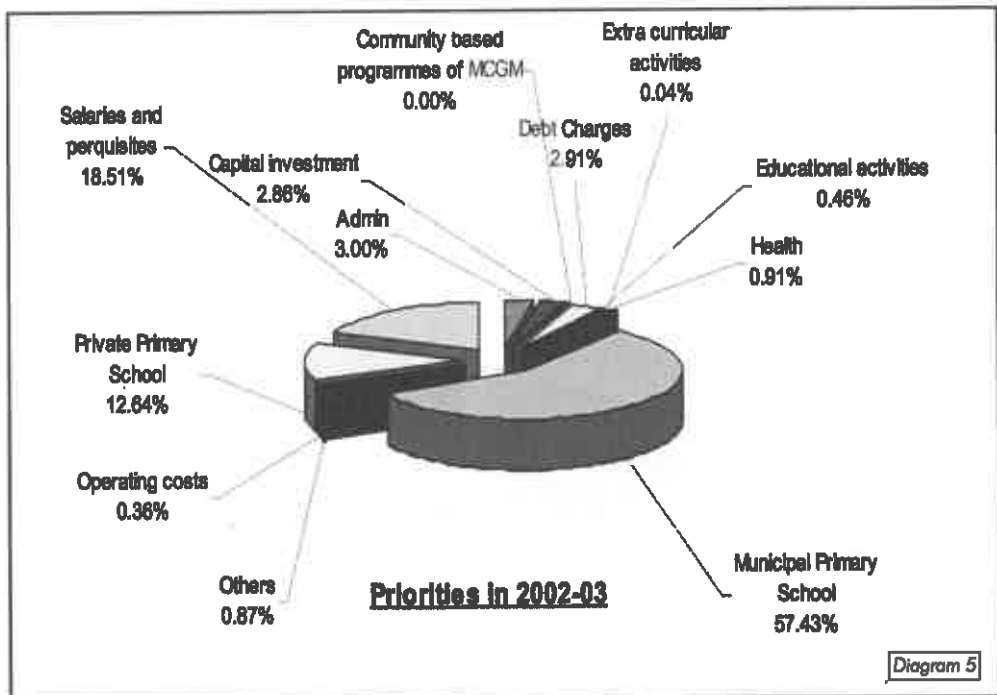


From Table 2 and Diagram 4, the following can be observed regarding expenditure priorities in 2001 - 2002:

- The maximum expenditure in this year is again incurred in Municipal Primary Schools at 63% (although its proportion in the total expenditure on education has decreased by 3%);

<sup>50</sup> The other sub-heads under this (as given in the budget document) are, play centre cum balbhavans, education guidance centres, development of curriculum centres, development of computer education centre and Urban Primary Education For All (SSA). No expenditure has been booked under these heads for all 5 years.

- Expenditure in private primary schools have also decreased this year from 16.4% to 13.3% and stands third in the priority list for this year (after salaries and prerequisites);
- Proportionate expenditure on salaries and prerequisites have shot up from the previous year by approximately 7% (at 15.8% this year), to come second in the priority list of the MCGM for this year. In real terms too, the expenditure has increased by 86% from the previous year;
- Proportion of debt charges marginally increase by 0.73%;
- Proportion of administration costs remains almost the same as the previous year (reduction of only 0.18%);
- Proportion of expenditure on children's health increases marginally by 0.09%;
- Proportion of expenditure on education activities and extra curricular activities decrease by 0.09% and 0.01% respectively.

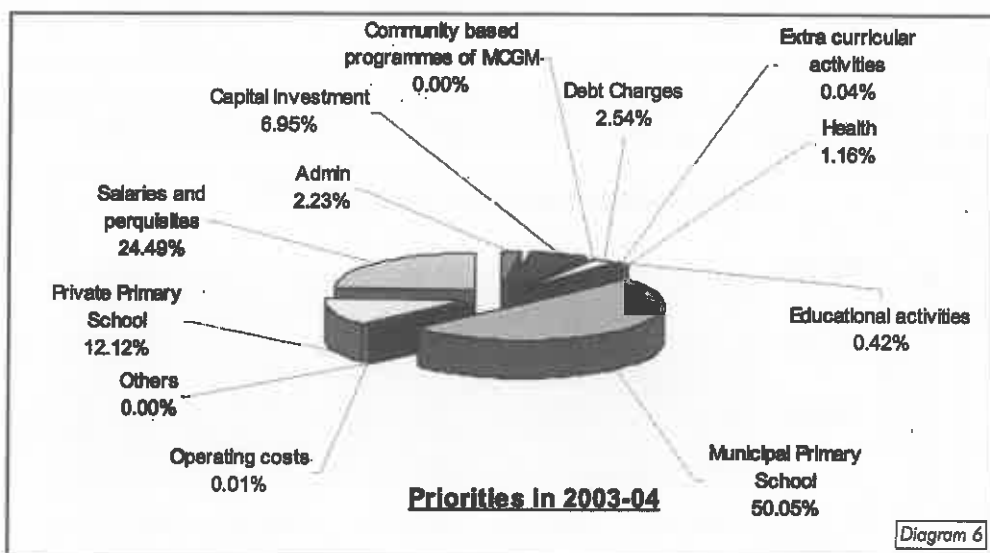


From Table 2 and Diagram 5, the following points emerge as regards expenditure priorities in 2002 - 2003:

- In 2002 - 2003 proportionate expenditure on Municipal Primary Schools and Private Primary Schools (in proportion to total MCGM expenditure on education for the year) have further declined by 5.6% and 0.68% respectively, while proportionate expenditure on salaries and prerequisites increase further by 2.7% (this year a new expenditure incurred under this head is "contribution for meeting interest subsidy at 4% towards housing loan");
- Proportionate expenditure on administration has increased this time (from the previous year) by 0.43%, while proportionate expenditure on debt charges reduced

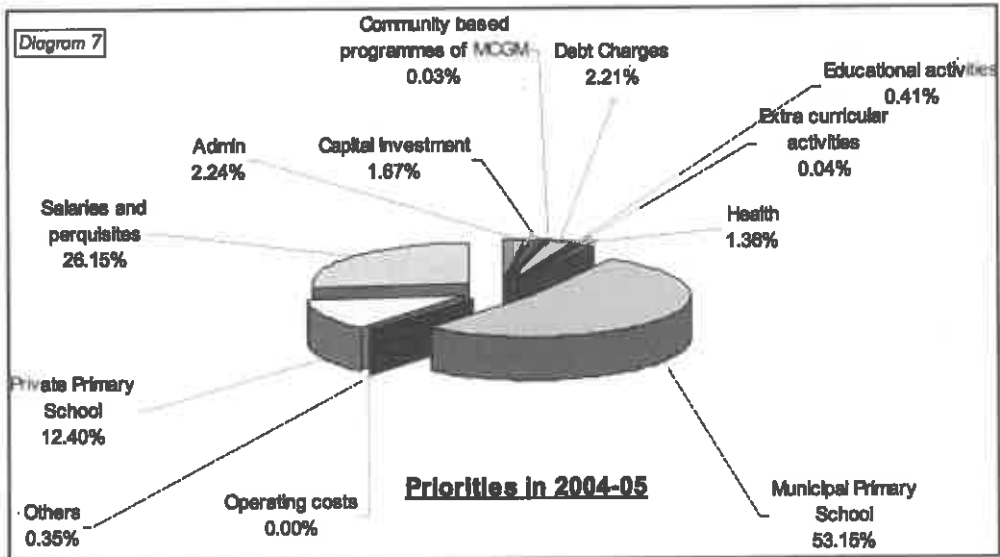
marginally by 0.14%, although in real terms the expenditure on debt charges have increased from the previous year by 10.5%;

- This year has seen some new areas of expenditure in terms of capital investments, operating costs (property taxes and water charges) and some "new works" (as given in the budget document) named here as "others";
- This year also sees a decline in the expenditure on health, both as a proportion of total education expenditure (by -0.71%), as well as in real terms by 35% (due to a reduction in expenditure on mid-day meal by 77% from the previous year, i.e. 2001 - 2002);
- Expenditure on educational activities in real terms, as well as in proportion to total expenditure has again declined by 2% and 0.06% respectively;
- Although in real terms, the expenditure on extra curricular activities has increased by 16% from the previous year, as a proportion of total education expenditure, it continues to remain at 0.04%.

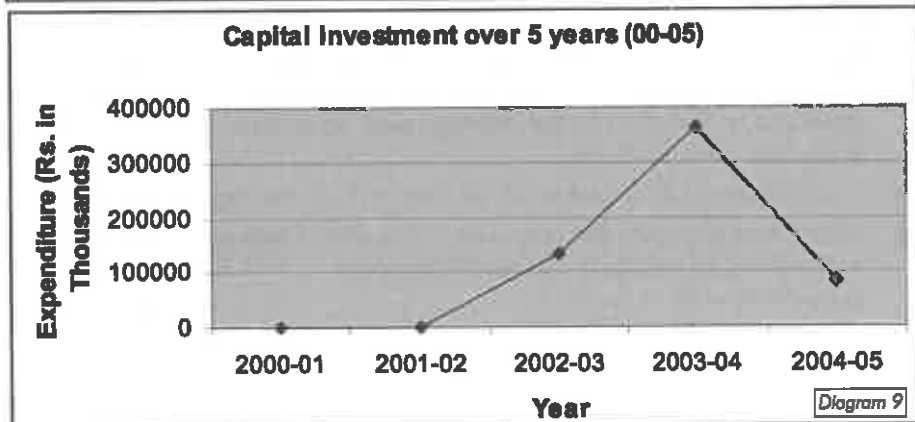
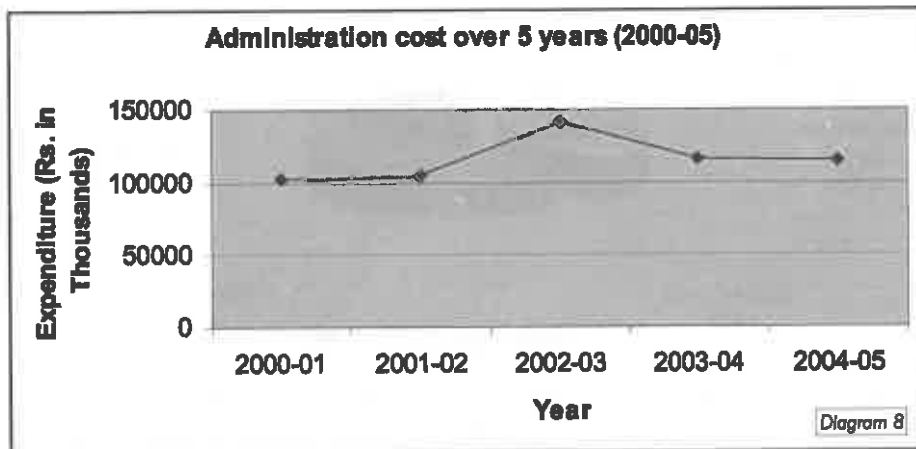


From Table 2 and Diagram 6, the following points emerge as regards expenditure priorities in 2003 - 2004:

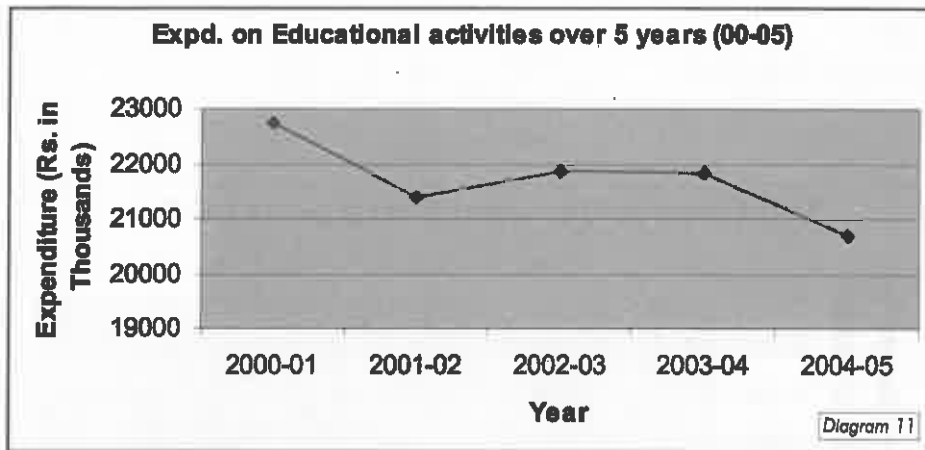
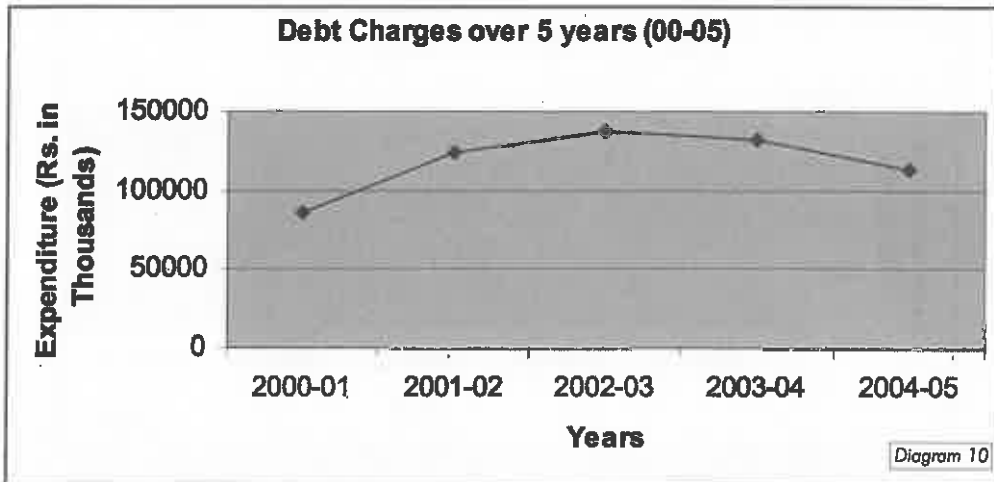
- Expenditure on Municipal Primary Schools, Private Primary Schools and Educational Activities as a proportion of total education expenditure in the year 2003 - 2004, continues to decline from the previous year, while expenditure on salaries and perquisites continue to rise;
- Capital expenditure in real terms has shot up from the previous year by 169%;
- Expenditure on health has improved in this year – both as a proportion of total expenditure, as well as in real terms (increased by 40% from the previous years expenditure of Rs. 4.3 crores).



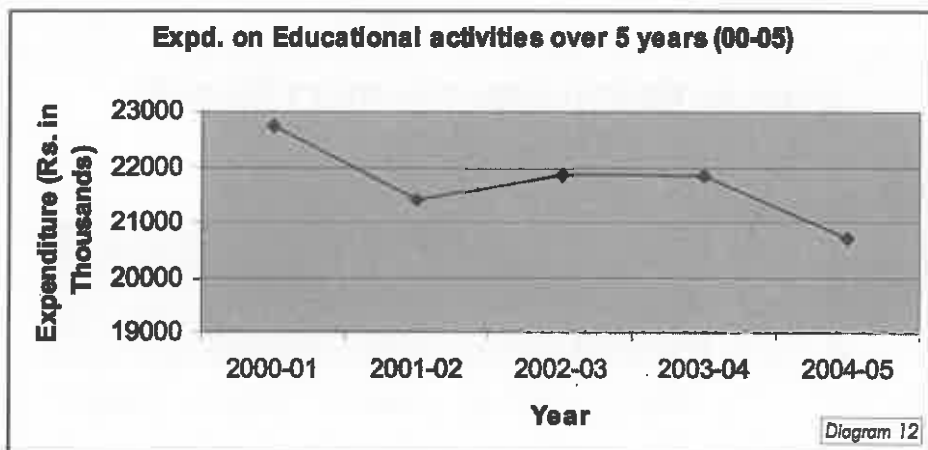
In 2004 – 2005, a new head of expenditure, Community based programmes of MCGM, appears in the budget. It is not clear what is covered under this head of expenditure.

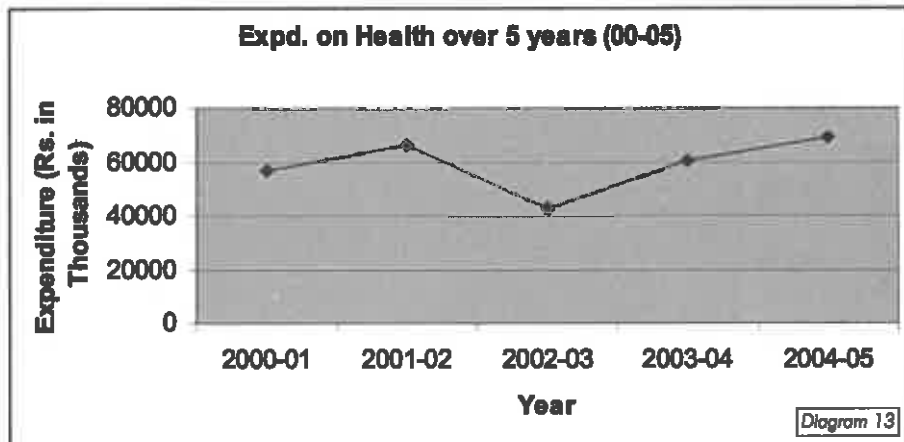






Expenditure on educational activities has declined over five years, which means investment to improve quality of education through teachers training, teaching aids, etc. has been poor and does not seem to be a priority with the MCGM.



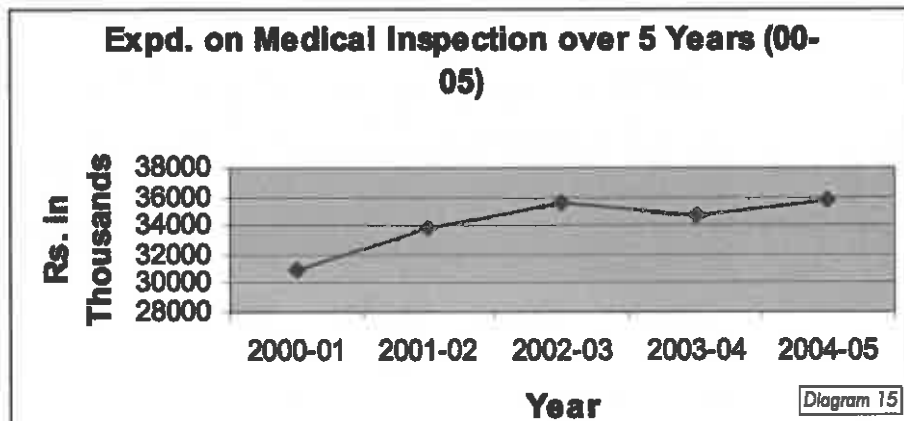
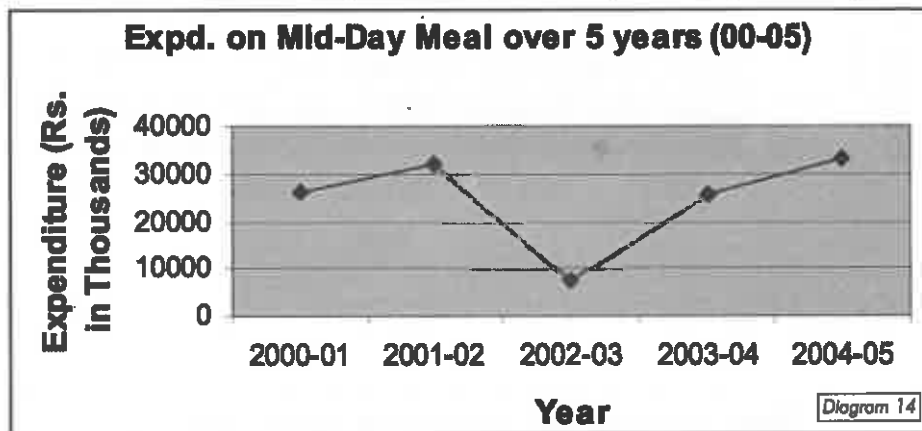


There was a sudden decline in expenditure on health in 2002 - 03 due to a 77% decrease in expenditure on the mid-day meal (reasons unknown). However, since then, the expenditure has slowly increased.

Table 3

Rs. in Thousands

Sub-Expenditure Heads (Health)	2000-01	2001-02	2002-03	2003-04	2004-05
Medical Inspection of school children	30902	33939	35588	34725	35692
Supply of mid-day meal	25998	32254	7394	25598	33231



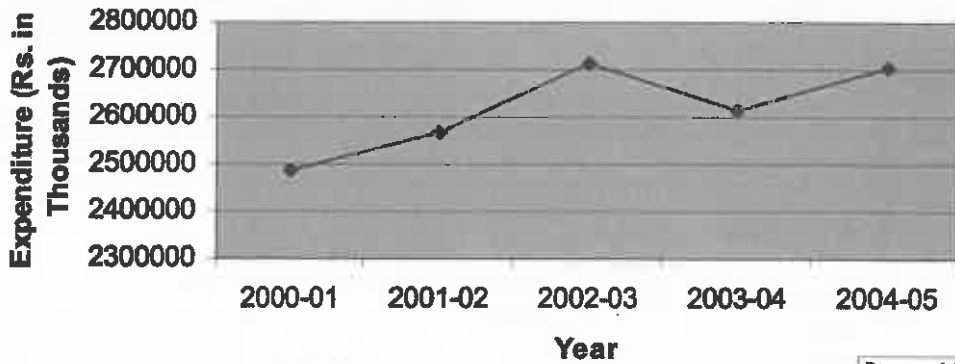
**Expd. on Municipal Primary Schools over 5 years (00-05)**

Diagram 16

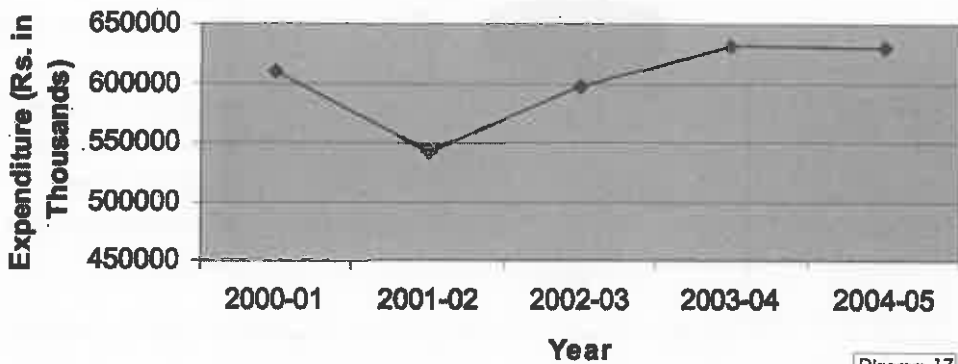
**Expd. on Private Primary Schools over 5 years (00-05)**

Diagram 17

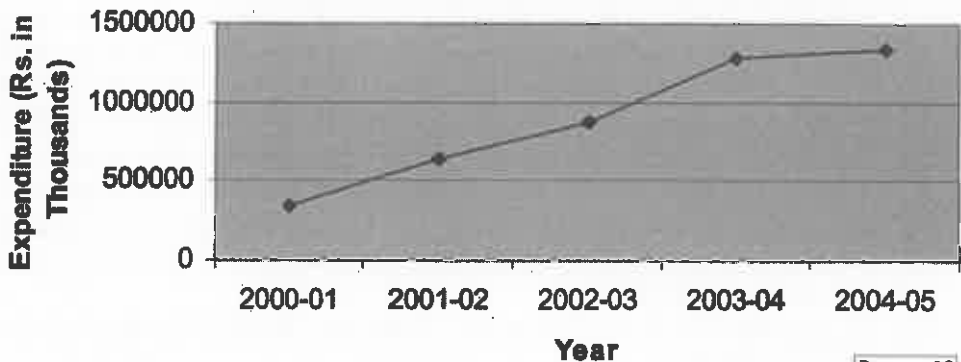
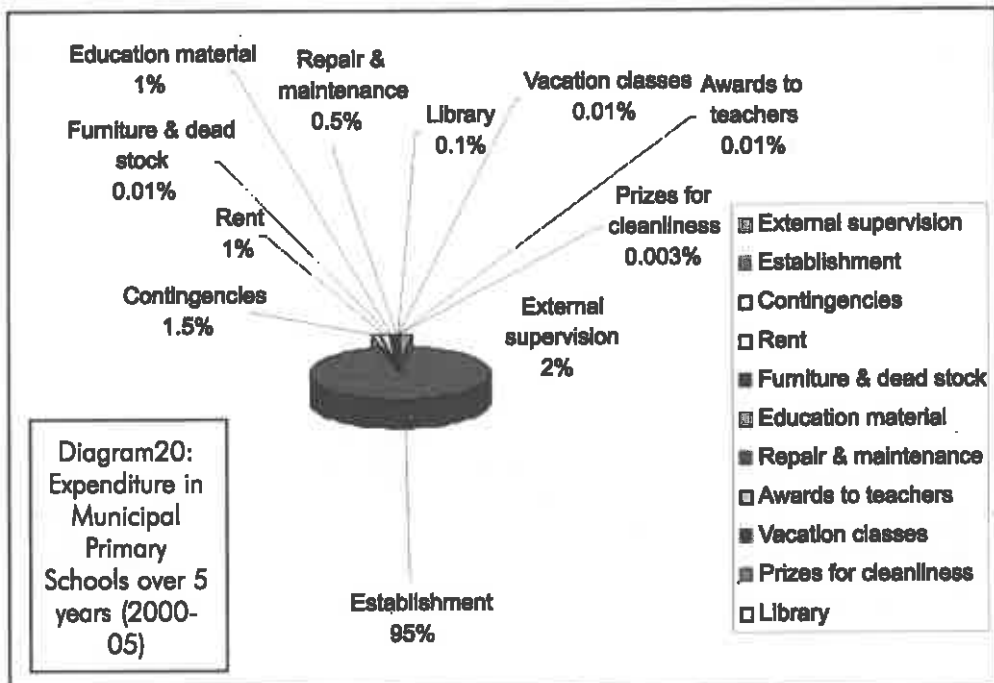
**Expd. on Salaries and perquisites over 5 years (00-05)**

Diagram 18

**Table 4**

Expenditure Head	External Supervision	Establishment	Contingencies	Rent	Furniture & dead stock	Education material	Repair & maintenance	Awards to teachers	Vacation classes	Prizes for cleanliness	Library	Total
Avg. Expenditure (2000 – 2005)	56584.6	2455578	98214.2	35817.4	365.6	14890	12800	206.6	254.2	87.6	2544.8	2617463
Priority	2.16%	93.83%	1.46%	1.77%	0.01%	5.57%	4.89%	0.01%	0.01%	0.003%	0.10%	



#### Some highlights:

- Education budget as a proportion of total MCGM budget has declined over the last two years;
- Education budget as a percentage of total budget was on the decline each year between 2001 and 2004, the proportion of expenditure on Municipal Primary Education and Private Primary Education declined, while expenditure on salaries and perquisites rather sharply increased over the same period. However, there is no information on proportion increase to actually teaching and non-teaching staff in schools vis à vis expenditure towards other personnel in the education department;
- A five-year analysis of the break-down of expenditures in Municipal Primary Education shows that 95% is spent on meeting establishment costs (Diagram 20);
- Expenditure to improve quality of education through teachers training, education research unit, teaching aids, improving quality of education does not seem to be a priority for the MCGM;
- Sarva Shiksha Abhiyan, which began in 2000, has not registered any expenditure in the budget at all;

- Debt does not seem to be a serious problem for the education department;
- Administration costs seem reasonable.

	Total expenditure in education	Number of schools	Number of students
2000-01	3713874	1184	608591
2001-02	4076051	1184	588765
2002-03	4727774	1191	560197
2003-04	5221026	1185	530540
2004-05	5086164	1188	504307

- Average expenditure per child per year is approx. Rs. 8000/- (approx. Rs. 689 per month);
- Average expenditure per Municipal Primary School: Rs. 22,06,000/- per annum.

The Tribunal would like to contrast two interesting pieces of fact. The expert deposition regarding MCGM budgets stated that the expenditure on salaries and perks has increased. However, at the same time, the Government has simultaneously introduced the Shikshan Sewak Scheme whereby teachers are appointed for Rs.3000/- for the first five years and then increase their salary as per the regular scale. On a regular scale, the starting salary of a teacher is approximately Rs. 8000. Therefore, through the Shikshan Sewak Scheme, the Government sought to reduce its expenditure by approximately Rs.5000/- per teacher. This scheme has been revised through orders of the High Court (i.e. the salary amount has been increased to Rs.4000/- and is applicable only for the first three years). The Bombay High Court is yet to finally hear and dispose of the matter and therefore, the scheme is being implemented in its revised form. Given that the said scheme is applicable in all municipal schools and private aided schools, the trend is one of decreasing expenditure on salaries. Therefore, it is astonishing that the MCGM budget reflects an increase in the overall expenditure on salaries and perks of teaching/non-teaching staff and personnel in the education department.

The Tribunal also finds that the role of the MCGM in education has been reduced over the years with the advent of the school adoption scheme, a process by which private parties are allowed to "adopt" municipal schools. The Tribunal has discussed the school adoption scheme in detail in the section on Infrastructure and Quality. However, it is pertinent to note that the school adoption scheme is a method of reducing MCGM's role in education.

#### 4.1.1 Access to Schooling

The Tribunal wishes to clarify that in this section, the phrases 'primary schools' and 'secondary schools' are used in the manner that the MCGM currently uses them. As has been elaborately discussed in the preceding sections, the Tribunal is of the view that such usage is contrary to Supreme Court decisions. However, since all MCGM statistics and data use the said terms, the same are being used for the purpose of convenience.

A large number of schools in Mumbai, within the area governed by MCGM, are directly run by the MCGM. These schools are meant to provide education free of cost. Such schools may be classified in two categories: schools where the school buildings are owned by the

MCGM, and schools where the school-buildings are rented by the MCGM from private bodies.

Also, typically, more than one municipal school is housed in one school building. Usually, municipal schools of different mediums of education are housed in the same school building. For example, a Marathi Medium Municipal School, Hindi Medium Municipal School and Gujarathi Medium Municipal School may be housed in the same building/premises. Further, municipal schools typically run in two shifts i.e. morning and afternoon shifts. As of 1 September 2005, there are 1179 municipal schools (in different mediums of education).

Municipal schools are supplemented by private schools, that is, schools run by private management. Such schools may or may not receive aid from the municipal corporation or State and are accordingly classified as aided or unaided. As per information procured by the IPT under RTI on 1 April 2005, there are 431 private aided schools and 631 private unaided schools recognized by the Education Department of MCGM.<sup>51</sup>

**A) Dearth of schools, distance, perception regarding 'safety' and decisions regarding schooling**

Access to free schooling and its adequacy should be examined in light of population statistics. As per the 2001 census, the population within the jurisdiction of the MCGM is 11,978,450. There are 2,190,686 children in the age group of five to fourteen years in this area. Therefore, there are approximately 2.1 million children in the age group of five to fourteens years.

During the public hearing, several cases were brought to the attention of the Tribunal, where children had no option but to drop out of school because of lack of access to free education from standard five. Further, several anxious parents and children deposed that they were not able to continue education after seventh standard because of lack of municipal schools in the vicinity. For such parents, private schools were not an option because of the cost. It is the opinion of the Tribunal that children must be provided with free primary education independent of their economic capacity of their parents or guardian.

### EXTRACTS FROM DEPOSITIONS

"I am Dasri. We reside in Sanjay Nagar Kamgar Area. My children attend the nearby MMC School. I am illiterate but would like to provide my children with proper education. Today my children have completed standard seven from the M.N.P. school but what after that? This question is haunting me. Where should I take them after seventh? Which school will admit them? What about the fee? Whom should I meet for their admission? These questions are really killing me. It worries me more for the fact that no private school entertains the admission of an M.N.P. student and the Municipal schools do not have the facilities of further education. I am concerned about the further studies of my children. In my view the administration should keep few seats reserved for MNP students so that they should be able to complete their education," [Deposition by father of a child studying in Meghwadi Municipal School].

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"My name is Parveen Banu. I stay in Vashi Naka. Our children are facing

<sup>51</sup> See Annexure 11 for details regarding information.

many problems with regards to school. They wish to study in a Hindi medium school. Such a school is not available here. There is only one Hindi medium lower primary school. We used to stay in Dadar and our children used to go to school there. Our huts were demolished and were shifted to Vashi naka. My husband is always ill. He runs a chocolate shop with assistance from my younger daughter. In these conditions, how can educate to our children? Actually is it very necessary to teach them. I don't know what to do," [Deposition of mother residing in Vashi Naka].

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"...We have an Upper Primary municipal school, but the high school (standard eight to tenth) is situated far away. It takes more than half an hour walk from our area to reach the Rajawadi Municipal school. To reach there, we have to cross the highway where many accidents occur. This is why I and all the students of my area demand that the administration start a secondary school somewhere close to our area..." [Child staying in Sahkar Nagar, who studied in Tilak Road Municipal Marathi School].

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"...I have three children. The eldest son studies in class seven, the other in class two and the last one is in Balwadi. The school is approximately 8 km from my area. And because there is no facility of transport around, my sons have to walk all the distance. It takes four hours for them to reach school and they feel tired. Therefore they don't feel like going to school..." [Deposition of mother of school-going children, Jamjha Pada, Gorai Village].

These grievances of parents (i.e. dearth of municipal schools) have been independently corroborated through facts ascertained under RTI applications. The information supplied by MCGM indicates that as of 1 September 2005 there are 266 municipal schools that have facilities only up to standard four. Furthermore, there are 913 municipal schools that have facilities only up to standard seven. The ward-wise ratio of municipal primary schools to municipal secondary schools may be gleaned from the Know-Your Ward Manual of 2002-2003.<sup>52</sup>

Ward Name	Number of Municipal Primary Schools*	Number of Municipal Secondary Schools*	Ratio
A	18	1	18:1
B	16	3	5:1 (approx)
C	15	1	15:1
D	37	2	18:1 (approx)
E	54	6	9:1
F/S	55	4	14:1 (approx)
G/S	72	5	14:1 (approx)
G/N	60	4	15:1
H/E	57	3	19:1

<sup>52</sup> The Secretariat was informed that there is no current updated version of this manual.

H/W	41	1	41:1
K/E	75	1	75:1
K/W	59	5	12:1(approx)
L	85	Nil	No mun. secondary schools
M/E	70	Nil	No mun. secondary schools
M/W	49	Nil	No mun. Secondary schools
N	83	3	28:1
P/S	34	2	17:1
P/N	70	3	23:1(approx)
R/S	30	1	30:1
R/N	22	Nil	No mun. secondary schools
R/C	47	1	47:1
S	75	Nil	No mun. secondary schools
T	46	1	46:1

\* Note: It appears that for the purpose of statistics, the MCGM uses primary schools and secondary schools differently. While in law, "primary school" refers to either a school providing education from one to four or one to seven, in this table, "municipal primary school" refers to a school that has schools up to seventh standard. Likewise, in the above-table, "secondary school" refers to a school up to tenth standard.

In addition to the above, the Tribunal also found some shocking statistics presented in the MCGM's Mumbai City Development Plan 2005 – 2025 [herein after referred to as the City Plan]. This Plan states that the MCGM runs 1,188 primary schools (i.e. until standard seven) in contrast to only 49 secondary schools (until standard 10).<sup>53</sup> Further, according to data given in the City Plan, 4,85,531 children are educated in the municipal primary schools; only 55,576 children are able to continue education through the municipal secondary schools. The question that remains to be answered is: what happens to the remaining 4,29,955 children who complete schooling up to seventh standard? There is an equally important issue of discontinuation of education of (lacks) of children after standard four? This is a very serious point and requires immediate attention. There are (1177) (check) primary schools all of which have classes from first to fourth, but there are only 905 schools with classes from first to seventh. As a result, nearly 3,10,378 children are without education after fourth standard. Such a situation reveals a very serious gap and is a direct assault on right of large number of children. Where will all these children go in order to continue their education? Does the government/MCGM expect these children to discontinue their education or enroll in private schools?

From the FGDs it is very clear that in all the slums, there was a very high dropout rate

<sup>53</sup> Municipal Corporation of Greater Mumbai, Mumbai City Development Plan 2005–2025.



after seventh standard (ranging from 60% - 100%) because there was no municipal school up to tenth standard and continuation of education depended upon whether education in private schools was an affordable option. Therefore, where municipal schools were very far and private schools were unaffordable, children's education was discontinued and they were forced to start contributing to the family income. Alternatively, even where children continued in private schools, the sense of disillusionment was very high amongst parents because they reported that their wards were suddenly beginning to fail in private schools. They were surprised especially since the child had been continuously passing for the previous seven years in the municipal school.

Another puzzling statistic is that of the number of children falling within the education net. In addition to the children educated from municipal schools, there are 6,94,693 children who are educated in private aided and unaided schools.<sup>54</sup> Therefore, out of a total child population of 2.1 million in the MCGM region, all schools (municipal and private) cater to only 1,180,224 i.e. about 1.1 million children. How do the government and the MCGM account for the remaining one million children who are not in schools? According to the Education Department (MCGM) surveys conducted in Mumbai and Mumbai (Suburban) districts [both of which fall under MCGM's jurisdiction], there are only 2699 out-of-school children! Therefore, out of the 1 million children who are not in any school, only 2699 are identified as "out-of-school" children. Where are the remaining children who reside in the MCGM area? Data discrepancies and changes over a period of time cannot be the sole explanation for the gigantic difference (a little less than one million "missing" children) between official census data and MCGM data on school enrolment. Given that immigration is highest in MCGM area, it is also unfathomable that close to one million children of school-going age migrate from the MCGM region to either other districts or other States for education!

The City Plan does not offer any explanation for the difference between census data and enrolment figures. It nevertheless maintains that "secondary education" is not a mandatory statutory function of the MCGM and therefore justifies that MCGM not run adequate number of schools with facilities after seventh standard. The meaning given to "secondary education" in the City Plan as well as other State laws disregards the law laid down by the Supreme Court in the *Unni Krishnan* case and the *T.M.A.Pai* case. What is referred to as "secondary education" in the City Plan falls well within the mandatory statutory function of MCGM. The Tribunal once again wishes to reiterate that section 61 (a) of the MMC Act should be interpreted in light of the decisions of the Supreme Court making primary education until completion of fourteen years of age a fundamental right. Post-1993, primary education has not only acquired a concrete legal meaning (education until a child completes fourteen years), but has also acquired the legal status of a fundamental right. Therefore, any definition or interpretation of primary education to the contrary would be a violation of a child's fundamental right.

Further, we find that unlike municipal schools, the State does not directly run any schools. The State Government discharges its legal responsibility by providing aid to private schools. Therefore, where there are no municipal schools, a child has no option but to attend a private school (aided or unaided). Under the current system of private schooling, private aided schools, even with their regulated fee structures, do not provide free education. Therefore, a child's fundamental right to free primary education is not fulfilled within the existing schooling system. This is complicated by the fact that there is no organic linkage

<sup>54</sup> Information provided by the Education Department (MCGM) under RTI Information. See Annexure 11 for details.

between municipal schools and private schools. For example, even after passing seventh standard from a municipal school, children are expected to go through admission procedures to obtain admission into eighth standard in private schools. Therefore, there is no guarantee that a child who passed out of a municipal school will be admitted into a private school. These admission procedures again serve as a barrier to continuing school education.

Another complication is the uncontrolled mushrooming of private schools. Specifically, the problem arises when poor parents are unaware of the consequences of sending their children to unrecognized private schools. For example, during the group discussion in Mandala, the case of Rakesh Kumar Yadav came to light. Rakesh studied in a private school until seventh standard. Since the school did not have facilities after seventh, Rakesh sought to go to another school. At the time of admission into the other school, the parents of Rakesh learnt that he had been studying in an 'unrecognized' school and therefore his performance in that school alone would not entitle him to admission in the eighth standard. He was asked to write an entrance test and admitted into the fourth standard. In effect, Rakesh lost 4 years of schooling. He and his parents are obviously disheartened by the system of education.

As per information given in a news item in May 2007, the Tribunal has learnt that the MCGM has decided to add standard VIII to twenty chosen municipal schools in the academic year 2008 - 2009. The following year standard nine will be added, and standard ten will be added the year after that.<sup>55</sup> While the Tribunal welcomes this decision, it nevertheless feels that this incremental approach on an experimental basis is insufficient. Planning for continuity in education, especially free education as a right of every child should be taken up on more ambitious basis by the Education Committee of the MCGM as well as the Department of School Education (Government of Maharashtra).

We are therefore constrained to conclude that neither the State Government nor the MCGM has taken any initiative to rectify these planning errors. On the contrary, we have reports that the government has ignored and refused to act upon several appeals for secondary schools from residents and activists.<sup>56</sup> Under the circumstances, the Tribunal is left with no option but to infer that State and its local bodies operate on an appalling premise that there will either be a high dropout rate after children pass out of primary schools or that such children may turn to private aided/unaided schools to continue their education.

The Tribunal finds the above-mentioned approach to compulsory education unacceptable. It is the duty of the State to provide free and compulsory schooling for all children until they complete fourteen years of schooling irrespective of their socio-economic status. Therefore, the existing classification of schools into primary and secondary is completely unconstitutional. Nine years of compulsory schooling is a minimum non-negotiable amount. It is incumbent upon the State government and the MCGM to provide for the requisite facilities irrespective of whether this education is termed as primary, upper primary, secondary, elementary, basic, etc.

We find that the plight of children in remote villages is even worse than that of the children in urban areas. To demonstrate this, parents and social workers from villages in Thane District presented testimonies before the Tribunal regarding the lack of schools in those remote areas. For example, in Akloli Village in Bhiwandi Taluka, parents reported that for the year 2004 - 2005, there was no education in the village school. The school has facilities from standards one through four, but there is only one teacher. Subsequently, that

<sup>55</sup> "Now, 20 civic schools will teach up to Std. VIII", Times of India, May 16, 2007.

<sup>56</sup> See Annexure 6 for demand letter and reply.

teacher was promoted and she therefore left the school. Despite repeated requests in the Gram Sabha, the Block Development Officer, and protest marches, there has been no respite. Once again the Tribunal finds that this is a gross violation of children's fundamental right to education. Defaulting on filling vacancies without providing substitute temporary teachers displays the complete callousness and lackadaisical attitude of the State towards education.

### Summary of Findings

- In the city of Mumbai almost 50% of children are outside the so-called education net. This is a gross violation of children's fundamental right to education.
- Lack of sufficient schools until the age of fourteen years is another factor whereby nearly ...% of children has no access to free education.
- Decrease of MCGM schools at fourth and particularly at seventh standard level is compelling children to discontinue education or opt for private schools by incurring expenses usually outside their means.

### Recommendations

- The MCGM and the State Government must immediately make time-bound plans to remedy the large disparity between the census data and its own statistics with regards to children outside that educational net.
- Further, the MCGM should take steps to fulfill all children's right to free education until the age of fourteen years. The interpretation of the word 'secondary' must be corrected and concrete measures must be taken with immediate effect.
- MCGM must increase the number of schools and make schools accessible within a reasonable distance. Alternatively MCGM must provide for free transport facilities to enable children to reach schools from distant locations.

#### B) Livelihood vs. Escort duty and Schooling

The social circumstances of parents and children also influence the ability to access schools. For example, it was impossible for rag-pickers to send their children to school because they did not have the means and time to escort their little children to and from school; several older siblings were taking care of younger siblings and were therefore, unable to attend school. Therefore, we find that there is a need for special enabling measures to make schools accessible. Physical access and distance to school is another problem faced by parents and children. While SSA provides that there should be a school within a radius of 1 km of every habitation, the State Government resolution provides that there should be a school within a radius of 1.5 km of every habitation. Despite the existence of such regulations, several schools are located at a distance of thirty-five to forty-five minutes (walking time) from the habitation (i.e. approximately three kilometers from the habitation).

From the FGDs held across different slums in Mumbai, the following patterns emerged:

a) *Distance and "safety" issues coupled with livelihood problem, result in no schooling:* It came to light that for many parents, exercising their right to free schooling for their children is not a real option simply because they are required to escort their little ones to municipal school due to the distance. The road to school usually involves crossing highways, heavy-traffic junctions, railway lines, *nalas* (open sewage pipes) and so on, which makes it unsafe

for children to travel unaccompanied.<sup>57</sup> For example, FGDs with parents in Mithanagar Ramabai Ambedkar Nagar (Mulund) revealed that over a period of one year, there have been four accidents involving school-going children. Most recently, in April 2007, a school-going child died on the way to school. Especially for parents whose livelihood is dependent on daily wages, escorting their child to and from the municipal school causes a significant reduction in the wages earned on a day-to-day basis. Therefore, they prefer not to send their child to municipal schools. For such parents, the choice is between feeding their family and sending their child to school.

b) Distance and safety concerns, therefore private school preferred: For another category of parents, where livelihood was not such a big problem, the mere inconvenience of distance formed a deterrent and therefore they preferred not to send their children to municipal schools. Such parents chose to send their children to nearby private schools.

c) Distance/safety concerns not the determining factor: The data indicates that in some areas, parents send their children to school irrespective of the distance. For example, even if the school is 1 ½ hours away, the child is sent to the municipal school.<sup>58</sup> In many other cases, we also find that even where the school is 10 minutes away, the child is not sent to school. Alternatively, distance takes a back seat in assessing the advantages of free schooling, and housing priorities assume importance. For this category of parents, the decision to send their child to school depended merely on their housing security or the lack of it. (See section 4.1.5 on housing for more details).

Based on discussions in the slums and the perception of parents, the distance from bastis to the nearest municipal school (until seventh standard) has been categorized based on the time taken to walk to these schools (one way) as:

- i. Far (thirty to forty-five minutes, extending to one and a half hours travel),
- ii. Moderate (fifteen to thirty minutes),
- iii. Nearby (less than fifteen minutes).

Table below indicates distance of nearest municipal school from basti:

Zone	Far (# of slums)	Moderate (# of slums)	Nearby (# of slums)	No information available*
Zone 1 (out of 15 bastis)	6	2	3	4 <sup>59</sup>
Zone 2 (out of 36 bastis)	23	7	4	2 <sup>60</sup>
Zone 3 (out of 20 bastis)	12	3	4	1 <sup>61</sup>

\* Note: Information was not available for one of the following reasons – parents of children from municipal schools were not available, or parents of children from private schools could not provide information, or children could not provide information.

57 For example, highway cross was reported as a problem in Nagewadi (Cheddanager), Mandala (3 highways have to be crossed), railway crossing was reported as a problem in Pushpavihar Leprosy Colony (Ambawadi, Dahisar), Mandala.

58 This was especially true of most *advasi padas*. Parents from the *advasi padas* endured great hardship to provide their children an education.

59 Babasaheb Ambedkar Nagar (Colaba), Wadala Bridge, Siddharth Vihar, Shastri Nagar.

60 Ektanagar, Hanuman Mandir.

61 Kamgar Basti, Mulund.

Table below indicates attendance of children in schools (municipal or private schools until seventh) from bastis that are far away from school:

Zone	High Attendance (> 85%)	Moderate Attendance (50% - 85%)	Low Attendance (< 50%)	No information Available
Zone 1 (out of 6 far-away slums)	1	None	4	6 <sup>62</sup>
Zone 2 (out of 23 far-away slums)	2	5	4 In 2/4 bastis, pvt. School attendance high	12 <sup>63</sup>
Zone 3 (out of 12 far-away slums)	2	6	4 In 2/4 bastis, pvt. school attendance high	None
<b>Total (41)</b>	<b>5</b>	<b>11</b>	<b>12</b>	<b>13</b>

From the above tables, it is clear that in approximately 55.8 % of the bastis situated far away from municipal schools, the attendance is either average or low. Many parents cited that they could not accompany their children to school. The preferred mode of travel was walking because parents could not afford other means of transport. In absolute terms, a large number of children are out of school from these areas. While, the Tribunal does not believe that distance is the sole cause for low attendance, it is clear that distance is a contributing factor towards non-attendance.

We would like to draw the authorities' attention to the problems faced by children in the Gorai and Borivali National Park region in particular. The nearest school is approximately one and a half to two hours away. The route taken by children to reach the school is extremely unsafe due to fear of being attacked by tigers and wild animals in the area. During focus group discussions with our volunteers, parents and children from Bamandayapada, Bhatunglipada, Mahakalinagar, Kokan Vaibhavnagar, Khambhachapada, Matamgad Water Tank area cited this as a big problem in accessing schools. For instance, from Bhatunglipada, parents reported that there were four to five instances of attacks by tigers in 2006 - 2007. The Tribunal itself received testimonies of the aforementioned problem during the public hearing:

"...I stay in Khambacha Pada, Malad, National Park....The municipal school is located very far from my residential area. There are no proper roads for students to reach school. They have to cross the forest area, which has tigers, snakes and other animals. The fear of being attacked by these animals always

62 Hanuman Nagar I (Century Mill Gate No. 11, Worli).

63 Ambedkarnagar (Kurar Village), Pushpavihar Leprosy Colony (Ambawadi, Dahisar (E)), Mundapada (Gorai, Borivali W), Jhuipada, Malpa Dongri II, Mochiwada (Ambujwadi), Pardiwada (Ambujwadi), Bastavmiskita Chawl (near Bhangarwadi, Andheri E), Sahyognagar, Khambhachapada (Aarey Colony, Goregaon E), Bhurlikhan Adivasipada (Goregaon E), Matamgad Water Tank.

plays on their minds. By the time they return from school, it is quite late in the evening," [Deposition by social worker, working with children from the area].

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"Our children's school is situated far away from our house. It takes two hours to reach the school and come back home. Sometimes they get stuck in traffic jam. During the rainy season if the children's clothes get drenched due to rain, their teachers sends them back home. In summer, there is no drinking water in the school," [Deposition by parent from Gorai region].

One of the panelists, Shri Arvind Vaidya, accompanied by the Secretariat walked the entire distance from Balwadis in adivasi padas in Borivali National Park to the nearest municipal school (Magthane Municipal School). It took about 50 minutes to walk (for adults) the distance of approximately three kilometers (one way). The route to the school and back is not easily travelled, as it is not a paved road and thus it is not easy to walk. It consists of hilly forest terrain, and parents and children are constantly in fear of being attacked by wild animals.

### Summary of Findings (Livelihood vs. Escort duty and schooling)

- Physical distance from school to place of residence is often a great deterrent to attending school. This factor has been recognised at the national and State levels, and provisions have been adopted under SSA as well as by the State Government to improve this factor. However, the tribunal found that these norms merely remain on paper and are often not implemented.
- Most children going to SSA centres/MCGM schools come from families with vulnerable economic circumstances. Parents of such children are often daily wage earners. Escorting children to school to ensure their safety is often a choice they cannot afford.
- The 'globalising' infrastructure development of Bombay city has pushed the economically marginalised to the extremities of the geographical margins of the city. These locations lack proper facilities, including schools. Such a scenario leads to infringement of right to education, hitting the ones who have been historically disadvantaged.

### Recommendations

- In order to ensure that distance does not become a barrier against exercising a child's fundamental right to education, the Tribunal strongly urges the MCGM to provide transport facilities with reliable women school staff to escort such children to and from school.

### C) Medium of Education and Access

The issue of medium of education complicates the aspect of lack of free schools. The MCGM runs schools in eight mediums of education, which is laudable. Despite this the Tribunal found that language or medium of education was a major barrier to accessibility in the changing profile of city. For example, several rag-pickers who deposed before the Tribunal were migrants from southern States, whose mother tongue was a language other than Hindi or Marathi. It is pertinent to note that the said rag-pickers were residents of areas that fall

within the jurisdiction of MCGM. Break-down of schools by medium of instruction procured from the MCGM through an RTI application indicates that there are 48 Tamil medium, 45 Telugu medium and 45 Kannada medium schools run by the MCGM.<sup>64</sup> However the MCGM has not taken into account the profile of new migrants to the expanding borders of the city and has not opened appropriate language medium schools to cater to local needs. We have received reports that Adivasi children face a similar language barrier because the language of instruction is completely foreign to them. Adivasi children face the problem in school of adjusting to a new language (formal Marathi), coupled with a school culture that looks down upon their dialect. This leads not only to alienation of such children from school, but it affects their self-image and confidence.

### Extracts from depositions citing language as a barrier to schooling

"...My son left school after fifth. The previous school at Bandra had only classes until fourth standard. He had to attend another Tamil school in Vadala for fifth. But he had to leave school owing to financial constraints and distance from home..." [Deposition by father of a child studying in Kher Nagar Municipal Tamil School, Bandra East].

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"...I hail from U.P. I live around Kalyan station area and collect empty water bottles. I go to Aasara Organization in the morning. I take bath, wash clothes and study after having breakfast. My mother tongue is Hindi and so I need Hindi books. There are no Hindi medium schools so I have to study in Aasara centre. For further studies, I need admission in Hindi medium school but there are none in Kalyan. This is why I can't take admission in a school. There are other private Hindi medium schools but I can't afford the fees. I think there should be a Hindi medium government school in Kalyan. The Hindi students will benefit from it..." [Deposition by child staying in Kalyan].

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"...The school is Marathi medium, but the students speak and understand only adivasi dialect and so they can't understand anything the teacher teaches. She doesn't pay any attention to the Adivasi children. Therefore the children cook up reasons for not wanting to go to school..." [Social worker working with children in Khambacha Pada, Malad].

MCGM seems to be backtracking on its laudable practice of teaching children in their mother tongues. Worse still, it has never had any plans to make sure that the Adivasi children get the benefit of school education. The formal instruction medium is a barrier to these children as their dialect is ignored. They are thereby alienated from the school culture.

#### D) Affordability of schooling

Further, we find that the Government has still not taken steps to ensure that the education provided in schools is completely free. In addition to transportation costs, which have to be borne by all parents whether they can afford it or not, the Tribunal received information regarding the cost of uniforms and the collection of money for examination fees, photocopying question papers during exams, distribution of textbooks, and declaration of results.

<sup>64</sup> See Annexure 14 for more details.

While these expenses may not seem to be large amounts, the Tribunal finds that the specific sum of money is irrelevant when free education is supposed to be a right. Further, the Tribunal also feels that it is important to view these school-related expenses in light of the economic and social circumstances in of poor families. In the majority of slums, parents are daily-wage earners who have difficulty meeting the costs of water, electricity, use of public toilets, food and so on. In this context, any money required for schooling has an adverse effect on attendance; and dropping-out of school becomes necessary to pay for other household needs. Therefore, it is imperative that the Department of School Education immediately issue a GR explaining the ambit "Free Education". The Tribunal is of the opinion that uniforms, books, fees for co-curricular and extra-curricular activities, academic activities including exams and transport cost should be completely covered by the Government. The Tribunal believes that the Government/MCGM has the necessary funds to pay for these things because newspaper reports indicate that only 84% of the SSA funds released to MCGM have been used.<sup>65</sup> In any event, lack of funds is not a defence for non-implementation of fundamental right.<sup>66</sup>

The items/amenities supplied by MCGM have remained arbitrary. This practice gives the impression of being an extra 'favour' bestowed on children rather than fulfilment of their fundamental rights. It is crucial that MCGM clarifies and the concept of free education and makes adequate provision for the supply of items and amenities, including transport, that will make this concept meaningful.

#### E) Child Labour and Schooling

In many slums, it was found that a large number of school-going children are engaged as child labourers. They assist their working parents (especially mothers) who work from home. The nature of work varied as follows: making bindis, small jewellery items, wicks, garlands, labelling of bottles, doing fancy-work on bangles, assisting caterers, collecting and selling cow-dung, cleaning fish, making sweet boxes, and so on. Children usually assist their mothers after they come back from school. In many cases, school-going children contribute 400 - 500 rupees to the monthly income of the family by working in roadside tea-shops, distributing newspapers in the morning, and selling small items. Such children have fourteen to fifteen-hour days where they wake up early to go to school and continue to work until late in the evening. Thereafter, if they have any homework from school, they are required to stay up late in order to complete it. This clearly reduces the child's ability to participate effectively in school as they are tired and do not have adequate time to study at home. The workload of school-going girls is double that of boys as they also have to assist their mothers with domestic chores.

There is a dramatic increase in child labour after seventh standard. In all slums, the FGDs indicated that there is a very high dropout rate (ranging from 60% - 100%) immediately after the seventh standard. At this age, children are absorbed into the labour market. The boys usually work in tea shops, small hotels, printing presses, or in construction work. Girls assist in home-based income-earning initiatives or perform domestic labour. In slums situated around dumping ground, children helped extensively with manual scavenging and there was a very high dropout rate (90%) from school in these areas.

Our findings also support that child participation in the labour market is directly linked to their schooling options. In order to reduce child labour, the State Government and the

<sup>65</sup> M. Basu, "84% of Mumbai's Education Funds Unused", Indian Express, Mumbai Newline, March 9, 2007.

<sup>66</sup> Municipal Council, Ratlam v. Vardichan and Ors (1980) 4 SCC 162.



MCGM should extend schooling facilities in municipal schools to provide education beyond seventh standard.

MCGM's inaction in opening schools catering to children beyond the seventh standard is distressing to say the least. Unavailability of schools after fourth and seventh standard is one of the most significant factors contributing to child labour. MCGM thus stands in violation of not only children's right to education but also to other protections guaranteed to children under CRC.

### Summary of Findings

- It is appalling and distressing to find the kinds of discrimination faced by children of vulnerable social groups. Education is meant to be an equaliser and schools a space for hope. To deny a child a right to dignity is a violation of CRC as well as Article 19 of our Constitution. We are aware that several attempts are being made by social activists and NGOs to point out discriminatory behaviour by teachers and school officials. However, the administration has not engaged in any corrective measures. Ignoring such acts of discrimination and violence by the administration makes them party to these acts.
- First and foremost the State/MCGM is in complete violation of the 'Persons with Disabilities Act, 1995'. Not even a token gesture is demonstrated by MCGM to taken cognisance of the provisions for access to education of disabled persons, either by efforts at 'Integration' or by setting up special schools for the physically disabled.
- The provision of 3% reservation for disabled children in aided schools seems to be a mere mirage for economically deprived children, since aided schools charge fees and do not meet other expenses like uniforms, textbooks etc.
- The tribunal was distressed to find not just apathy towards the disabled, but denial of admission to the disabled in MCGM schools.
- There are questionable gaps in the data revealed in the Annual Report of the Chief Commissioner for persons with disabilities and data sought from MCGM through RTI. Such a finding raises serious doubts about the intent of the state/MCGM regarding education of the disabled.
- The State Government must ensure that academic bodies such as SCERT, Bal Bharati make the curriculum and text books more sensitive to the disabled.
- Migrant labourers are one of the most deprived groups in our society. Education of children from these families is treated with hostility and a total lack of concern. There is no serious plan to ensure that these children get full-time quality education. Schemes planned for these children remain in the realm of 'literacy orientation'. There are no efforts made to mainstream them to ensure a better future.
- The State of many school buildings and the general apathy in restoring them is worrisome. The failure to improve the falling standards of MCGM schools is linked to this issue. It is easy to imagine a scenario where a decrepit school building may actually result in an accidental collapse. In such an event not only will this lead to loss of life, but it is also highly likely that there will be no urgency to rebuild and restart the school. Thus the question of abortion of school admissions and discontinuation of education will be a natural consequence. Given the large volume of school premises under disrepair, such a situation may not be an

exception but might become the norm.

- While it must be noted that many schools run or owned by MCGM enjoy better basic infrastructure than several private schools. Unfortunately, this picture seems to be changing. Expansion of the city, particularly in the suburban areas, and lack of adequate maintenance by MCGM of existing schools seem to be the main factors responsible. There seems to be a tacit belief that children of disadvantaged families can do with inferior quality of infrastructure. Lack of toilets and drinking water, no space for recreation, dingy classrooms, non-functioning appliances, etc. are in fact symptoms of this and are only the tip of the iceberg.
- MCGM should strengthen its mechanism of catering to the multi-language profile of the children in the city. Its laudable initiative of having schools in several different mediums of instruction must be continued and strengthened with sincerity rather than as a token measure. It should ensure that appropriate language medium schools are provided where they are needed as per the city's changing profile. The issue of Adivasis' dialect and culture also needs to be addressed. MCGM can sensitise and train teachers to acquaint them with the dialects of Adivasi children to make their transition to formal learning smoother as is the model followed in tribal areas of Maharashtra and other States.
- The Education Department must take steps to immediately stop acts of discrimination towards children of vulnerable groups. Those indulging in such acts must be addressed appropriately.
- The Education Department must take steps to train teachers about human rights, child rights, constitutional provisions related to the right to life, as well as the pedagogical reforms underlined in NCF-2005.
- It must also make provisions for counsellors to help teachers and children in situations of social conflict.
- Under the current system, MCGM has tacitly followed a policy of exclusion by not taking measures to make schools disability-friendly. The Tribunal calls upon the State Government and the MCGM to implement its statutory duty and start a process of converting municipal schools in every ward into completely disability-friendly schools with the help of experts. Where schools are being run with constraints of space and it is not possible to make them completely disability-friendly, at least two to three schools from the concerned ward should be identified and made disability-friendly. Such schools should be supplemented by special disability-friendly transportation that can ferry disabled children from different areas to these schools.
- MCGC must take immediate steps so that disabled children are not denied access to schools. Training of teachers and ensuring appropriate infrastructure should be taken up immediately. The provision of 3% Reservation for Disabled children in aided schools should be monitored and economically vulnerable children must be given priority on a completely free basis.
- The Tribunal strongly urges MPSP and the Department of School Education to effectively implement the NPEGEL scheme to slums in Mumbai as well. In order to implement the NPEGEL effectively, structures must be put in place such as a District Gender Co-ordination Committee, District Gender Unit of MPSP, ward level core group and so on.

#### 4.1.4 Social Inclusiveness in Access, Enrolment and Retention

While official government policy recognizes access in terms of distance, the Tribunal finds that there is an urgent need to make access, enrolment and retention socially inclusive. In this regard, we find that mere geographical proximity and exemption from payment of money is not a sufficient indicator of equitable access, especially for marginalised communities and vulnerable groups. As has been demonstrated by the U.N. Special Rapporteur on Right to Education, the right to access implies that the State has a duty to ensure that schools are free from discriminatory practices.<sup>67</sup> Therefore, the criteria of accessibility are beyond geographical proximity and freedom from payment of money - access must also include socially and culturally equitable and enabling conditions for education.

##### A) Problems faced by children of rag-pickers, slum children, children of sex workers and children from tribal communities

It is in this context that the Tribunal wishes to highlight some aspects that were brought to its attention through testimonies of parents and children. Children of rag-pickers are regularly humiliated by teachers and peers because of the occupation of their parents. For instance, we have reports of children who refused to go to school because they are harassed as "kachra vechaks". The Tribunal also received evidence of humiliation and constant reprimanding of children of slum and pavement dwellers at the hands of teachers on the ground that their hygiene levels are poor and they can therefore not be allowed to sit with other children. Further, during its spot visits to schools, and during its interaction with principals and teachers of Tunga Village School, Magthane Municipal School and Nariman Lane Municipal School, the Tribunal found that the over-all demeanour and approach of teachers was hostile towards children coming from slums. For instance, teachers often remarked that these children were "good for nothing", or that "it was a waste to teach them because they would drop out of school", or that "the teachers' efforts are in vain because the parents are illiterate and cannot help the children at home." The Tribunal sympathizes with teachers' uphill task of having to motivate children, ensure their continued participation and performance. Nevertheless, the Tribunal finds that the attitude of some teachers towards children from slums/pavements and streets can lead to their dropping out of school. Below, the Tribunal has reproduced a deposition of a child to illustrate teachers' insensitivity or ignorance regarding the socio-economic situation of such children and the sense of hurt and despair felt by a child humiliated in school because she did not have water to bathe:

#### Extract from Deposition

"I...used to go to school in Pratiksha Nagar. I was in class three. But because my parents used to live on the roadside, we never had enough water to wash our clothes. We did not even have water to take bath sometimes. I used to go to school without taking bath. The teacher used to scold me and hit me for that. So I left school," [Deposition by a street child (girl) who dropped out from school].

We have also learnt that children have been expelled from schools because of poor habits such as tobacco-chewing. While certainly the Tribunal understands that school discipline and education regarding health and hygiene is of utmost importance, it fails to understand how expelling a child can inculcate such discipline. Keeping in mind the most vulnerable

<sup>67</sup> Preliminary Report of the Special Rapporteur on the Right to Education, *Commission on Human Rights, 1999, 55th Session, E/CN.4/1999/49*, available at [www.un.org](http://www.un.org), visited on November 13, 2005, at 6.

social circumstances of the child, school is in fact often the only place of stability and hope for a better future. Taking away this hope further increases the chances of the child succumbing to anti-social forces.

We also find that insensitivity and discrimination by teachers is compounded by harassment from peers. The testimony of a fourteen-year-old girl brings out the plight of children of pavement dwellers in schools:

### Extracts from Depositions

"...During the recess, they (other children) throw balls at me and my friend. They also tease us when we play during recess. If we run, or try to escape they gather in groups and corner us. Our teacher never checks our homework. She ignores us..." [Deposition by a street child (girl) who dropped out of school].

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"...I also pick up waste.... I have four children. One of my daughters is studying in the second std. But she is not able to write her name. When she goes to school, children tease her. They beat my daughters and tear their books. They trouble them because I, their mother, pick up waste. They are told not to come to school. I am alone. Shall I do my work or go to school and quarrel with the teachers? How do I earn a living and feed children?" [Deposition by mother who works as a rag-picker].

The Tribunal feels that every municipal school should be equipped with trained social workers and counsellors who will ensure that school discipline is maintained without resorting to punitive measures.

One of the most horrific testimonies shared by girl children in a confidential meeting with Ms. Simantini Dhuru (Member of the Tribunal) is that of discrimination faced by them because they were children of sex workers. They reported that their teachers made derogatory remarks about them and that most of them contemplate discontinuing education due to this. While this may have been the case with one or two schools and not a general trend, the Tribunal is of the opinion that special measures must be taken to address the problem. Particularly, mature, sensitive teachers and social workers should be appointed to work in such schools. The role of supervisory authorities can be a crucial one in assuring that children complete a minimum amount schooling.

The Tribunal also received one testimony by an HIV+ mother who was struggling to educate her child who too is HIV+:

### Extract from Deposition

"My son is HIV positive. There are always complaints about his health. Fever, cough, loose motion, weakness, head-ache, stomach-ache, decaying teeth, trouble with eyesight etc. He has attended the school under these health conditions. He, therefore, does not remember his lessons. His teacher often complains to me in his presence that he does not study properly, his homework is not up to date etc. We are afraid of revealing his HIV+ status. Parents of other children also make inquires often - why is your son ill so often? The biggest dilemma I face is whether to disclose my son's HIV+ status and seek concessions or continue to hide it. If I was assured that there would be no

discrimination and adverse treatment, then I would feel comfortable. Because of the number of health problems, I have had to change my son's school many times. Right to Education should not be denied to children who are HIV+. Schools and teachers should cooperate by taking into consideration the health problems of HIV-affected students. They should be specially trained to ensure that they inculcate healthy habits while educating them..." [Founder of an organization, who is herself HIV+ and has a school-going child who is HIV+].

While disclosing one's 'positive status' is entirely voluntary and cannot be forced upon any parent or child, the Tribunal feels that the access to health facilities and medication should be improved in order to minimize health problems of such children. Moreover the Education Department must coordinate with national bodies working for control of HIV and for the well-being of affected persons, and formulate sound strategies to confront such situations. These measures must be in consonance with the general matrix of child rights.

Discrimination against children belonging to Adivasi communities from Gorai region was also brought to the notice of the Tribunal. The following instances that were reported to us are indicative of discriminatory practices: adivasi children being made to sit on the last bench and teachers harassing Adivasi children by forcing them to bring vegetables/crabs to take home. When the children are unable to cater to these demands, they are beaten. Extracts from such depositions are presented below:

### Extracts from Depositions

"...I used to go to Magthane school.... There, the teacher used to make me sit on the back bench.... The teacher used to check the copies of the Marathi boys, who used to sit on the front benches. She would not check our copies. The monitor used to check our copies," [Adivasi child who dropped out from school].

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"... I study in Magthane Municipal School... My teacher says to me - "You are an Adivasi. Why are you studying? What difference are you going to make after studies?" I can't see what the teacher is teaching since I am asked to sit on the back bench; I am the only one who can't make head or tail out of it. I also find it tough to understand what is taught because of the language difference..." [Adivasi child studying in Magthane Municipal School].

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"...My eldest son's teacher asks him to bring vegetables and crabs from home every now and then. Failing this, the teacher punishes my child. Initially I used to send vegetables but it has become her habit and she started demanding things everyday. I could not afford to supply her things everyday as I earn a living for my family only by selling vegetables and crabs. The teacher used to beat my child for not bringing the requested items. One day, I went to the school to ask about my child's studies. There I saw that my son and other Adivasi students were made to sit on the back benches. When I asked the teacher why my child was made to sit on the back bench, she replied, "They don't understand a word I teach"," [Parent of Adivasi child studying in school].

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"I study in Gorai Municipal School...The teacher asks for vegetables to take home. If we fail to bring them, she beats us. I can't take vegetables every day for her. Therefore I often don't go to school..." [Adivasi child studying in school].

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"...My son does not understand anything and has failed in class 5 three times. Sometimes the teachers make him sit with first standard children. Because my son failed in the same class for three years, the teachers don't pay attention to him. I feel that the discriminatory behaviour is because we belong to the Adivasi community. Now I want to change the school of my son. I went to school five to six times to get the school leaving certificate but they won't give it to me," [Deposition of parent of adivasi child studying in Magthane Municipal School].

Such depositions clearly indicate that while there may be no overt discrimination at the time of admission into schools, discriminatory slurs and covert discrimination nevertheless exist in schools. This has a direct impact on retention as well as enrolment. The Tribunal finds that the system of education urgently needs to become more enabling and sensitive to the problems faced by children from marginalized or deprived communities.

#### B) Problems faced by disabled children

Another category of children that needs particular attention is the category of disabled children. Under section 26, Persons with Disabilities (Equal Opportunities, Protection of Rights and of Full Participation) Act, 1995 [Disabilities Act], the State as well as the MCGM (local body) has a statutory duty to ensure that every disabled child has access to free education in an appropriate environment until eighteen years of age. Further, the State and MCGM is required to promote integration of disabled children into regular schools. In addition, the State as well as MCGM should set up special schools for children in need of special education. Such schools should be equipped with facilities for vocational training of disabled children. Further, the State and MCGM are required to draw up schemes to provide special textbooks and other equipments required for education (section 27). Under section 30 of the Act, the State is required to draw up a comprehensive scheme inter alia for transport facility, removal of architectural barriers, supply of books, uniforms and other materials to school-going children, grant of scholarships, grievance redressal regarding placement of children in schools, restructuring curriculum. Further, there is a 3% reservation for disabled children in educational institutions.

The Report of Chief Commissioner for Persons with Disabilities claims in the Annual Report that "all districts in Maharashtra except the newly formed district of Gondia have special schools."<sup>68</sup> However, in response to an RTI application, the MCGM has stated that it does not run any special schools for disabled children; but runs nine schools for mentally challenged children.<sup>69</sup> Further, the report claims that the Government provides free education to all disabled girl children until twelfth standard, and to all disabled boy children until tenth standard. However, the Tribunal has not received any information from disabled children/NGOs running to substantiate this claim.

Spot visits to some municipal schools clearly indicated that such schools are not disability-friendly at all, and the State/MCGM has taken no measures to remove architectural barriers

<sup>68</sup> Chief Commissioner for Persons with Disabilities, Annual Report, 2005, available at <http://www.ccrdisabilities.nic.in>, visited on March 15, 2007.

<sup>69</sup> As per information obtained under RTI application. See Annexure 15 for copy of information.

in schools. This again amounts to a direct violation of its statutory duty and in effect, disabled children are completely excluded from the general system of education accessed by all children. It appears that the State Government/MCGM has not given disabled children a real chance to avail of their 3% reservation in educational institutions. The fact that all municipal schools remain architecturally disability-unfriendly renders the reservation meaningless. The Annual Report claims that the 3% reservation is implemented in Aided Schools. However, it is unclear how the State/MCGM makes education "completely free" in such aided schools, as aided schools are permitted under law to charge fees within permissible limits. The Tribunal once again reiterates that disabled children have a right to free and compulsory education without discrimination. It is the duty of the State and all its agencies to implement this right.

The Tribunal was also shocked to learn from parents of disabled children that municipal schools have in fact denied admission or have not provided facilities for a disabled child in school.

### Extract from Depositions

"I am the mother of a spastic child, who is 8 years old and is studying in Bandra Spastic School. Like any other mother, I too was anxious to put my child in a mainstream school, as I already had a son elder to her going to a mainstream school. The thought of putting her in a special school never occurred to me as she was mentally fit just like any other child. What she was lacking was her physical ability to do things independently. I never thought that her disability would affect her school until the day I was refused admission for my daughter because she was dependent for her needs. The manner in which I was denied admission by the Head Mistress was so piercing that the fear and hurt given by her is still reeling my mind. Every time the topic of inclusion is raised, I recollect that awful day," [Deposition of mother of disabled child].

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"I and my parents found it very difficult to travel to and from school during monsoons.... During exams, getting a writer was also a big problem..." [Deposition of disabled child who subsequently left the municipal school and joined a special school].

Denial of admission is in gross violation of the State's/MCGM's statutory obligations under the Disabilities Act. Furthermore, discrimination (overt or covert) of any kind amounts to a direct violation of Article 21 of the Constitution. Article 2, CRC forbids discrimination based on disability. India has ratified the CRC. After the Vishaka case, the provisions of CRC may be read into Article 21 to define the scope of child's fundamental right to education.

While India is a signatory to the UN Convention on the Rights of Persons with Disabilities, 2006, it has yet to ratify the same. The said Convention is yet to come into force. However, since the Convention is likely to come into force in 2008, it is useful to discuss some of the provisions. The Tribunal would like to highlight Article 24(2) of the Convention, which enjoins State Parties to take the following measures to ensure that the human right to education of disabled people is realized without discrimination and on the basis of equal opportunity:

"2. ....In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion...."

While making schools disability-friendly, the Tribunal urges the MCGM to consult persons who themselves are disabled and who thus would be able to accurately assess the disability-friendly quotient of schools. For instance, the Tribunal, along with members from the Disability Rights Initiative of the India Centre for Human Rights and Law (referred to as DRI) visited Kendriya Vidyalaya III, as it was recommended as the most disability-friendly government-run school in Mumbai. However, while assessing its disability-friendly quotient, DRI pointed out the following factors:

- While it is commendable that the school had ramps at all levels, the ramps could prove to be dangerous, as they had no banisters or handrails. This could be dangerous if a locomotive disabled person lost control of his/her wheel chair, as the wheelchair would go tumbling down the ramp.
- All classroom entrances were not wide enough to accommodate a child in a wheelchair and the corridors were also not wide enough.
- The toilets were completely inaccessible to a locomotive-disabled child.
- Taps in water coolers were not accessible to persons who are blind or severely visually impaired.

Further, as per the expert deposition given by Dr. Varsha Hooja, the most crucial element is sensitization of teachers and staff of municipal schools:

"...While making school infrastructure easily accessible is a crucial element of inclusiveness, it is equally if not more important to make the teaching and non-teaching staff sensitive to these children. For example, very often a disabled child is viewed as a child with poor IQ or as mentally retarded. The two are very different and should therefore not be confused. Teachers and non-teaching staff from municipal schools are not aware of this basic distinction. Even where a disabled child finds his/her way into such a school, and endures all accessibility problems, the sheer insensitivity and ignorance of such teachers completely destroys the morale of such children. Therefore, top priority should be given to training and sensitization of teachers where common myths and mistaken notions can be challenged and set right..." [Extract from deposition of Dr. Varsha Hooja, Spastic Society of India].



Section 29 of the Disability Act requires the State to invest in training to equip teachers to deal with disabled children. It appears once again that the State has not even provided basic information regarding disability as teachers in municipal schools confuse physical disability with mental disability. The Tribunal strongly recommends that MCGM along with the Department of School Education include education regarding disability issues and rights of disabled children in all training programmes for its teachers.

### C) Problems faced by children from migrant families

We would also like to draw the attention of the authorities to the plight of migrant workers' children, who face particular problems due to the nature of the work of their parents. From the FGDs, there has been a clear finding that wherever families migrated for seasonal employment, there was no continuity in children's education and children ultimately dropped out of school. Parents were completely helpless as they were unable to leave their children behind and did not have a realistic workable schooling option for their children.<sup>70</sup> Social workers working with children of construction workers expressed that in their experience construction sites are usually located in remote areas, from which there is no easy access to schools.<sup>71</sup> Therefore, there was great apprehension amongst migrant worker-parents regarding the educational future of their children. In a complex socio-economic reality, formal education is often the only tool for a better future that is available to marginalised families. For the migrant workers even this hope is denied.

#### Extracts from Depositions

"...I am a construction worker. The site, where we work, is operational only for eight months, to two years. We shift to go to another site when one job is completed. If the work is completed during the academic year they do not give us the leaving Certificate. This affects the education of our children. We request you, to understand our problem and help us," [Deposition of construction worker].

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"...I and my husband have been working with Aakruti Construction since last three months. We have two daughters and a son. It is our desire to give all our children proper education. But our work is not fixed at one place, we have to keep changing our work place very often. And this is why we cannot admit the children in a school. We don't have ration card and children's birth certificate. There is no Municipal school near Bhima Nagar (Andheri). Private schools charge high fees and we can't afford them. We strongly desire to educate our children but have no means to achieve this. We feel so helpless..." [Deposition by a mother who is a construction worker].

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"I am 10 years old and I study in first standard in Nityanand Road Municipal School. My father works with Akruti Construction since last seven years. I love to go to school but my school is very far. Now the work on the current site is over and we have to move to another place. What will happen to my studies now? I don't know if I can travel so far," [Child of a construction worker].

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<sup>70</sup> FGDs in Nagewadi (near dumping ground, Cheddanagar), Chikkalwadi (Indiranagar, Mankhurdh),

<sup>71</sup> Discussion of the Tribunal with the staff of Mobile Creches during the spot visit to Mobile Creches MPEGS Centre, Wadala.

"... I am a mason and have been working with a construction company since last five years. Earlier, I have worked at Kandivali, Thane, Churchgate and Bandra. Because of the change in my work place, my children could not take proper education. Now that I am working at Teli Lane, my child has the facility to go to Balwadi and Municipal school. My son is in third standard. Last year I had to shift to Thane and there was no school facility. Because of my children's studies, I again returned to the same Teli Lane site. Now I live at this site sometimes even without work as my child's school is here. I am always called at other sites but I refuse only because those areas do not have school facility. But how long am I going to stay at home? What will happen to my family? This is the biggest question I am facing..." [Deposition by father who is a construction worker].

In particular, many school-going children of migrant workers face problems at the time of admission into municipal schools due to an unnecessary emphasis on procedural compliance such as demand for documents like birth certificate, migration certificate, ration cards and so on.

"I teach children belonging to extremely poor families and after June vacations we send them to municipality schools. The municipal schools always show their reluctance to enroll them because they do not have a birth certificate. The parents of these poor kids know nothing of a birth certificate and they never really care to keep such record. The teachers say that they will see if these kids are regular for a month and only after that they will endorse their name in the muster.

Now even after a month they refuse to take them formally to the school. They have not included their name in the muster..." [Deposition of social worker].

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"Kiran was a student of Std fourth. He passed std fourth in Krantiveer Nana Patil School but was refused admission in fifth as he did not have a school leaving certificate. The previous school, situated in Sahkar nagar, refused to give him the leaving certificate. His mother visited the school many times but they are delaying the matter and it is already a year now. After hearing this I met the principal of Sahkar nagar municipal school. I told him that Kiran has lost a year because of this certificate. To my surprise when I checked the register I found that Kiran's name is not mentioned for three years!" [Deposition of social worker].

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"I went to Nadkarni Park municipal school to admit my children but I did not have my children's leaving certificate. I came from my native place two years back. They admitted my kids in std first and second respectively but warned me to submit the certificate in a month or they will fine 300/- per head. What shall I do now? ..." [Deposition by mother].

We understand that several reasons may be put forth from the Administration's point of view, justifying the demand for such documents. Nevertheless, such documents cannot and should not be given so much importance that they become barriers to education and deprive children of their fundamental right. In the context of the Constitutional mandate for free and

compulsory education, the Tribunal feels that such rules should be relaxed based on the circumstances of the persons involved. The Tribunal interacted with parents who migrate seasonally and therefore were not in a position to educate their children continuously. The Tribunal finds that regular attendance of children of migrant workers can be ensured only if some residential facility is provided to the children. The Tribunal finds great merit in the CABE Committee recommendation that there should be a model similar to the Kendriya Vidyalaya Model [KV]. The Kendriya Vidyalaya Scheme has been developed by the Central Government, for Central Government employees in transferable postings, particularly defence personnel.

During the FGD in Azad Mohulla, it was brought to our notice that when a child of migrant workers was admitted to a municipal school after intervention by social workers, there was severe backlash from the school administration. For instance, many schemes that are normally applicable to children in municipal schools (such as regular free health check ups) are not made available to this child. The Head Master of the school and teachers single out this child and refuse to allow the child to participate in many other activities.

#### D) Problems faced by female students

The Tribunal would like to present the following instances that negatively affect the education of female students:

- One of the biggest and most common problems faced by girl children is their engagement in household domestic chores like sibling care, collecting water and so on. Even where girls are sent to school, there is a very high dropout rate amongst girls as compared to boys after seventh standard. Girls are invariably absorbed as domestic labour or perform other tasks to support the family income;<sup>72</sup>
- After attaining puberty, many girls were not allowed to go to school;<sup>73</sup>
- Child marriage, though not rampant, was definitely prevalent amongst some communities and this affected the schooling of girl children;<sup>74</sup>
- While these factors, along with social conditioning, do hamper girls' education, the lack of access to schools after seventh standard serves to seal their fate. There have been several studies endorsing this phenomenon: the State itself has acknowledged this through its special schemes for girls, through media campaigns, etc. However, it is distressing to note that by denying safe and easy access to education to girls belonging to socially oppressed groups, the State itself is contributing to their marginalization].

As mentioned before, NPEGEL is SSA's special gender component aimed at improving girl children's education. While NPEGEL is required to be implemented in EBBs, the same can also be implemented in selected urban slums. The State SSA Society (i.e. MPSP) is responsible for identifying urban slums for the implementation of NPEGEL. One of several interventions under NPEGEL is identifying existing schools and converting them into Model Cluster School for Girls [MCS] at the cluster level.

As of 31 March 2007, the official National Progress Report of NPEGEL indicates that

72 FGDs in Mandala, Mithanagar-Ramabai Ambedkarnagar (Mhada Colony, Mulund), Nagewadi (Cheddanager), Lakshminagar area near dumping ground (Mulund), Anandnagar area near dumping ground (Mhada Colony, Mulund), Bhimnagar (Panjrapol, Chembur), Chikkalwadi (Annabausathenagar).

73 FGDs in Nagewadi dumping ground area (Cheddanager).

74 FGDs in Parli community in Mhada Colony, Matang community in Kannawar Nagar (Vikhrol), Khambachapada (Aarey Colony).

in Maharashtra, 76 clusters from urban slums have been brought under the NPEGEL. The number of clusters in rural areas is 524. Therefore, 600 clusters in total have been brought under NPEGEL. However, only 204 MCS have been set up. There is no disaggregated data for these 204 MCS to indicate whether they are located only in rural areas or also include schools from urban slums.

It appears however that NPEGEL has not yet been implemented in urban slums within Greater Mumbai. For example, social workers who are active in the field were unable to give any information regarding childcare centres in urban slums in Mumbai that were used as crèches to relieve girl children of their sibling care duties. There has been no increase in enrolment of girl children in municipal schools as the enrolment figures in municipal schools follows a declining trend over a five-year period. Therefore, even if additional classrooms are being constructed under NPEGEL, they are lying vacant.

Mothers Committees' or Parents Teachers Associations monitor the implementation of NPEGEL at the school level. Active and functional PTAs are thus crucial to the monitoring of the NPEGEL. From our FGDs in slums, we have found that in all slums, mothers of children in municipal schools are completely unaware of PTAs and do not go to school for any meetings except to collect the result of the child. We urge the Education Committee and the MPSP to ensure that PTAs are established.

The KGBV scheme is not applicable to urban slums. The Tribunal calls upon the Central Government to review the criteria for implementation of KGBV and extend the same to urban slums as well.

### Recommendations

The Tribunal strongly recommends that the State Government set up an expert group to study the replicability of the KV model for migrant workers within the State. Such a group should comprise experts administering the KV scheme, persons who have closely studied problems faced by migrant workers, educationists and persons who have closely studied the working of hostels and residential facilities for children. Such a model should be developed at the State-level on a priority basis for children of migrant workers so that their education is not hampered due to the nature of work of their parents.

Most importantly the tribunal is concerned about the fact that education of these children is trivialised even by the special schemes conceived for them. It remains only in the realm of 'non formal' education. Concerted plans need to be made to change this outlook so that these families have a chance for a better future.

(Note: The Tribunal has also looked into the feasibility of bridge courses under MPEGS, which have been initiated for migrant workers. Please see section 4.3 for a discussion on this.)

## 4.1.5 Access to Housing and Basic Services and its Impact on Schooling

As per the 2001 Census, MCGM has the highest urban slum<sup>75</sup> population in India (6.5

75 Definition of 'slum' for the purpose of population enumeration adopted in Census 2001 - All areas notified as Slums in the respective Slum Acts, areas not formally notified but treated as slums by local bodies etc. and further includes compact areas of at least 300 population or about 60-70 households of poorly built congested tenements, in unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities.

million slum dwellers), which constitute approximately 54% of the total population. Housing for the low-income families consists broadly of three types: chawls (one room tenements), slums (protected and unprotected) and pavement dwellings.<sup>76</sup>

For people living in slums or as pavement dwellers, housing insecurity and demolitions has a negative effect on children's schooling. Mothers and children shared with us their stories of continually disrupted lives due to demolitions. The testimonies are indicative of the following problems: a) discontinuation of schooling due to demolition; b) problem with re-starting schooling because there is no support from the Government regarding study materials post-demolitions; c) discontinuation of schooling because of inconvenient relocation due to shifting to new venues.

### Extracts from Depositions

"I was born in Mumbai. My parents reside in Dadar. I have been living in Mahim ever since I got married. I have two sons. They were studying in Mahim Police Colony Municipal School in standard 5 and 3. They were regular at school and were good in their studies. They did well at school and used to study regularly. Our settlement was demolished on 25 March 2006. Their books, clothes, our utensils, all other belongings were taken by the BMC workers. We have no roof over our head since then. The BMC workers used to come everyday, except for Sundays to break the remains of the basti. All our families are forced to keep shifting back and forth from the original place to the other side of the tracks. My children have not been able to go to school because they don't have clothes to wear, cooking is a problem and they have to also help us in shifting. Also, they could not appear for their exams, which were just two days after the first day of demolition. They don't have their books, how can they study without books." [Deposition of mother of two children, resident of pavement community, Shanti Nagar, adjacent to Mahim Railway Line].

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"My sons were studying in Mori Road Municipal School. They could not appear for their exams because of demolitions. All our belongings like books, clothes, utensils and other things were taken away by the BMC. We can get everything only when we pay a fine of Rs.500/-. Now the children will have to be readmitted in second and sixth standard," [Mother of two children, resident of pavement community, Shanti Nagar, adjacent to Mahim Railway Line].

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"We used to live in Shanti Nagar. I used to study in Mori Road Municipal School. One month back we shifted to Vashi Naka under the Government Scheme. I have to go from Vashinaka all the way to Mahim, which my parents can't afford. So I did not appear for the fifth standard exam. My brother used to also travel all the way but my parents can't afford it any more. There is no school nearby in Vashinaka. Admission in nearby private school costs a lot, the fees are Rs.100/- per month. So I can't go," [Deposition by boy living in Vashi Naka].

76 N. Juneja, *Primary Education for All in the City of Mumbai, India: The Challenge Set by Local Actors* (Paris: International Institute for Education and Planning, 2001) at 27.

The impact of involuntary resettlement on the resettled communities was studied in detail by CEHAT in the context of 2000 odd families who were resettled from Rafique Nagar to Shantiniketan, Dindoshi (Goregaon).<sup>77</sup> While assessing the impact of resettlement on children's education, the study finds that:

... (the) process of shifting had itself both direct and indirect impact on the education of children and young people in the community. The whole process of resettlement, and the problems related to access prevented the girls and boys from attending schools. Many lost a year of school due to the resettlement... economic burdens on the resettled community also had an impact on utilization of educational facilities. Many boys have had to take up jobs to supplement the family income... The shifting thus had a detrimental impact on younger people in terms of enrolment and continuation of schooling. With no new school; fewer teachers, classrooms, and furniture; cumbersome admission procedures; distance to access the school; tension with the neighbourhood where the school is located conditions to realise the right to education were inadequate and sometimes non-existent.<sup>78</sup>

It must be understood that besides actual demolitions and involuntary resettlement, the constant fear of eviction and demolition affects a child's schooling. As mentioned in section 4.1.3 (B), one of several crucial deciding factors of schooling is housing insecurity. One clear trend that emerged from the FGDs was that even where a municipal school was located within a 10-minute distance, schooling was not a priority for parents where they were constantly facing the threat of eviction/demolitions.<sup>79</sup> From what the parents (largely women) reported, the threat need not necessarily be imminent; even harassment by police who used the 'encroachment' card completely disrupted children's lives.<sup>80</sup> We found that this affects schooling in several ways:

a) Parents felt that schooling was important yet they felt helpless. As bread-earners they are not in a position to guard their house. Therefore, children are made to guard the house during the day and alert the parent if the demolition squad arrives or if the police arrive.

b) Parents are afraid to send their children to school because their fear of losing their children in the demolition furor. Therefore, there were cases where parents preferred to take their children with them to their work place or leave them at home. "School se ane tak ghar toda gaya ho to...hamare bacche kahan dhoondhege hum? Isiliye hum use school nahin bhejte" ("If the house is demolished by the time our children return from school, then where will they look for us? That's why we don't send them to school").

c) Parents simply did not think schooling was a priority where they could not make arrangements for a secure place to live. "Arrey, ghar nahi hai, kaam nahi hey, ab school ka kaise soche?" ("When there is no house and employment, who will think of school?"). This

77 Q. Contractor *et al.*, *Uprooted Homes, Uprooted Lives: A Study of the Impact of Involuntary Resettlement of a Slum Community in Mumbai* (Mumbai: CEHAT, 2006) at 8.

78 *Ibid.* at 119.

79 FGDs conducted in Saileelanagar (Parel Tank Road), Sainath Basti (Worli), Antop Hill (near Antop Hill Church).

80 During the FGDs in the following areas, housing insecurity or fear of demolitions/evictions by MCGM or Forest Department Officials was cited as one of the main reasons why children are not sent to schools. Ganeshmurthyagar (near creek Colaba), Prakashnagar (Mahim), Mahim Gate, pavement dwellers from Jnaneshwarnagar, pavement dwellers from Wadala Bridge, pavement dwellers from Siddharth Vihar, Ketakipada (Dahisar), Bhartikeyiri Bhamunglipada (Goregaon), Murthygalli (Khar), Appapada (Amedkarnagar, Kondivall), Ambujwadi, Bhurikhan Advasipada, Mandala, Varlipada (Mulund), Milthanagar - Ramabai Ambedkarnagar (Mhada Colony, Mulund), Lakshminagar (Mulund), Anandnagar (Mhada Colony, Mulund), Kamarnwamagar (Vikhroli), Netajinagar (Ghatkopar), Rafique Nagar (Mankhurdh), Chikahwadi (Indiranagar, Mankhurdh), Chamundanagar (Bhandup), Chikahwadi (Annabausathenagar).

was particularly true of parents from pavement dwelling communities.

The problems of slum-dwellers and pavement dwellers multiply during the monsoons, especially for low-lying habitations. For instance, during the FGDs in Kannamwar Nagar, parents shared that they face a flooding problem on a daily basis because of the tides. Their houses are perpetually damp. All the utensils, other items and books of children are all kept at a height of six to seven feet from the ground. Similarly, in Chikkalwadi (Indiranagar, Mankhurdh), the habitations stand on fifteen to twenty feet of rubber to prevent them from getting flooded due to the rains. However, during the rains, the water dislocates the entire hutment and the structure becomes crooked. Moreover, the hutments become infested with insects, snakes and so on. Many other slums reported severe problems that arise during monsoons and floods. During the monsoon season, the school attendance of children from such areas automatically drops. Likewise, slum areas that are located in or around dumping grounds, near creeks or are low-lying experienced severe difficulties during the monsoons. Flooding and monsoons affected school attendance in the following ways: increased problems of physical accessibility during heavy rains, and increased participation in domestic chores due to flooding.

Space constraints also contribute to the level of participation and quality of performance in schools. Children from slums invariably come from hutments, which are cramped one-room spaces. In most cases, the space for the child to engage in meaningful study is very limited. This is also complicated by the fact that in almost all slums that were visited, there was no regular electricity supply. The electricity connection, if any, was illegal and procured from neighbours who had registered meters. Parents paid anything between 60 to 250 rupees per month for a connection, depending on the usage. Parents preferred to reduce expenditure on electricity by minimising electricity use. In this context, it is also important for the Government to take forward the Sachar Committee recommendation of providing 'Community Resource Centres' for such children, where they could study after school hours.<sup>81</sup> While the Sachar Committee recommendation was made in the context of the educational status of Muslim children, the same recommendation is particularly useful in the context of children coming from slums/pavement dwellings.

In addition to housing insecurity, lack of easy access to water inevitably affected children's schooling, especially girls. Many slums did not have any water pipes and families had to purchase water from water tanks.<sup>82</sup> Even where there were community water taps, working parents expressed their inability to stand in queues and collect water. Such taps were located one to two kilometers from the habitation, and therefore it became an ordeal to get water for domestic use.<sup>83</sup> In such circumstances, and repeatedly, we found that children were enlisted to perform such domestic chores. Collection of water for domestic use was an oft-cited reason for not sending girl children to schools. Another reason why children (especially girls) often stayed behind is because of sibling care.

The State's duty to implement the fundamental right is not limited to constructing and maintaining free schools. As the CESCR has pointed out, the duty to make schools accessible implies that the State should take enabling measures. In this context, the Tribunal makes the following recommendations:

<sup>81</sup> Social, Economic and Educational Status of the Muslim Community in India, A Report, Prime Minister's High Level Committee under the Chairmanship of Justice Rajendra Sachar, Cabinet Secretariat, Government of India, November 2006 at 244.

<sup>82</sup> *Mhada Colony, Mandala, Chamundanagar (Bhandup),*

<sup>83</sup> *Kokan Vaibhav Nagar (Kamraj Nagar),*

## Recommendations

- It is imperative to withdraw requirements of documents of domicile and birth certificates as a pre condition to admit children to schools. Such decisions/GRS must be communicated to all concerned staff.
- The provisions of SSA to schools available for twenty or more children must be respected.
- The State/MCGM must make study centres available as recommended by the Sachar committee.

## 4.2 INFRASTRUCTURE AND QUALITY

### 4.2.1 Infrastructure-related Findings

As mentioned before, the MCGM schools are housed in buildings owned or rented by the MCGM. The Tribunal's attempt to examine infrastructural problems is against the backdrop of legal developments regarding infrastructure of MCGM schools. In Mumbai, the issue of infrastructure of municipal schools was raised before the Bombay High Court. In 2001, the tragic accidental death of a seven-year old brought to the forefront the state of the infrastructure of municipal schools. The ensuing litigation in the High Court<sup>84</sup> resulted in the appointment the Justice Dhanuka Committee, which conducted a comprehensive study after visiting around 52 schools and made several recommendations to the High Court. Therefore, the Tribunal did not seek to re-visit many schools in light of the recent study and report filed in this case. Further, the Tribunal was keen on following-up on the implementation of the orders passed by the High Court in the afore-mentioned matter. A long-term follow-up mechanism was set up by the High Court in its order dated 7 July 2004. Two Committees, with terms for six years each were formulated. Accordingly, the six-year term of the said Committees will expire in 2010.

First, the Court appointed a Committee to oversee "a complete overhaul of the schools run by the BMC and to ensure that certain basic minimum standards, facilities and mandatory infrastructure are made available in all municipal schools".<sup>85</sup> The Court ordered that the procedure to be followed for such an overhaul is as follows:

- i. Two schools from each ward selected as model schools for the purposes of renovation;
- ii. Committee to frame guidelines/norms on the basis on which the schools are required to be renovated and improved;
- iii. Municipal Commissioner to sanction funds for repairs to be carried out in accordance with the norms;
- iv. Committee to draw up a process of replicating model schools in other BMC schools.

In addition, the Committee was assigned the function of overseeing BMC's implementation of the Dhanuka Committee recommendations. Committee can also place fresh material before the High Court in this regard. Most importantly, the Court held the Committee to study and recommend a fail-safe method of reporting infrastructure problems/inadequacy and carrying out repairs.

It is against this backdrop that the Tribunal wishes to present some of the testimonies it

<sup>84</sup> *Yashwant Mistry v. Municipal Corporation of Greater Mumbai*, WP No. 2947 of 2001.

<sup>85</sup> *Ibid* at 6.



received regarding infrastructure.

### Extract from Depositions

"There are not enough chairs till sixth standard and we are made to sit on the ground and we are asked to adjust. There should be a garden in the school where there are swings to play. There should be more benches for us to sit," [Deposition of 12 year old boy studying in municipal school].

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"...My school is hardly clean. The fans don't work at times and we sweat a lot and can't concentrate on studies... there are not enough benches and so we don't find place to sit... we don't have clean drinking water. There are big worms and insects around that place. We have a very small place for P.T. so we can't play any games. We don't even get text books in our school... if we do get them it is only after the first semester. ..." [Deposition of 15 year old child from Andheri, studying in municipal school].

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"...During the rainy season, the third floor of the school gets completely damaged. It is very dangerous and should be repaired. The toilet on the third floor is also very dirty and the school authority is not doing anything about it..." [Deposition of child from Kurla, studying in municipal school].

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"...Our school toilets are dirty and they stink. There are no taps. Therefore my friends and I are forced to go outside the school premises for toilet and drinking water. ..." [Deposition of a child from Wadala, studying in municipal school].

\*\*\*\*\*

"...Bathrooms in our school are not clean at all. There is only one person to clean the toilets who cleans them only in the evening after we are gone. Toilets stink so much that the smell reaches our classrooms. Drinking water taps are close to the toilets and it is disgusting to drink from there. Stairs are alright, but in the rains it becomes very slippery. Once, one boy had slipped and fractured his hand. Water enters the classrooms from windows and it stinks. Garbage is dumped just outside," [Deposition of a child from Wadala, studying in municipal school].

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"Electricity and water is very irregular in my school. We have to study without fans and so it becomes very difficult to concentrate on studies. Sometimes there is no water at all. We don't have a drawing teacher, a garden," [Deposition of a child from Andheri, studying in municipal school].

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"We are taught outside the school because there are not enough classrooms..." [Deposition from a child in Meghwadi Municipal Marathi School Col Why school name here ?].

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"The tap water is clean but the area around the tap is so unclean that the students don't feel like drinking water there. We brought it to Madam's notice

so many times but it is of no use. Also, the toilets are very dirty. There are cobwebs everywhere and we really get scared to go there. So no one goes to the toilet," [Deposition of child from Parel, studying in municipal school].

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"The school gets water-logged during the rainy season and then teachers send us all home..." [Deposition of child from Kurla, studying in municipal school].

From the officials' point of view, changes are being made incrementally, however we find that on a day-to-day basis children have complaints that remain unaddressed. What we find particularly troublesome is that these children and parents have no method voicing their complaints. In order to improve the quality and pace with which repair works are carried out, the High Court appointed Committee's report has recommended that a special cell for infrastructure monitoring and repairs be formed. The Committee has recommended that such a cell should comprise of trained engineers who would not be transferred for a period of three to four years.

In addition to this, the Tribunal feels that the most important direction of the High Court to the above-mentioned Committee was to devise a fail-safe system for proper reporting and timely repairs in municipal schools. This direction assumes tremendous importance as it serves as the opening for the creation of a forum for public grievances vis à vis school infrastructure. The report of the High Court-appointed Committee merely states that the system is being prepared, but it does not explain what kind of system is being set in place and how such a system will be simple and easy for the common person for follow-up and get redressed. In response to an RTI application, the MCGM in its letter dated 29 May 2007 stated that children and parents who have complaints regarding infrastructure of schools may approach the concerned Administrative Officer (Schools) of the wards. We find that such a system is completely out-of-reach for poor parents, children and teachers.

There is absolutely no public awareness about such a redressal mechanism. Even NGOs and social workers in the field of education and helping MCGM schools do not know that there is such an 'official' redressal procedure.

Although A.O. (schools) is the contact point for such complaints he/she is not often empowered to carry out major repairs and is not in a position to draw the matter to a satisfactory conclusion. Delays in such matters can lead to destruction of lives of children, teachers and other service staff.

We therefore strongly urge the MCGM to come out with an alternative for an easily implemented 'redressal mechanism' for teachers and parents. This needs to be supplemented by a more rigorous inspection mechanism. Currently, there is no system by which the parents or children of a school can make complaints to have a school inspected. Information under RTI given to the Tribunal indicates that there are no designated inspection officers for schools, and officers are sent for inspection randomly. There is hardly any follow-up and fixing of responsibility. While the Tribunal has no objection to a non-designated officer going on inspection, it is nevertheless important to collect requests for inspection from the public based on their grievances, and to prioritise tasks depending upon the gravity of the grievance. We urge the State Government and the MCGM to issue a circular with a redressal mechanism that is easy for the common public to access.

In addition to the testimonies received, the Tribunal visited a few municipal schools. From the visit and interactions in Tunga Village School, Andheri, the following factors came to light:

- a. School consists of one big room separated by a divider. The classes are extremely dingy, not well illuminated and are overcrowded;
- b. School does not have a toilet that can be used. There is an open bathroom that cannot be used by children;
- c. Immediately outside the school, there is a very large open gutter (about five to six feet deep) that can be dangerous especially during the monsoons;
- d. The Tribunal learnt that no maintenance work has been carried out in the school despite several requests for repairs by the Head Master of the school. There is a tussle between the BMC and the owners of the premises of the school as to who should conduct the repairs. However, as per information given to the Tribunal, the MCGM has not taken any concrete measures because the school operates on premises rented from a Mosque. The MCGM officials maintain that it is the owners who must maintain the building. Under the law, MCGM, as the tenant, is authorised to carry out necessary repairs and thereafter deduct the same from the rent payable to the landlord. Therefore, given the importance of maintaining the school buildings, it must take immediate steps to refurbish problematic premises. MCGM should not run schools in sub-standard premises, regardless of whether they are rented or owned.

The Tribunal also found that Nariman Lane School in Kurla faced severe infrastructure problems. The day the Tribunal visited the school, it was raining and the Tribunal witnessed that the roof of the school was broken in several parts. Due to the rain, benches had to be pushed to the back of the class and students were made to huddle together. The Principal tacitly admitted that when the rain becomes unmanageable, students are sent home. Further, the Principal showed us the state of the toilets in this school. None of the toilets had doors, the stench from the toilets was reaching the main entrance of the school and obviously children and teachers from this school are unable to use the toilets. Both the Tunga Village School and the Nariman Lane School have not been repaired since 2002 (as per list of 'repaired' schools furnished by the MCGM under RTI application).

The other problem faced by the Nariman Lane Municipal School is one of security, where local lumpen youth from the surrounding area enter the school premises and use the premises for anti-social activities. This disturbs the functioning of the school and also poses a threat to female students. The Principal informed us that after several requests and repeated reminders, the MCGM has finally consented to raising the height of the compound wall. It is pertinent to note that the High Court appointed Committee on Infrastructure has also noted in its report that "security is surely lacking in BMC schools and this leads to a lot of anti-social activities after school hours. This issue needs to be addressed with active participation of the police..." Given the alarming increase of incidences of children being kidnapped and exploited across the country, we find that security in schools should be addressed on a priority basis. We therefore urge the MCGM and the police functionaries to develop a cohesive security system for schools.

### Summary of Findings

- Amenities like drinking water, sanitary facilities, well-maintained classrooms, playgrounds cannot be optional for the wellbeing of children or teachers. Lack of such facilities not only have an adverse impact on teaching and learning, but can be seriously damaging to their health. This is particularly true of children who have no access to these facilities even in their residential surroundings.

- While it must be noted that many schools run and owned by MCGM enjoy better basic infrastructure than some private schools, it sad to note that this picture is to be changing. Expansion of the city, particularly in the suburban areas and lack of adequate maintenance by MCGM of existing schools seem to be the main factor responsible. It is distressing to note that the general attitude to this issue is apathy. There seems to be a tacit belief that children of disadvantaged families can do with inferior quality of infrastructure. Lack of toilets and drinking water, no space for recreation, dingy classrooms, non-functioning appliances etc. are in fact symptomatic of this and are only the tip of the iceberg.
- The state of many school buildings and general apathy to improve the falling standards of MCGM schools is linked to this issue. It is easy to imagine a scenario where a decrepit school building may result in an accidental collapse. In such an event not only will this lead to loss of life, but it is also quite easy to imagine the delays and inaction to rebuild the school. Thus the question of abortion of school admissions and discontinuation of education will be a natural consequence. Seeing the large volume of school premises under disrepair such situation may not be an exception, but might become a norm.

### Recommendations

- The recommendations of the Dhanuka Committee must be implemented in letter and spirit in a timely manner.
- Updated infrastructure audit of all schools run by MCGM must be carried out and a time-bound action plan has to be put in place with a follow-up mechanism.
- NGOs as well as the MCGM must make efforts to spread public awareness about redressal mechanisms regarding this:

#### 4.2.2 Quality of Education

Equitable quality education has been a thorny issue in the arena of public education, primarily because the criteria for quality are not clearly defined. One of the first concerns of parents and teachers is that of teacher-absenteeism and teachers' misusing their power in schools. The Tribunal heard several young children recounting, in meticulous detail, facts surrounding teacher-absenteeism and misuse of power. From its interactions with teachers, parents and children, the Tribunal encountered a range of problems - teacher absenteeism, teachers engaging children during school hours to perform sundry chores, different classes being managed in one class due to shortage of teachers, mass copying during exams with the tacit support of teachers, teachers being busy with clerical, non-teaching work, teachers being engaged in non-teaching work outside school premises, etc.

#### Extracts from depositions

"...The teachers in our school would often sit in the staff room and students would have to go and call them to the class. Most teachers would only read aloud the textbooks and leave the rest to us. If we ask them to explain something, they sometimes shout at us and said "why don't you pay attention?" This was specially so in Maths where we needed to understand difficult things. We could have read other subjects on our own. But even in maths the teacher would never explain when asked. I studied in the school for class 8, 9 and 10,

except for one teacher who taught us grammar; none of the other teachers explained things to us. There were times when teachers were present in the school but not in our classroom.... There were times when students would attend a few classes and then go out of school and return at the end to collect their bags.... I am happy I am not in school anymore," [Deposition from boy who dropped out of school, Worli].

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"...I have come from Gorai. My son is in the sixth standard. He goes to the school every day, even though it takes him two hours to walk to school. We ask him about his studies. He tells us: "The lady teacher had not come today, so one girl from our pada' taught us. If the girl herself does not know much, what can she teach? Schools are there to learn properly. If it is not so then he must be sent to another school. I went to meet the lady teacher. When we met her, she said: "I teach him in the school, but you also should take pains to teach him at house. It is because, of you that they do not study, and can not read and write...."

I told her, "If he could do all this on his own, why would we send him to school? My parents did not educate me, but I want my children to study. I therefore, send him so far away to school."

But the teacher was firm on her opinion.

I asked her: "Why am I spending too much money?"

As it is we are required to go half-way to bring them back home. We have to also earn our livelihood. Sometimes, there is no money for transport, then they are required to walk all the way to school. If this continues, we will be compelled to look for another school. I asked the lady teacher for the Leaving Certificate. She said: "I cannot give the certificate. Do whatever you want to do!"

Now it is 15 days since the school opened, but they do not give the Certificate, saying: "We will send it by post." We go to school again and again but with no certificate. If you want to increase the number of students in a school, you should teach them well.... Only then, the school will have classes till seventh std. If you would have taught better, we would not take our children to other schools.

She said: "Your children's clothes are dirty. They do not have a kerchief. They are not well dressed."

I said, "You roam about the whole day in the name of other work and meetings. You do not teach anything. You ask the older students to teach others."

She said: "The Government gives us salary. I don't have to hear anything from you. You have extra money that's why you are taking him to another school."

I: "We earn only Rs. 50/- per day by hard work. We really can't afford another school but we are forced to send him there."

Despite all these problems, we have sent our boy to another school," [Deposition by parent from Gorai region].

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"I am studying in the fourth standard. I did not have a class teacher for almost

one year. Only one sir used to come to our class and give us an assignment in a hurry and leave. Many children from our class failed. Because of all this, many children cannot read properly. There are 80 children in my class. There is no timetable or syllabus that we know of. Some teachers are alright, some teachers are not," [Deposition from child studying in municipal school from Wadala].

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"...I study in Gorai Municipal School (seventh standard). My teacher takes attendance once we reach school and after that sits in the office. She tells the monitor to teach the class. In her absence, all the students shout and make mischief. Then the other teachers come late and start beating us. Is it our fault?" [Deposition of girl aged fourteen years].

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"...Some teachers don't know how to teach well. No timetable or syllabus is given to us. Teachers charge money from other boys in order to give them results. They just tell the result orally but refuse to give certificate without a payment. The children who take tuitions from them are passed and those who don't are failed. Once, I myself have seen a teacher taking money from a boy..." [Deposition from a boy in Wadala, studying in municipal school].

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"Our teachers ask us for money to give results..." [Deposition of child from Kurla, studying in municipal school].

\*\*\*\*\*

"Our teachers make students work. Teachers tell the students - "you clean my lunch box and water bottle and give me water. You go to office and bring the register. You go to idli shop and bring idli for me. ... This goes on," [Depositions of students from Shahaji Nagar Municipal Tamil School No. 2].

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"...Sometimes, our teachers ask us to buy tea, pan, tobacco from outside..." [Deposition of child from Wadala].

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"...Teachers tell us to clean the garbage and the entire school. They beat us badly if we don't do it properly..." [Deposition of child studying in school].

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"...In our school, for every exam the teachers give us guidebooks to copy from. We also write answer papers for our classmates who are absent for exams and they too clear the exams along with us ..." [Focus-group Discussion with children studying in municipal school].

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"I was a student of class 10 in Ambedkar Municipal School in BDD chawl, Worli. I gave my SSC exams in March 2005. I was assigned Prabhadevi Municipal School as centre for SSC board exams. I saw the supervisory teachers openly giving guide books and digests to some of the students so that they could copy and write answers in English and Math papers. I also heard those

teachers telling the students that they should copy and get good marks so that their school results are good. When I asked the teacher "Why are you allowing them to copy? This way our marks might not be good in comparison to theirs, why are you allowing the copying?" He told me to keep quiet and said "they are not copying". And then he walked out of the class. When another student from my school tried to copy, he was caught and the teacher took him outside the class and warned him not to copy. Only those students whose parents gave money to the teachers were allowed to copy. I think this is not fair..." [Deposition of Boy].

The Tribunal is particularly concerned with the problems faced by teachers where classes are combined as this has serious ramifications on quality of education. The following is a list of municipal schools where classes are combined:

1. King's Circle Municipal School (Kannada Medium) - standards one to seven combined into one class with one teacher;
2. Kannamwarnagar Municipal School, Vikhroli (Hindi medium) - standards one and five combined;
3. Sainath Nagar Municipal School (Kannada medium) - standards one to seven combined;
4. Sevaram Lalvani Municipal School (Mulund) - standards one to seven combined
5. Sewri Municipal School (Kannada Medium) - standards four to seven combined into one class in the afternoon shift; standards one to three combined into one class in morning shift;
6. Prabhadevi Municipal School (Telugu Medium) - standards one to five combined; standards six and seven combined;
7. Rajashri Shahu Municipal School, Mahim (Tamil Medium) - standards one to seven all combined into one class with one teacher;
8. Jagannath Bhatankar Municipal School, Elphinstone (Urdu Medium) - standards one to four combined into one class with one teacher; standards 5 to seven combined into one class;
9. Parel Bhoiwada Municipal School (Kannada Medium) - standards one to four combined; standards five to seven combined;
10. B. J. Devrukar Municipal School (Marathi Medium) - standards one to four combined; standards five to seven combined;
11. Sahkarnagar Municipal School, Wadala (Marathi Medium) - standards five and six combined;
12. Annikgaon Municipal School, Chembur (Marathi medium) - standards three and five combined;
13. Kajupada III Municipal School, Kurla - standards five and seven combined;
14. Kannamwarnagar Municipal School, Vikhroli (Urdu medium) - standards five to seven combined.

We have learnt that classes are combined on a regular basis because of a) shortage of teachers and backlog of unfilled vacancies; and b) the class strength is 'low' in many schools particularly in South Bombay. We believe that other solutions to these problems

need to be explored without combining standards and rendering the educational experience meaningless. We fail to understand how the MCGM expects a teacher to effectively teach a class with first standard students and seventh standard students sitting in the same class. If the problem in certain language medium schools is one of low enrolment, then the MCGM should concentrate on developing model regional language schools in areas where population of such persons is higher. This should be further supplemented by improving children's access, to schools by providing free transport to such schools for children from other 'less densely populated' (by language) wards.

Another concern, albeit, briefly presented, is the issue of methodology and curriculum in schools. While it is extremely difficult for the Tribunal to objectively assess methodological concerns in schools mainly based on testimonies, it is nevertheless important to mention that several children came before the Tribunal and presented a seemingly simple yet important problem "that their classes were boring". This is also supplemented by testimonies given in relation to the pursuit of co-curricular and extra-curricular activities in schools. For example, a social worker from Don Bosco was lamenting the fact that children who are artistically inclined have no avenue to pursue the same in government schools: "Students from our colony are well end owed with many artistic qualities. There is no place for these subjects in the school. It is the responsibility of Govt. to encourage students having different faculties." In addition to this, there were several parents who came before the Tribunal and deposed that even though their children regularly attend schools, they find that their children are unable to answer basic questions. For instance, children are unable to write their own names even when they reach fourth and fifth standard. This was a common complaint received by the Tribunal from over fifty to sixty parents. (A study conducted by MPSP which is a wing of the State Government revealed the same. It must be noted that the Tribunal broadly supports the findings of this study but does not support the conclusion, which merely blames the teachers. The tribunal also does not endorse the measures envisaged by the State Government to remedy this problem (Enclose Annexure of findings). One of the Tribunal members, who visited the Magthane Municipal School, was greeted by the third standard students in unison as follows "Good morning Sir. Welcome to our school. How do you do?" The Tribunal member responded to the greeting and gently enquired with the children whether they knew what "How do you do?" meant. The member was disappointed to note that not one child was able to answer the question or hazard a guess. It must be pointed out that this was not because the children were shy and not hazarding guesses regarding the meaning, it was because they did not know the meaning. This is a simple testimony to the "mugging" or rote approach followed in a majority of municipal schools. Given that several children and parents had concerns regarding the manner in which children are taught, the Tribunal strongly recommends that the Department of School Education (Government of Maharashtra) set up a team of experts to look into the issue of curriculum and methodology. While doing so, the terms of reference of such a group must adhere to the National Curriculum Framework, 2005 as this is based on a sound child centric pedagogy.

In order to examine the issue of quality education in a holistic manner, it is imperative to address the problems faced by teachers as well. The following factors emerged from various discussions and testimonies that the Tribunal received:

- a. Teachers assume too many positions and have too many tasks to fulfil. For example under the SSA, supervision of building construction, surveys, etc. are ultimately assigned to teachers. In 70% to 80% schools, there are just two teachers. One teacher is supposed to look after four classes. There is a huge back-log of vacancy due to which teachers are



required to teach more classes than they can handle. In several areas, due to absence of clerical staff, teachers are required to do clerical work as well within teaching hours. Furthermore, implementation of the mid-day meal scheme also falls on the shoulders of the teachers. The teacher is required to check the quality of food-grain available in the stock and, ensure that the rations arrive on time. Such tasks take up majority of the teachers' time. [Expert Deposition by Sri Devaji Gangurde, Chairperson, Maharashtra Rajya Prathamik Shikshan Samittee]

b. Further, teachers in schools are under severe pressure to show progress and strong results. While there is no official policy on the same, their increments and promotions are withheld if students fail. This leads to absurd situations where teachers even assist children during exams in order to ensure that they pass. Discussion with teachers from Magthane Municipal School during the spot visit revealed that because of this pressure, teachers are not really concerned with the actual progress of the child and are more concerned about protecting their own interests. For instance, one parent during the FGD in Mahim Gate shared that his child was promoted from one standard to another even though he did not attend the exam. Similarly, FGD with children from Kamathipura Municipal School revealed that teachers circulate guides to children and also write answers on the blackboard. This problem of mass copying with the assistance of the teacher was something that was revealed repeatedly to the Tribunal.

c. It is well accepted that quantum of paper work reduces time for actual classroom teaching and educational activities. For example, teachers are required to conduct up to 16 tests (newly introduced at during 2006 under SSA) in a year, correct papers and complete detailed result charts. The teachers also explained to us how a table had to be filled in different coloured pens (as per prescribed colour code). If there was any minor error in these completed tables, then the sheets were sent back to the school until re-done in accordance with the prescribed colour code. [Discussion with teachers from Tunga Village School]. However, this system of testing was challenged in the Bombay High Court and the Court has stayed these tests.<sup>86</sup>

d. The teachers and principals of the schools have been given a strict warning from the A.O.(Schools) of the respective ward that they should not share any information regarding school infrastructure and amenities with the public [Discussion during spot visits with teachers from Nariman Lane Municipal School and Tunga Village School]

e. Poor service conditions owing to of the Shikshan Sewak Scheme were also brought to light. Prior to the Shikshan Sewak Scheme, a newly appointed teacher would be under probation for two years. However, she would receive basic salary and other benefits, in accordance as per the scale even during the probation period. The Shikshan Sewak Scheme dramatically changed this and introduced lower pay of Rs. 3000/- for a period of five years. Therefore, a newly appointed teacher would receive Rs.3000/- for the first five years, contrary to the scale of pay to which she/he should have otherwise been entitled. After the initial period of five years, the said teacher would be paid in accordance with the scale. All teachers found this extremely demoralizing. [Deposition by Advocate Sunil Dighe]

f. Last but not least is the problem where the teacher serves multiple roles - that of a principal, a teacher and a clerk. Needless to say this takes away from the teaching time in school.

Much before the Tribunal had the opportunity to examine issues pertaining to quality

<sup>86</sup> "No extra tests in civic schools", Times of India, August 9, 2006.

education, the same were raised before the High Court in the case discussed before i.e. in the case of *Yashwant Mistry v. MCGM*.<sup>87</sup> Thereafter, the High Court appointed another Committee (referred by the MCGM as the Committee for the Improvement of Standards of Education - CISE) to examine the issue of lack of educational facilities. To this end, the Committee was required to study all aspects pertaining to academic standards and educational facilities including adequacy and qualifications of the teaching staff, teaching aids, implementation of extra-curricular activities, sports facilities, and other matters. It is thus important to trace the follow-up and developments after the appointment of the said Committee to examine the nature of improvements that have been made in municipal schools. The Committees submitted its report to the High Court in September 2006.<sup>88</sup>

Before examining the recommendations made by CISE, it is pertinent to note some of the observations made by CISE regarding problems faced by them while functioning. For example, in its Preliminary Report, July 2006, the CISE notes as follows:

The Education Committee was to have full access to all BMC schools and records, with an entitlement to interview principals, teachers and staff and to interact with students and parents. However, while almost 14 Education Committee meetings have been held since September 2004, little progress has been made with this arrangement. In each of these meetings, it has been requested that a timetable be prepared by the Education Department for these school visits. Till date only one school has been visited, the City of Los Angeles School in Matunga. To complete the required work, it is imperative for the Committee to closely evaluate and monitor BMC Schools. This can only happen when the Committee can work with some degree of independence from the BMC and have free access to schools of their choice... Since the Court directed survey of BMC schools was not possible this report has been prepared from information obtained from non governmental organisations, researches conducted by experts from academic institutions, and other individuals and agencies working in the field of education for underprivileged children. The experience of Aseema Charitable Trust will be drawn on as an example of an NGO that has successfully adopted a BMC school.<sup>89</sup>

In its report, the CISE has identified the following areas that need to be addressed:

Key Areas for Concern	CISE Speaks...(Extracts from report)
Teacher - student ratio	"...Teachers are not equally distributed through the mediums. Some schools have an excess of teachers while others face a severe shortage... In certain instances only two teachers are responsible for teaching seven classes (Std. I to VII). This is achieved by either combining classes or older students or peon taking classes."
Quality of teaching	"...BMC teachers find it difficult to balance non-teaching administrative duties with their classroom role. ...They must be to some extent relieved of the burden of their administrative duties so that their focus remains with the

<sup>87</sup> *Yashwant Mistry v. MCGM*, supra note 86.

<sup>88</sup> Please refer to Annexure for the Preliminary Report, July 2006, submitted by the High Court appointed Committee for Improvement in Standard of Education; and the report submitted by the High Court appointed Committee for Improvement of Infrastructure.

<sup>89</sup> CISE, Preliminary Report, July 2006.

	education of their students. ...most teachers have access to limited facilities in terms of space and resources to hold stimulating classes for the children. ..."
Inadequacies of the curriculum	"...the current admissions system should be revised to ensure that students have the skills required to progress. Students should be properly assessed before they are promoted to a higher standard... Another reason for the waning of initial enthusiasm of the children is the physical punishment and insensitive derogatory remarks by teachers. Brutal and inhuman disciplinary practices are a deterrent to schooling...."
Involvement of community and extra-curricular activities	"...Besides, though education is supposed to be free, in practice, they have to bear the cost of transport, books, examination materials, uniforms etc., which they cannot afford.... In some BMC schools, education is a farce. Many a times, children come and there are no teachers, no classes. The students loiter around the school premises and go home. At home also there are neither any facilities nor is the environment conducive to study or learning...."

In order to address the above-outlined concerns, the CISE proposed a two-fold solution: a) school adoption by private parties or b) school partnership by private parties.<sup>90</sup> Provisions of the proposed scheme are reproduced below (numbering altered but provisions reproduced verbatim):

**Provisions reproduced from the School Adoption Scheme proposed by CISE (emphasis supplied by IPT):**

1. The principle objective of the scheme is to ensure that all actions taken by the BMC, its staff or any other relevant party (NGO, corporate firms, etc.) be in the best interests of the beneficiaries of the school - its students.
2. The NGO will take complete operational and academic responsibility of the school for a period of five years to ten years.
3. Additional resources to be brought in by the NGO may include:
  - b. Providing furniture
  - c. Providing teaching aids/audio-visual aids
  - d. Development of school laboratories
  - e. Development of school libraries
  - f. Development of computer laboratories
  - g. Establishment of pre-primary classes eg. Balwadi classes
  - h. Providing student enrichment activities (vocational, music, audio-visual etc.)
  - i. Conducting support classes for needy students
  - j. Providing class teachers
  - k. Providing teachers for special subjects and extra-curricular activities

- i. Providing social workers
- m. Providing counselling facilities
- n. Providing mid-day meal schemes
- o. Providing medical check-ups
- p. Creation and maintenance of playground and garden
- q. Providing uniforms, shoes, notebooks etc. as required
- r. Providing water filters
- s. Maintain school infrastructure and undertake housekeeping and minor repairs
- t. Any other activity deemed worthy of inclusion in the Adoption Programme, decided by the Local Managing Committee of that school
4. A Local Managing Committee to be appointed, comprising of
  - u. A BMC representative (not below the rank of A.O.)
  - v. A representative of the NGO
  - w. A representative of the Parent Teacher Association (PTA), where available
5. This Local Managing Committee, will meet as and when necessary and at least once a month and will be authorized to take decisions with respect to the following issues:
  - x. Admissions
  - y. Appointment of teachers, social workers, helpers and other support staff
  - z. Time-table
  - aa. Extra-curricular activities including organising excursions, and field trips, annual day, sports day, etc.
  - bb. Issues relating to school house-keeping and minor repairs
  - cc. Charging nominal fees for special services provided
    - i. Computer classes
    - ii. Bus fees
    - iii. Any other charge subject to approval of the Local Managing Committee
6. The BMC to make allocation (financial) to the school in the same manner it is doing so at present.
  - dd. BMC will ensure that the current level of expenditure being incurred on the school (relating to housekeeping expenses, repair expenses, etc.) will be continued at par with other schools and the Local Managing Committee will take all decisions involving such expenditure.
  - ee. The BMC will send this amount to the Local Managing Committee at the inception of the concerned academic year.
  - ff. The NGO will contribute extra resources, as and when necessary.
7. The NGO will submit an annual report to the BMC's Education Officer entailing the activities undertaken at the school in that academic year. The BMC auditor will audit financial statements.
8. An agreement or 'Memorandum of Understanding' (MOU) will be entered into between BMC and the NGO regarding the new adoption scheme.

9. Either party may terminate this agreement if:
- Violation of any terms and conditions of the agreement occurs
  - The opposite party is functioning in a manner deemed detrimental to the interests of the students.
  - Either party can only terminate the agreement by giving an advance notice of three months.
10. The NGO to be allowed to display a sign on the adopted school building, measuring not more than 1 metre by 0.5 metre, indicating that that school has been adopted by that NGO.
11. If an organisation fails to satisfy all of the requirements noted above, it will forfeit the privilege of displaying its sign at the school and may either be subject to the provisions of the partnership programme or may be asked to vacate the school premises.

**Provisions of Partnership Proposed by CISE  
(not reproduced verbatim. Points summarised)**

1. An organization or individual is said to be in Partnership programme only if the concerned party contributes through any of the following ways: (list of all items mentioned in point 3 of the Adoption Scheme above).
2. Organisation eligible to be partner only if annual contribution is at least Rs. 50000
3. Individual eligible to be partner only if annual contribution is at least Rs. 10,000.
4. A Local Managing Committee to be appointed (see point 4 of adoption scheme). If the school has multiple partners, only those organizations/individuals whose annual contributions exceed Rs. 1,00,000 will be allowed to sit on the committee.
5. Minimum term of partnership is one year. Partnership ceases if conditions are not satisfied. No maximum term for partnership.
6. If an organization or individual wishes to 'partner' with a school adopted by an NGO, the concerned party may do so, subject to approval of an authorized representative of that NGO, which has adopted the school.

To understand the nature of discussions held during the formulation of the adoption policy, one needs to look to the minutes of the meetings of the CISE.<sup>91</sup> Extracts from the minutes are presented below (complete minutes produced in the Annexure).<sup>92</sup>

**Extracts from Meetings of the CISE, as obtained under RTI (emphasis supplied by IPT):**

**From Minutes of the Committee for Improvement of Education held on 11 February 2005 at 5:00pm:** "...Shri Borale, Dy. EO [Spl Cell] informed that the meeting is held specifically for formulating the norms for adoption of schools. Smt. Dilbur Parakh enquired whether the help by way of manpower

<sup>91</sup> In its Preliminary Report, July 2006 (ibid. note 91) the CISE has claimed to have had around fourteen meetings. However, in its response dated 30 September 2006, to an RTI application, the Office of the Education Officer has provided minutes for the following meetings of the CISE – 1 October 2004, 19 November 2004, 11 February 2005, 29 April 2005, 14 June 2005, 16 September 2005; 21 October 2005, 27 February 2006, 24 March 2006, 20 April 2006.

<sup>92</sup> See Annexure 21 for the Preliminary Report, July 2006, submitted by the High Court appointed Committee for Improvement in Standard of Education; and the report submitted by the High Court appointed Committee for Improvement of Infrastructure.

from private organisation is accepted. Shri Rehman clarified that because of the directives from the Government to fulfil the backlog in the cadre of teachers from the backward classes, certain number of posts of teachers has fallen vacant. Undoubtedly the administration has taken immediate steps to fulfil the backlog for which applications are already invited and that the recruitment process is going on. Until the backlog is filled and manpower is made available, there is a need to seek help from private organisation to make available the services of teachers. E.O. said the prime criteria would be to ascertain that the concerned NGO is financially sound enough to run the school in the required manner. Other onerous restrictions can be removed....

**From Minutes of the Committee for Improvement of Education held on 14 June 2005 at 4:00pm:**

"...Education Officer Shri Rehman informed that the present policy on adoption of schools is being reviewed so as to cover the suggestions of the members of the committee made from time to time. Shri Borale, Dy. E.O. informed that as decided earlier, the letters were sent to all members of the committee inviting their suggestions. However, there has been no response to the same, though reminders were sent. DMC (Education) then suggested all members to put forth any suggestion with regard to the policy. If at all they do not have any more suggestions, they may kindly send a letter to the effect. ..."

[Please note that the minutes of previous meetings do not reflect any discussion or suggestions made by the CISE on the adoption policy]

**From the Minutes of the Committee for Improvement of Education held on 24 March 2006 at 5:00pm:**

"...First, Shri Shriram of Akanksha gave presentations... He then said that wherever the municipal schools are under-utilised, the bldg should be made available to the NGOs in the field of education, for which clear-cut policy should be defined and that the same should be liberal.... He then suggested that whenever there is a shortage of teachers, the college students can be engaged as volunteers and that the college students can be given basic training which will enable them to impart education to the school children... Dy. Education Officer (Special Cell)... suggested that the local committee comprising of the local municipal councillor, the representative of the NGO and the concerned municipal officer can be set up to assess the performance of the NGO. Smt. Lashkari further said that the work of teachers may also be allowed to be evaluated by the NGOs as independent observer..."

**From the Minutes of the Joint Meeting of the Committees for Improvement of Education and Improvement of Infrastructure held on 16 September 2005 at 5:00pm:**

"...DMC [Education] said that various factors such as qualified staff, financial stability of the organisation to sustain the activity, local Committee for monitoring the activity and wages to the teachers as well as the non-teaching staff employed are required to be considered before allowing any organisation to run the school... The EO then informed that any private school attracts

recognition from the Education Department before which they are required to comply with prescribed requirements. The requirements also demand that the staff should be qualified and that the wages to the teachers should be on par with Corporation staff. DMC [Education] then maintained there should be a guarantee from the NGO/Corporate house to shoulder financial responsibility of running of the school on sustainable basis because backing out by any organisation suddenly will lead in disturbing the Educational facility to local children. In any case the school should run continuously without interruption and hurdle. From this viewpoint the NGO opting for the purpose should give the statement of accounts for last five years to enable the administration to examine their financial capability of running the school. ... Besides, the reservation to the backward classes in the employment will be imperative as directed by the State Government...

From the above minutes, it is fairly clear that the MCGM was very keen on pushing through the adoption and partnership schemes irrespective of whether they were really solutions to the problems of low-quality education in municipal schools. In mid 2007, the said schemes were publicly circulated with minor changes as a Draft for Discussion by the Deputy Municipal Commissioner (Education).<sup>93</sup>

From the discussions and the Preliminary Report, July 2006 of the CISE, as well as the reading of the minutes of the CISE meetings, the Tribunal notes the following:

a. MCGM's mandatory statutory function to provide free and compulsory education by "maintaining, aiding and suitably accommodating schools" is not reflected in the scheme/discussion. The said mandatory statutory function is sought to be contracted-out to private parties, and such private parties have also been empowered through Local Management Committees to charge fees. This would amount to a flagrant violation of the fundamental right to free and compulsory primary education. The CISE has not accounted to the Constitutional legal obligations of the MCGM and the implications of withdrawing from the said legal obligations.

b. Similarly, given that a child has a fundamental right to primary education, Local Management Committees of municipal schools cannot be empowered to make decisions regarding the admission of a child into a municipal school. Admission is a matter of exercising a child's fundamental right and therefore cannot be made subject to a local body's discretion. Such exercise of discretion would again amount to a flagrant violation of the said right.

c. The Tribunal finds that the terms 'Adoption and Partnership' are euphemisms for privatisation without any regulation. The existing law governing schools run by private managements is given in the Grant-in-Aid Code and the Secondary Schools Code. From existing information that is available, it appears that the aforesaid proposed schemes of adoption and partnership seek to bring in private enterprise and investment through the backdoor, contrary to the norms laid down in the said codes and other laws. Therefore, the Tribunal feels that such a scheme would amount to a violation of Article 14 of the Constitution as it is arbitrary i.e. the so-called "adopted schools" are allowed to by-pass the more onerous regulations in the Grant-in-Aid Code and the Secondary Schools Code.

d. The Tribunal also finds that the proposed scheme for adoption does not in any way underscore the ultimate financial responsibility of the MCGM towards its mandatory statutory duty of ensuring that primary education is 'free and compulsory'.

<sup>93</sup> The scheme as proposed by the CISE and the scheme as circulated by the DMC (Education) are both annexed to this report.

e. The Tribunal finds that CISE and MCGM's proposal of school adoption/partnership is not supported by strong empirical evidence of its success. There has been no in-depth empirical study critically evaluating the implementation of the existing adoption scheme under the Municipal Corporation of Greater Mumbai Education Department - School Adoption Programme Booklet, 2004 and other schemes prior to that. As per the information given by the Education Department under RTI, many municipal schools have already been adopted. The data indicates the following:

Year	Number of Municipal Schools Adopted	Number of Children
2001 – 2002	284	138557
2002 – 2003	306	144325
2003 – 2004	299	128388
2004 – 2005	303	144315
April – Dec 2005	317	145728

Therefore, more than 25% of the schools run by the MCGM are already run with the help of private parties either by way of full or partial adoption. From this information, it is clear that for 317 of the existing MCGM schools, private parties (largely non-governmental organisations) provide a range of facilities such as paying teachers' and non-teaching staff 'honorarium'; maintaining buildings and toilets, providing lights/fans, etc., providing mid-day meals, distributing educational materials, conducting extra classes, conducting vocational training classes, conducting computer classes, providing uniforms, conducting regular classes, organizing competitions, art-craft classes, organizing health camps and so on.<sup>94</sup> With the information available before the Tribunal, it appears that thus far no comprehensive audit has been conducted to check whether such schools are continuing to provide education free of cost and to adopt any discriminatory practices and so on.

CISE in its report has only referred to the adoption experiences of Aseema Charitable Trust. The CISE report states that Aseema Charitable Trust adopted the Pali Chimbai School in 2001. 'Aseema Foundation' is listed as an organization that has adopted two schools in Pali Chimbai School, catering to 297 children. The information also states that Aseema Foundation has taken the responsibility of providing uniforms, 'karate ground'<sup>95</sup> and tree plantation. However, Aseema's experiences do not even account for 1% (0.6%) of the totality of experiences in relation to school adoption and caters to only a small fraction (297 of 1,45,728) of children studying in adopted municipal schools.

The Tribunal strongly feels there is a need to study the existing adopted schools. Further, from the data above, it is clear that between 2003 and 2004, there was a drop in the number of adopted schools. This implies that either the schools ceased to be adopted or the schools were closed down. In either of the two cases, it is important to understand the impact and implications of de-adoption/closing down on quality of children's education. The Tribunal finds that there is no data on such crucial questions.

94 Id. See column 6 of the tables above.

95 Meaning unclear, literal translation of Marathi phrase 'karate potangan' has been produced.



Finally, the Tribunal finds that the proposed solution of school adoption does not address many of the problems identified in the context of quality education. Some of the problems with the proposed school adoption scheme are as follows:

- Since the adopted schools *prima facie* are not governed by the Grant-in-Aid or Secondary Schools Code, there appear to be no standards and norms that are required to be followed in schools - teachers qualification, teacher-student ratio, minimum working days, minimum working hours, terms of remuneration and so on.
- There is no method of ensuring quality control over teachers. On the contrary, the minutes of the CISE meetings records a suggestion that even college students can be engaged as volunteers to teach in schools as a stop-gap measure. The minutes do not however disclose the position of the Committee vis à vis such a suggestion. Nevertheless it is cause for concern that no minimum qualifications for teachers has been prescribed, as is the case for employment in municipal schools.
- It is doubtful whether government teachers will retain their status as 'government employees' even after a school is adopted. What happens to the service conditions and employment security of teachers from adopted schools? What will happen if a school is 'de-adopted'? Will the MCGM absorb all the school staff as government employees?

The Tribunal feels that these are some crucial issues that need to be thoroughly examined, before the school adoption scheme is implemented any further. In fact, the Tribunal is of the opinion that no more municipal schools should be given in adoption until existing adopted schools are thoroughly studied and evaluated.

The Tribunal also received testimonies regarding the implementation of the Midday Meal Scheme in municipal schools. A common complaint received from children (about fifty children from different schools) is that they were given food on paper or in their hands and therefore it became impossible to eat it. Another common complaint was that the food was not clean and very often there were "keede" (worms), "kachra" (dirt) and "pathhar" (stones). Further, there have been complaints that preparation and supply of food is contracted out to people who quote the lowest bids.

"...In several cases, they prepare the food early in the morning at 4:00 am and it reaches school by 12:00 pm or so. In summers especially, this food gets spoilt and children are unable to eat it. In fact, by ensuring that the scheme is poorly implemented, the Government is consciously developing a sense of discontent amongst parents and teachers against the scheme so that the Government can withdraw implementation of the said scheme in Maharashtra..."[Expert deposition by Dr. Leena Joshi, Apnalaya].

In addition, we found that even in municipal schools, the midday meal is not implemented in classes one through five as required under the scheme. For example, children reported that the fifth standard children from Prabhadevi Municipal School do not get the midday meal.

### Summary of Findings

- The area of quality of education is one of the most elusive as the understanding of related issues falls in a subjective realm. It can be best understood by the well-known analogy of the seven blind men and the elephant. It is an issue that is often

debated without a proper conclusion. The changing socio-economic scenario has added to this complexity. A lot of innovative work has been done in the area of pedagogy at the national and international levels. It is distressing to note that the atmosphere in MCGM is completely bereft of any knowledge of these changes. The invaluable contributions of Tagore, Gandhi, Gijubhai, Krishnamurti to the world of teaching learning have largely stayed away from these schools. To add to this, the changing scenario within the framework of the Structural Adjustment Programme has stripped the concept of quality, reducing it to the bare minimum. It is now merely understood in terms of knowing how to read and write. It must be noted with distress that many NGOs are also responsible for sanctioning this practice and giving sanctity to such understanding. Stray efforts to ameliorate this by any concerned groups are not always welcomed. On the other hand the concept of quality is being equated with mere mugging and exam-performance. For this the MCGM schools have taken a leaf out of the private schools catering largely to the middle-class. It must be noted that the MCGM is merely following the curriculum, syllabus, textbooks, and exam patterns set by the SCERT and Bal Bharati. The above-mentioned problems are applicable to these bodies too. Unless there is a review of these academic practices, a genuine change cannot be expected.

- At the same time, even the basic skills of acquiring the Rs. 3/- are not being mastered by considerably large numbers of children. The Tribunal feels that this is due to the fact that classroom time available to teachers has shrunk to a worrisome limit. Even if the teachers are not called on 'non-educational' duties such as medical, census surveys, the non-teaching workload and clerical tasks are a heavy burden. Such conditions can in fact adversely affect the teacher's self-image where they see themselves more in a role of mere government employee rather than a teacher responsible for affecting the futures of young children. It is also well known that teachers are often called for administrative work to ward offices, at which time the children are left with no teacher.
- Another equally worrying factor contributing to deteriorating standards of MCGM schools is the situation where teachers are responsible for more than one class. It is seen that such a situation is equal to minding the children rather than interacting with them meaningfully.
- The proposed scheme does not present alternative sustainable solutions to the problems identified by it. While, implicitly, the scheme suggests that there is need to streamline the quality and governance in BMC schools, the solutions of adoption and partnership presented by the document do not present a self-sustaining model of problem-solution. We are concerned that a policy of ad-hoc school adoption and partnership is not a long-term, sustainable and viable option.
- The scheme shifts the financial onus of the Government to NGOs. It makes NGOs responsible for providing furniture, teachers, helpers and support staff, uniforms, notebooks, textbooks, shoes, sports equipment, teaching aids, maintaining laboratories, conducting pre-primary classes, mid-day meals, medical check-ups, maintenance and repair of infrastructure, play ground and garden; conducting classes, provision of school conducting repairs.<sup>96</sup> The income

<sup>96</sup> See Bombay Municipal Corporation, School Adoption Policy, March 2007, page 4, para. 2, under the heading "Additional Resources to be Brought in by the NGO may Include".

generated by the State through taxes is a more dependable and permanent source of income than ad hoc funds received by NGOs. We also feel that the State's primary responsibility of financing and running government schools should not be transferred on to NGOs. The ultimate responsibility to provide resources for free education lies with the State as per Article 21-A of the Constitution. We are concerned that the proposed scheme does not reaffirm in unambiguous words the financial commitment of the State towards BMC-run schools.

- The existing scheme does not unequivocally state that all existing BMC rules and norms will apply to 'adopted schools'. Under the current system for schooling, teachers are required to have specific qualifications. More importantly, as government servants, they are entitled to several benefits such as provident fund, gratuity, leave and so on. The BMC cannot alter the character of service of teachers by bringing about a scheme for adoption.
- Currently, the BMC runs 1,177 schools in Mumbai. The scheme that has been proposed has the potential to cause rifts and create inequality amongst BMC schools. This is because it does not guarantee that all schools will be uniformly adopted and maintained such that all children will have access to equitable quality education. It follows therefore that different schools may have different levels of infrastructure, teaching aids, laboratories, etc. depending upon the funds at the disposal of the NGO that has adopted the school. This potential to create further inequality amongst municipal schools is dangerous as it may lead to ghettoization of "un-adopted" municipal schools.
- While the current scheme aims to introduce decentralized decision-making at the school level to improve the governance in existing schools, such decentralization has been linked to adoption/partnership based on financial criteria. For example, only that NGO which is in a financial position to adopt/partner with respect to a school is given the opportunity to become a member of the SMC. Linking participation to monetary ability excludes a whole range of players from participating in school education.
- The current scheme vests the SMC with the discretion of levying "fees for special services" or "any other charge necessary for the conduct of school programs". Such a scheme is legally untenable, as it would amount to a direct violation of Article 21-A of the Constitution.
- The SMC has also been given the authority to make decisions regarding admission. It is unclear whether this includes the discretion to deny admission. The powers of the SMC cannot be in derogation of the State's Constitutional duty under Article 21-A. Therefore, the SMC cannot be vested with the power to deny admission as this would amount to a direct violation of Article 21-A of the Constitution.
- The roles and responsibilities of the SMC have not been clearly delineated. This is crucial to revamping governance within schools through decentralization. Unless the roles and responsibilities are clearly defined, the current school governance system cannot be improved in a sustainable manner. The primary role of the SMC should be monitoring quality of education in the school. This should be done in accordance with well-developed criteria.
- The proposed scheme brings within the ambit of adoption/partnership, provision of mid-day meals and pre-school education through balwadis. These issues are

governed by separate Central Government Schemes under the Integrated Child Development Services [ICDS] and the Mid-day Meal Scheme and are the under consideration of the Hon'ble Supreme Court in the case PUCI v. State of Rajasthan (commonly known as the Right to Food Case). Therefore, it is advisable to obtain the permission of the Hon'ble Supreme Court to bring about changes in the existing system of implementation of the mid-day meals and the ICDS.

The scheme lists out 23 items that are required to be provided by NGOs under the MoU of adoption. We strongly believe that it is the duty of the BMC to provide the said facilities, as it receives funds for the provision of such facilities. In any event, provision of facilities cannot vary from one school to another, as this will cause disparities. Further, the role of civil society is merely supportive and cannot be a substitute for government functions.

The scheme states that the NGO should appoint teachers.<sup>97</sup> This seems to completely overlook the fact that the current cadre of teachers is government appointed and enjoy several rights. We believe that it is the responsibility of the Government to appoint teachers in government schools. Such a responsibility cannot be outsourced to private parties. It would be completely untenable to have an ad hoc cadre of teachers appointed by NGOs. Further, the scheme is also vague about who the appointing authority is, the qualifications and so on.

The scheme states that either party can terminate the contract with three months' notice. First, education is a public good and it cannot be commoditized as the subject matter of a contract. Second, in the event that management of schools is contracted out to private parties, the State cannot permit any contractual terms to impede the quality of education that is being provided. The question is, what if either party terminates the contract during the academic year? The Government will have the ultimate responsibility and cannot allow termination of a contract to affect the provision of facilities as well as teaching in schools.

The procedure for adoption is not scientific and not based on any base-line survey of needs and problems. It also does not require the submission of any annual plans for improvement of quality education in the school. No criteria for performance assessment have been developed. The performance of existing adopted schools should first be thoroughly studied before getting into any other new adoption/partnership scheme.

### Recommendations

- It is first and foremost essential to fill the vacant positions of teachers as soon as possible.
- It is also essential that the MCGM devise measures to reduce the non-teaching work of teachers by sanctioning appointments of clerical staff and/or assistants.
- Equally important is the issue of what is taught and how it is taught. These matters regarding curriculum and pedagogy must be given urgent and due attention. In order to do this the Tribunal urges the State/MCGM to institute a committee to review the teaching material and practices. The tribunal recommends that this committee have on board Bombay and Maharashtra-based groups involved in innovative pedagogic exercises and also have a national level representation.

<sup>97</sup> See *ibid.*, page 5 under "Memorandum of Understanding for School Adoption Programme."

The committee should ideally adhere to the tenor of NCF 2005.

- The Tribunal strongly recommends that a thorough impact assessment and social audit of agencies wishing to adopt schools should be conducted. The previous experience of adoption of these schools (positives and negatives) should first be analyzed and shared by means of a public document, which is open to scrutiny. Only after such a detailed impact assessment is made public should the BMC undertake any further steps to consolidate its experiences.
- The BMC is urged to introduce a model of democratic decentralized decision-making at the school-level, which is independent of a scheme for adoption/partnership. Such an independent process will increase the scope for civil society participation in school governance.

### 4.3 NON-FORMAL EDUCATION

Non-formal education as a strategy for educating out-of-school children became official in 1986, after the adoption of the National Education Policy. Out-of-school children may be categorised into two groups: children who have never enrolled in a school for formal education and children who have enrolled but dropped out.

Post-1986, several schemes for the same were introduced. Thereafter, in 2001, Sarva Shiksha Abhiyan consolidated existing schemes for Education Guarantee and Alternative & Innovative Education for out-of-school children. In addition to EGS and AIE, SSA also looks to set up alternative schooling models, bridge courses, remedial courses, back-to-school camps with a focus on mainstreaming out-of-school children into regular schools. It is acknowledged that the touchstone for evaluating the success or failure of any strategy for educating out-of-school children is its ability to mainstream such children into regular schools.

The Tribunal studied the implementation of the Mahatma Phule Education Guarantee Scheme introduced by the Department of School Education, Government of Maharashtra as far back as 2001 - 2002. The said scheme has been expanded through a series of government resolutions to bring within its ambit different categories of children. The chief purpose of the scheme is to provide non-formal education to out-of-school children as well as children of different categories of migrant workers like sugar-cane cutters, construction workers and so on. Drawing from the objective of the scheme, the Tribunal was concerned with following issues:

- a) Identification of out-of-school children;
- b) Mainstreaming out-of-school children i.e. follow-up post MPEGS;
- c) Problems faced in the implementation of MPEGS.

#### 4.3.1 Identifying Out-of-School Children

Maharashtra Prarthamik Shikshan Parishad [MPSP] is entrusted with the implementation of SSA in Maharashtra, and is therefore the main body in-charge of conducting surveys to determine the number of out-of-school children and administer related strategies for education such as MPEGS etc.

As per information dated 11 May 2007 furnished by MPSP under the RTI Act, district-wide house-hold surveys conducted in 2006 indicate that there are 2,699 out-of-school children in Mumbai District (in the age group of six to fourteen years) and NO out-of-school children (in the age group of six to fourteen years) in Mumbai Suburban District. In a similar

survey held in 2004, 78,000 out-of-school children were identified in Mumbai District. In the 2004 survey, Mumbai (Suburban) District has not been identified separately. In another SSA survey titled SSA Survey: A Report by Pratham for Municipal Corporation of Greater Mumbai (April 2004), 78,898 children have been identified as out-of-school children. Therefore, as per MPSP, over a period of two years from 2004 to 2006, 75,301 out-of-school children should have been mainstreamed. Interestingly, as per information dated 6 January 2007 (under RTI), MPSP has given data for "EGS/AIE Centres Started and Children Covered (2006 - 2007)". As per this information, number of out-of-school children is shown as follows (relevant columns from table are extracted and reproduced below):

District	No. of out of school children
New Mumbai MNC	368
Meera Bhairdar MNC	2013
Bhiwandi MNC	568
Kalyan Dombiwali	3818
Ulhasnagar	1328
Raigad	1121
Mumbai MNC	21007
Mumbai	14324

The possible explanation for the disparity in the figures given in response to different RTI applications may be that the former was collated through a method of household survey. Nevertheless, we find that there is no concrete figure regarding out-of-school children in the first place. The government resolution issued by the Department of School Education (Government of Maharashtra) clearly states that such children should be identified through surveys. However, there has been no concrete on-going plan of action to identify and mainstream out-of-school children.

Out-of-school children come from various sections of marginalised groups: children of migrant workers, child beggars, street children, children of pavement dwellers, children engaged in labour and so on. Where an NGO comes forward to conduct classes for out-of-school children, the Government gives them grants under MPEGS. However, where there are potential out-of-school children but no NGOs, the Tribunal finds that there is no data and no initiative taken by the Government. For example, in Mumbai alone, neither MPSP nor the Education Department (MCGM) has any data regarding the number of construction sites in Mumbai. This would be a crucial statistic to project the number of children hailing from migrant families, and therefore requiring special educational measures.

In light of the authorities' claim that there has been a steady decline in the number of out-of-school children, the obvious inference is that at least a substantial number of such children are mainstreamed. Therefore, there should be a comparable increase in the corresponding enrolment figures in municipal schools. We find that the data provided by the MCGM regarding enrolment does not corroborate this. On the contrary, we find that

there has been a consistent decline in enrolment figures as per the figures given by the MCGM. The following table reproduces data given to the Tribunal under RTI application:

Item No.	Particulars/Subject	Information for						Remarks
		01/09/00	01/09/01	01/09/02	01/09/03	01/09/04	01/09/05	
7	Number of B.M.C. special schools for mentally challenged children	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	
12	Number of children enrolled in BMC schools till class 4	38451	37065	35132	34320	32404	30240	
13	Number of children regularly attending BMC schools till class 4	33692	32476	32107	206797	20190	26064	
19	Distribution of number of children in BMC schools depending upon the language of instructions/education							
	Marathi	237436	228378	203567	186635	171568	156857	
	Hindi	162129	161072	157044	152161	145731	136501	
	Gujarati	23436	22690	20776	17890	15709	14678	
	Urdu	171977	130082	125853	121731	118780	114538	
	Tamil	18380	18006	17377	16671	16308	15998	
	Telugu	9224	9333	8441	7974	7716	7311	
	Kannad	8385	8198	7791	7232	6688	6338	
	English	17446	18026	20438	20485	21717	22791	
	Total	686331	588765	580197	538540	504207	474037	

The above figures show a decreasing trend in enrolment. It is therefore unclear where the out-of-school children are being sent after being mainstreamed. Given the socio-economic status of the families of such children, it is unlikely that such children are being absorbed completely by private schools. In any event, enrolment data obtained from Education Department of MCGM with respect to enrolment in private schools is as follows:

Year	Number of Children in Private Aided Schools	Trend (Increase/Decrease)
1999 – 2000	180326	
2000 – 2001	176170	- 4,156
2001 – 2002	169140	- 7,030
2002 – 2003	205637	+ 36,496
2003 – 2004	208373	+ 2736
2004 – 2005	204713	- 3660

Source: Education Department (MCGM) under RTI application

While there is no clear trend as such with respect to enrolment in private aided schools, it certainly does not show a dramatic increase in enrolment in order to reflect absorption of out-of-school children.

Furthermore, the Tribunal is unclear whether the figure for 'out-of-school' children takes

into account children in conflict with law and children in need of care and protection, who are kept in Observation Homes and Children's Homes. While children in need of care and protection are kept in children's homes for not more than four months (i.e. until the course of their rehabilitation is decided), children in conflict with law, who have not got bail or who have been refused bail remain in the Homes for entire duration of the inquiry. While under the law, the inquiry proceedings should not exceed six to seven months from the date of apprehension of the child, in reality, the proceedings last much longer and can extend up to two to three years. In such cases, the education of children is disturbed. Therefore, it is imperative that such children are also counted as 'out-of-school' children, and that special educational schemes are created for such children. In Maharashtra, the authorities running the Observation Home are under a statutory duty to provide educational facilities to the children.<sup>98</sup> Nevertheless, there is no monitoring mechanism to ensure that this is being implemented. We find it surprising that the School Education Department and Maharashtra Prathamik Shiksha Parishad is totally unaware of what goes on inside these Homes and is completely unconcerned with the education of children in conflict with the law.

For example, we have received information that no education is imparted to children in Observation Home in Umerkhadi, Mumbai. A girl who stayed in the Observation Home in Umerkhadi for over two years and was well-acquainted with other girls and boys from the Home deposed before the Tribunal and stated that girls and boys were not even allowed to keep paper and pencil in the Home. The Probation Officers would confiscate such material on the ground that they would use it to write love letters. No reading material was provided to these children. Vocational training in the form of tailoring classes and beautician's course was conducted for girls. However, no concrete steps were taken by the Superintendent of the Home or its management to ensure that the previous education of school-going children not be disrupted. The child who deposed before us said that she had been studying in eighth standard at the time she got arrested and wished to continue and take private exams. However, no assistance was provided to her at all. The Tribunal is keen to note that this is a complete violation of the statutory function and also calls upon the Department of School Education, the MPSP and the DWCD to jointly develop a plan of action for educating all children in conflict with law and children in need of care and protection.

Moreover, as the Tribunal has noted before (in section 4.1.1), as per MCGM official data, the entire schooling system in Mumbai (i.e. municipal as well as private) caters to around 1.1 million children out of the total child population of about 2.1 million children. Therefore, if over 1 million children are neither in school nor out of schools, the question is: where are these elusive children? The Tribunal calls upon the Government to re-examine its data regarding out-of-school children and carry out a more detailed and thorough study to identify such children within Mumbai. Furthermore, the Tribunal also fears that the said figures are inaccurate, as data under SSA has been collected using the attainment approach. As explained in section 3.1.1 above, the Tribunal calls upon the State to re-conduct surveys on the basis of the completion approach instead of the attainment approach.

### 4.3.2 Mainstreaming Out-of-School Children

As mentioned before, the primary purpose of any educational strategy for out-of-school children is its attempt to mainstream such children. The relevant circulars issued by the Department of School Education contain the following provisions regarding

<sup>98</sup> See Maharashtra Juvenile Justice (Care and Protection of Children) Rules, 2002 read with the Juvenile Justice (Care and Protection of Children) Act, 2000.



mainstreaming, which are primarily the responsibility of the Education Officer of the MCGM:

- a) Every year, a ward-wise list of children eligible to get admission into first standard should be prepared and admission should be conducted;
- b) Even after mainstreaming, the progress of the child should be monitored;
- c) Mainstreaming should be the responsibility of the institution that conducts the MPEGs classes. However, the State/MCGM/MPSP must also be held accountable in this regard.

In order to see whether the MPEGs has successfully mainstreamed any out-of-school children, IPT had submitted an RTI application to MPSP to get information regarding enrolments of children who have been admitted into regular schools. MPSP has been unable to furnish such information for children in Mumbai. MPSP sought additional time to furnish such information. The very fact that there is no data on this aspect is indicative of the State's poor commitment towards mainstreaming. Moreover, enrolment figures, both for MCGM schools as well as private aided schools do not indicate a mammoth leap in enrolment. Therefore, the figures do not substantiate the claim of a huge drop in "out-of-school" children.

Further, we have also received detailed depositions from various organisations conducting NFE classes under MPEGs. Extracts of the said deposition and other depositions regarding mainstreaming are reproduced below:

### Extract of depositions

"...Considering that integration is the most crucial part of this programme, which aims to bring children into the educational mainstream, the fact that we were able to integrate less than one third of children was a matter of great disappointment to us.... We believe that the single most important factor responsible for the failure of our efforts is that the local municipal schools do not have the capacity to absorb the children whom we are trying to mainstream. This is also an important reason why children are out of the school in the first place. Due to this, we faced resistance and hostility for the local school staff and also from the children's parents themselves when we tried to integrate the children into municipal schools. This resistance was expressed in many ways:

1. The municipal school staff did not allow our students to sit in their school premises for examinations.
2. They did not come to our school for supervision, in spite of our continuous requests. Later, they accused us of doctoring the answer sheets and subjected our students to an additional verbal test.
3. They refused to correct the answer-sheets of our students.
4. When they did allow our students to sit for examinations in the municipal school, they intimidated them by shouting at them and whacking them with a foot-rule.
5. We were not given any mark-sheet.
6. Older children who had appeared for examinations of the third and fourth standard were given admission in the first standard, as a result of which they refused to join the municipal school.
7. The children's own parents refused to give us consent to integrate these children into the municipal school and insisted that we keep them on in our

community schools..." [Deposition by Sahyog].

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"...While working for 'Aakar Mumbai' as a NFE teacher I experienced that the people of Adiwasi and Vadari communities made their two ends meet by working as a construction labourer and by selling herbs. The children of these Adiwasis and Vadaris are enrolled in nonformal classes of 'Akar Mumbai' later after preparing them for the higher class, they are enrolled in the municipal school in Jogeshewari. But to my surprise, even though the strength of Std. first is hardly 5-6, teachers were reluctant to include these children in the school. Then they told me that since you are their teacher make sure that they learn all (alphabets and table) otherwise we won't allow them in the class. They further said that it is my duty to make sure that they come neat and clean in the school. They are not good children and we don't want them as it affects other students also, they said..." [Deposition by teacher taking NFE classes].

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"Construction workers leave a site after the construction is completed.... The student is unable to continue education even after appearing for the exam, in case the family shifts to another site where there is no municipal school. They cannot join the school if it is very far away from their house. ..." [Deposition by teacher taking NFE classes for children of migrant workers (construction) under MPEGS].

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"...I, along with few other teachers went to this school to ask for the number of dropouts. I told them about our organization and what we do. After the initial introduction we asked them if they can enrol children who had passed NFE. We were told that the students would be admitted only after clearing an exam before admission. We have been to the school on many occasions to get our NFE children enrolled in school. Each time the authorities have claimed that the students were under prepared. Subsequently they started evading the matter completely" [Deposition of social worker regarding her experiences in trying to mainstream children to the New Mahim Municipal School].

From the above, it is clear that mainstreaming is fraught with severe problems. Therefore the fundamental purpose with which a scheme such as MPEGS was floated is itself paid very little attention. The Tribunal strongly recommends that a well-planned linkage be developed between MCGM schools and MPEGS centres; so that MCGM schools are prepared to absorb all children who have passed through the bridge course in MPEGS centres. Unless children who pass through bridge-courses are given a justiciable right to be mainstreamed into formal schools, the entire purpose behind using such a strategy is defeated.

### 4.3.3 Problems with Implementing MPEGS

In addition to identification and mainstreaming, the Tribunal also encountered several problems in the implementation of MPEGS. The first problem is one of duplication of statistics and double-counting children under the scheme. The problem arises because more than one MPEGS centre shows a child as having registered on its rolls and therefore the child gets counted twice. Therefore, there is a very high possibility that the number of

children actually benefiting from the MPEGS is an inflated figure.

### Extract from deposition Politics of Numbers...?

"My first experience with (unnamed) NGO was at Prakash Nagar, Mahim, as a part of our project on education. I had to enrol children from that area under NFE. While doing need assessment, I was told by the local people that a NGO (unnamed NGO) had started a class there but had not been coming for the past two to three months. Therefore, I started a class with the help of a teacher. Fifteen to twenty days after my class started and children started coming regularly, one of the supervisors from (unnamed NGO) met me in December 2005 and claimed that they are her class children. I asked the children to go to her class, but their teacher is very irregular and the class has not been functioning since April 2006. In another incidence, one of the librarians from NGO (unnamed) used to give books to my colleagues to distribute them to the children coming to our class and show it as her own work and children enrolled by her. There was another class run by NGO (unnamed) at a Masjid at Naya Nagar. The teacher comes to teach the children only twice or thrice a week. I wanted to take some children from Shanti Nagar to teach the children at the same venue, at a different time but they did not allow that too. This NGO (Unnamed) claims of reaching all the areas of Mahim, but many children report of never meeting or having gone to any ( NGO)'s class," [Deposition of Supervisor of NFE].

The second problem that presented itself before the Tribunal during visits to MPEGS centres is that many children use such centres as 'supplementary' classes. Therefore, there are several students who are actually enrolled and attending schools (municipal or private) but are also attending MPEGS classes as tuition classes. In some cases, children attending schools attend MPEGS classes as they serve a dual purpose of a crèche for working parents who are anxious to leaving their children alone. MPEGS teachers explain that it is difficult to turn these children away because the parents are adamant that they should be taken into the class. Therefore MPEGS' target group, namely out-of-school children, is diluted. Further, as mentioned before, such children who are enrolled in a school are also counted for the purpose of assessing the success of MPEGS. Therefore, this presents an exaggerated picture of the number of out-of-school children who are actually benefited under MPEGS.

Furthermore, the Tribunal received several testimonies regarding poor co-ordination, delayed release of funds to MPEGS centres, problem with conducting the tests for students, lack of co-operation from MCGM teachers, etc. These factors have an impact on the manner in which MPEGS is implemented. Extracts from some depositions are presented below:

### Extracts from Depositions

"...I am taking classes under Mahatma Phule education guarantee scheme since 2002. Our students have benefited by this scheme. Their parents are working as construction workers; they have to face so many difficulties while taking education. I had to face many difficulties while preparing this class. Whom to meet? What are the rules? What is the ward number? Who is the A.

Q? The officer was not available when I went to see him and the other staff said "We do not recognize your organisation." Later in a meeting at Hindu Colony, Education Office, I got all the requisite information. .... "While teaching and completing the studies there were difficulties. Our students were not allowed to appear for the exam. I rushed to the Co-ordinator and got the permission for our students to appear for the school exam..." [Deposition by teacher taking NFE classes under MPEGGS].

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"...To implement the scheme is a laborious job. There were students in our organisation but they always kept shifting residence. There was no guarantee that the same students will be there up until the end. To run a class, minimum twenty students should be registered and only then can they appear for the exam... The officers who make such rules do not know the conditions of construction workers. They do not know the wards in which construction work is in progress. It is therefore very difficult to get these children to appear for school exams..." [Deposition by teacher taking NFE classes for children of migrant workers (construction) under MPEGGS].

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"...I am not a municipal school teacher. Therefore had no experience of checking paper, preparing result-sheet etc. They made many changes in this year's result sheet. I was expecting help from BMC teacher. However they offered very little help. The Head Teacher wanted all those who had passed to join his school. But the school is situated at quite a distance from Bhakti Park construction site. Therefore students cannot go there. ..." [Deposition by teacher taking NFE classes for children of migrant workers (construction) under MPEGGS].

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"There is no safe place for the students to sit. In summer we are required to teach them outside, under a tree. There is no shelter in rainy-season either. It is very troublesome to run the class," [Deposition by teacher taking NFE classes for street children around Vidya Vihar Railway Station].

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"...The classroom is not in a proper condition. The room belongs to MHADA, so people come and go even as the class is being conducted. It disturbs the students. This is why I feel that this room is not fit for the classes..." [Parent of child who attends NFE classes under MPEGGS].

From the spot visit to an MPEGGS centre run by Mobile Creches at a construction site in Wadala, the Tribunal (through Ms. Simantini Dhuru) had discussions with teachers taking NFE classes. Mobile Creches runs several MPEGGS centres for children of construction workers across Mumbai. Following points emerged from the discussions with the teachers:

a. The administrative support to set up centres is poor because information regarding the scheme and related requirements is not easily available. The staff from Mobile Creches shared with us examples where there was confusion about whether a particular locality fell within a particular ward. The A.O. (Schools) of the said ward as well as adjacent ward both disowned the locality and therefore the staff were shunting between the two offices for over six months to merely determine which ward office was responsible for their centre.

b. The staff also shared their experiences where there were several delays in relation to processing the grant to administer the scheme. The said grant was dependent on inspection and therefore if inspections were not conducted on time, the money would be withheld. In the meanwhile, the salaries of persons running the NFE are paid by the NGO itself.

c. The staff also shared that there was a problem maintaining the threshold limit for students under MPEGS. For example, under MPEGS, a minimum number of students should be enrolled for an MPEGS centre to be sanctioned. At no point in time can the number of children enrolled in the centre fall below this minimum number. For migrant workers, this is particularly problematic because they do not remain in one place and migrate with their children. Alternatively, where there are too few children, an MPEGS centre cannot be started and therefore such children are completely left out.

In order to determine the exact nature of the problem, the Tribunal, through the Secretariat had made RTI applications to MPSP to determine the following facts regarding MPEGS run by Mobile Crèche centres:

- a. Date on which application for permission to run the centre was made;
- b. Date on which recognition was granted;
- c. Number of inspections that have been conducted with respect to the centre;
- d. Dates on which inspection was conducted and who was the concerned authority;
- e. Months and years for which the Government sanctioned money for this Centre;
- f. Month-wise break-down of amount sanctioned towards salary of teachers;
- g. Dates in which payment was disbursed to the centre;
- h. Total amount (year-wise) that has been sanctioned to this centre.

Surprisingly, even though MPSP is the main body administering the MPEGS scheme, it replied that the Secretariat should apply to the Education Department of the MCGM. In reply to follow-up RTI applications made by the Secretariat, the Education Department, through its Administrative Officer (Schools), of P (North) Ward has replied that the office is not at all concerned with the said information! We find it astonishing that neither the MPSP nor the Education Department seem to be able to furnish information regarding inspections and disbursement of money towards implementation of MPEGS!

In addition to the above-mentioned implementation problems, we find that the entire approach towards bridge courses and non-formal education is not rights-based. It is interesting to see that as per the Government Resolution issued by the Department of School Education, the primary responsibility of identifying as well as running MPEGS centres vests with the Village Education Committees or Ward Education Committees as the case may be. The onus shifts to voluntary organizations only where the Ward Education Committees are unable to conduct classes efficiently. Unfortunately, almost the entire duty of conducting bridge NFE classes is carried out by voluntary organizations, as the ward education committees are non-existent in many wards. Further, there is no attempt to see whether such non-formal education is truly reaching out to out-of-school children and whether these children are successfully being mainstreamed.

Another problem shared by people implementing the MPEGS is regarding the applicability of the Mid-day Meal Scheme. From the information given to the Tribunal, it appears that the Mid-day Meal Scheme, which is meant to serve as an incentive to draw children to schools, is not implemented with respect to these non-formal education centres in Mumbai. Almost all organizations and social workers that are involved in the implementation of the MPEGS took strong exception to the fact that such centres are not

supplied with the government sponsored mid-day meal. Expert deposer, Ms. Leena Joshi, specially urged that such centres as well as schools for disabled children should be brought under the purview of the Mid-day Meal Scheme. The Tribunal feels that it is only reasonable to assume that out-of-school children who are availing of bridge courses are in urgent need of the same if not more and this is a powerful incentive to attract them to schools. In any case, it is anomalous that a regular school-going child is given a government sponsored mid-day meal, whereas the most vulnerable and poor children who are possible child labourers, children of domestic workers, street children and so on are not eligible to receive such a government sponsored mid-day meal.

The Central Government's official Revised Mid-day Meal Scheme (2004) states that the said scheme is applicable to Education Guarantee Scheme Centres and Alternative and Innovative Education Centres:

"... The programme originally covered children of primary stage (Classes I to V) in government, local body & government-aided schools, and was extended in October, 2002, to cover children studying in Education Guarantee Scheme (EGS) and Alternative & Innovative Education (AIE) Centres also..... A cooked mid-day meal with minimum 300 Calories and eight to twelve grams of protein content, will be provided to all children studying in Classes I-V in:-  
(i) Govt., Local Body and Govt.-aided schools, and  
(ii) EGS & AIE centres.

Explanation:-

1. 'Government-aided School' means a school in receipt of regular annual recurring aid from the Central or State Government, or a competent Local Body, and recognized/categorized by it as an "aided school".
2. An 'EGS/AIE Centre' means a Centre run by a State Government/UT Administration, Local Body or non-Government agency, and receiving Central assistance in accordance with the EGS/AIE Scheme of the Ministry of HRD. Children studying in Madarasas/Maqtabas which fall within the category of a Government-aided school or EGS/AIE Centre as defined above, would also be covered under the Mid-Day Meal Programme. ..."

The text of the Revised Mid-day Meal Scheme (2004) clearly indicates that mid-day meals should also be provided to EGS/AIE centres. MPEGS centres are EGS centres that receive funds released by the Centre to the State under SSA. While the Central and the State Governments share the total expenditure under SSA, the fund indisputably has a share given by the Centre. The scheme also clearly states that overall responsibility of implementing the Mid-day Meal Scheme lies with the State Government. This includes making necessary financial and infrastructural provisions (over and above the Centre's assistance). The government resolution issued by the Department of School Education clearly indicates that the said mid-day meal should also be supplied to classes conducted under MPEGS. The Tribunal fails to understand why the Government does not implement its own laws.

The Tribunal therefore urges the Department of Women and Child Development, the Department of School Education, the Education Committee (MCGM) and the Maharashtra Prathamik Shikshan Parishad to implement MDMS properly and extend the same (as required in law) to all MPEGS centres. We urge these bodies to ensure that the scheme is properly implemented at the latest by the next academic year.

### Summary of Findings (to be reviewed by Tribunal)

- The official figure of 2699 out-of-school children within MCGM area is false and grossly inaccurate.
- Over one million children of school-going age are unaccounted for by the Government, as they are neither counted in the 'in-school' nor the 'out-of-school' list.
- There is a decreasing enrolment trend in MCGM schools and therefore there is no data to support the Government's claim that there is a decline in the number of out-of-school children.
- Children in conflict with the law do not appear to be counted as 'out-of-school' children in government data and therefore do not receive any bridge courses or education.
- To date, the Government has been unable to furnish any data regarding mainstreaming of out-of-school children within MCGM.
- Duplication of statistics with respect to number of enrolments under MPEGS creates an exaggerated picture of the number of children who are actually benefiting from the program.
- Many children use MPEGS as "tuition" and therefore MPEGS in reality caters to children who are also enrolled in schools.
- There is no systematic and timely disbursement of funds to run MPEGS centres.
- Inspections of MPEGS are conducted in accordance with the whim of the concerned officers and this delays disbursement of funds and recognition of the MPEGS centre.
- Mid-day meals are not given to MPEGS centres even though they are required by law.

## 5. RECOMMENDATIONS

- It is most important to verify and take stock of the exact number of children out of school. This needs to be done according to categories by age and as per categories of previous exposure to formal education. It is important to understand how many children have been mainstreamed from the year 2000 as against those who were in education centres/MPEGS etc.
- Further, the least the MCGM administration can do is to implement a plan of mainstreaming the existing out-of-school children.
- Special consideration must to be paid to those especially vulnerable, such as children of beggars or migrant workers, children in care and children in conflict with law. It is essential that MCGM take the lead in forming policies for this purpose, with the advice and assistance of State bodies or MHRD.
- In informal education centres, the mid-day meals services must be implemented with utmost urgency. Not doing so amounts to a violation of children's basic rights.
- Inspections of MPEGS centres and disbursement of funds must be regularised and cannot be left to the whims of officers.
- Above all it must be understood that schemes of non-formal education like the

MPEGS are meant to be temporary. The State/MCGM must make a plan to mainstream the out-of-school children and see to its strict implementation. Laxity in doing so not only casts doubts about its intent, but amounts to a violation of duty.

- Lastly is the issue of 'quality'. As conceived in the original plan of SSA, training of teachers or 'quality control' must be carried out either by State Government (MPSP) or by MCGM. However, no such training or other programme is in place. The exact components of teacher training modules, use of teaching materials and methodology, and evaluation strategies need to be reviewed. Training and other quality improvement programmes must be implemented in a timely manner.





## Annexure - 1

# INDIAN PEOPLE'S TRIBUNAL ON ENVIRONMENT AND HUMAN RIGHTS ( IPT)

Indian People's Tribunal on Right to Education  
(Mumbai & Thane Districts)

A four-member Panel constituted by the Indian People's Tribunal on Environment and Human Rights (IPT) conducted a Public Hearing (*jan sunvai*) on the Right to Education in Mumbai and Thane Districts. The Public Hearing was held on the 1<sup>st</sup> and 2<sup>nd</sup> of July 2006 at Dr. Ambedkar Bhawan, Dadar.

The Tribunal was headed by Justice. H. Suresh, (Retd.) (Bombay High Court). The other members of the panel were – Mr. Arvind Vaidya, Founder-Member, Shikshan Hakk Abhiyan Ms. Arundhati Chavan, Principal B.Ed and D.Ed College, Mumbai and President, PTA United Forum, Maharashtra and Ms. Simantini Dhuru, Activist and Film-Maker.

During the two days of Public Hearing representatives from more than 40 organizations participated in the process. Apart from organizations, the Panel members also received over 200 oral and written testimonies from children, parents, teachers and experts.

Prior to the formal commencement of the Public Hearing the Panel members visited schools (both private and Public Schools) in different parts of Mumbai. The aim of the spot visit was to try and assess the range of problems that students and teachers in both public and private schools were facing.

1. Policy and Budgetary reforms at the Union and State level
2. Issues related to accessibility
3. Quality of education, inclusive education
4. Parallel schooling under SSA and its implications

### Tribunal Process

The Tribunal will be held on 1<sup>st</sup> & 2<sup>nd</sup> July 2006. The panel will hear depositions from concerned groups, parents, teachers, students and experts on the issue of elementary education. The Tribunal members will then address a Press Conference in Marathi Patrakar Sangh on the 3<sup>rd</sup> July 2006.

The panel is headed by - Justice. H. Suresh, (Retd.) (Bombay High Court). The other members of the panel are – Mr. Arvind Vaidya, Founder-Member, Shikshan Hakk Abhiyan Ms. Arundhati Chavan, Principal B.Ed and D.Ed College, Mumbai and President, PTA United Forum, Maharashtra and Ms. Simantini Dhuru, Activist and Film-maker

The following are the *Interim Findings and Recommendations of the Panel* as per the

Terms of Reference for the Public Hearing:

### 1. Policy and Budgetary Reforms at State Levels

#### **Interim Findings**

Presentations were made by Dr. Hemu Adhikari, Mr. Mahesh Kamble, Ms. Phoebe Simon, Mr. M. N. Mhatre and Ms. Poomima Contractor. From their testimonies, the Panel arrives at the following:

- a) The Panel is appalled to note that while Article 21-A Constitution provides that there is a fundamental right to free education from 1<sup>st</sup> – 8<sup>th</sup> standards (6 – 14 years of age), the State Government's policy regarding primary education covers schooling only till class 7. This is in direct violation of the Constitutional provision.
- b) The Panel is disturbed to note that there is a decreasing trend in expenditure on education i.e. the percentage of expenditure on education viz-a-viz overall expenditure of the State Government has been decreasing from 2001. This decreasing trend exposes the poor commitment of the State Government towards universalisation of elementary education:
- c) The State Government has established two separate bodies namely the Directorate of Primary Education and the Maharashtra Prathamik Shiksha Parishad for administration of education. While the former is responsible for primary education, the latter is responsible for the implementation of the Sarva Shiksha Abhiyan. The Panel notes with concern that the establishment of these two separate bodies has only resulted in increasing the State Government's administrative costs rather than increased spending towards improvement of the quality of elementary education.

### Interim Recommendations

#### 2. Issues related to Accessibility

#### **Interim Findings**

During the spot visits as well as the public hearing, the Panel heard testimonies from children and parents from tribal communities, migrant workers, persons affected by slum demolitions, rag-pickers, child domestic workers and children in conflict with law. Different patterns of problems emerge with respect each of them. Government not sensitive to people's needs – special approaches required. Condemn the blatant violation of right to education

Accessibility is not just a question of reaching the school. It has to be examined from the following points of view – socio-economic factors.

For example,

- a. Tribal Populations – Access, takes about 3 hours to commute to the nearest BMC school. Teachers refuse to go into tribal hamlets because they are in the interiors and therefore, schools are not functioning.
- b. Children affected by Slum Demolitions – no proper policy to ensure that the continuity of education even after demolitions is maintained. In the demolitions – destruction + no proper facilities.
- c. Children of Migrant Workers – no continuity to education + no policy on easy transfers from one-school to another.
- d. Children of Pavement Dwellers/ Street Children and Ragpickers
- e. Child Labour especially Child Domestic Labour – concrete policy on child labour

is required from the viewpoint of education.

- f. Children in Conflict with the Law – while they are in Vernacular schools

### Interim Recommendations

#### 3. Issues related to Quality of Education

##### Interim Findings

Children – infrastructure, student-teacher ratio, time allocated to students for teaching,

Infrastructure – spot visits – poor infrastructure

Teachers – contract basis + Shikshan Sewak Scheme – condemn it + over-burdened

Parents – cant write name etc

Inclusive education – training for all teachers and children to sensitise them to the special needs of differently abled children

Quality and curriculum – exam oriented system – we condemn it

Teachers shd teach well.

Rote learning + exam-oriented + retrieval of information

Syllabus – related to life experiences

Fee structures + syllabus like ICSE, CBSE etc should not be linked. Every child shd be given an opportunity to

### Interim Recommendations

#### 4. SSA, Parallel Schooling and its Implications

##### Interim Findings

##### Interim Recommendations

IPT Secretariat for Right to Education

Ms. Gunjan Gupta, Shelter Don Bosco, Mumbai.

Ms. Arti Ware, Avehi Abacus, Mumbai.

Adv. Aruna Kashyap, India Centre for Human Rights and Law, Mumbai.

Ms. Maya Nair, Indian People's Tribunal, Mumbai.

## Annexure - 2

1. Sainath Basti (opposite Sitaram Mill Compound, Worli)
2. Ganeshmurthy Nagar, Colaba
3. Baba Saheb Ambedkar Nagar, Colaba
4. Saileela Nagar, Parel Tank Road
5. Hanuman Nagar -1, Century Mill Gate No. 2, Worli
6. Indiranagar
7. Prakashnagar(Machhimarg Nagar), Mahim
8. Shantinagar, Mahim Gate
9. Sainath Basti (opp. Bombay Dyeing, Lower Parel)
10. Jnaneshwarnagar, Opposite T.B. Hospital

## Annexure - 3

*Draft*  
*14.11.2005*

# RIGHT TO EDUCATION BILL 2005

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## Right to Education Bill 2005

An Act to put into effect the Right to Free and Compulsory Education to All Children in the Age Group of Six to Fourteen Years

### PREAMBLE

Whereas the Preamble to the Constitution resolves to secure to all citizens of India JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY, assuring the dignity of the individual and the unity and integrity of the Nation;

And whereas, despite the original Article 45 of Directive Principles of the Constitution having made it the duty of the State to provide free and compulsory education to all children up to age fourteen in ten years (1960), the number of out of school children particularly from the disadvantaged groups and those engaged in labour, and those receiving poor quality education has remained very large;

And whereas, the 86th Constitutional Amendment Act 2002 has provided for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right under Article 21A of the Constitution, in such manner as the State may, by law, determine;

And whereas the above Act also provides under Article 45 that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years;

And whereas the above Act further provides under Article 51-A (k) that it shall be a fundamental duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child/ward between the age of six and fourteen years;

And whereas it is considered important and essential to create a humane and equitable society that incorporates the secular values and the ethnic, religious and cultural diversities of India;

And whereas it is recognized that the objectives of democracy, social justice, and equality can be achieved only through the provision of elementary education of equitable quality to all; and



And whereas it is also imperative to improve the present delivery system of elementary education by, *inter alia*, greater decentralization of its management, and making it sensitive to the needs of children, especially of those belonging to disadvantaged groups.

Be it enacted by Parliament in the fifty-sixth year of the Republic as follows:

## Chapter I

### PRELIMINARY

#### 1. Short Title, Extent and Commencement

- (1) This Act may be called the Right to Education Act, 2005.
- (2) It shall extend to the whole of India except the state of J&K.
- (3) Provisions of this Act shall be subject to the provisions of Articles 29 and 30 of the Constitution.
- (4) It shall come into effect from the date of its notification in the Gazette of India.

#### 2. Definitions

- (1) In this Act, unless the context otherwise requires: -

##### (a) "Academic Year"

means a period of one year (including vacations), notified as an academic year by an appropriate government, or by a local authority or a school management committee empowered by such government in this behalf, for the transaction of the course of study prescribed for any grade of the elementary stage.

##### (b) "age-appropriate grade", in relation to a child,

means the grade in which the child should currently be studying if she was enrolled in Grade I around the time she completed six years of age, and had thereafter participated in elementary education continuously.

Explanation : Age-appropriate grade for children suffering from mental retardation or mental illness shall be determined keeping in view their mental development also, and not on the basis of their biological age alone.

##### (c) "Aided school"

means a school, which receives aid from a government or from a local authority, or both, to meet the whole or part of its recurring expenses.

##### (d) "Appropriate government"

means:

- i) the state government in the case of territory comprised in a State;
- ii) the Government of a Union Territory, in the case of a Union Territory having its own legislature; and
- iii) the Central Government, in the case of other Union Territories.

Provided that, in relation to schools and institutions run or funded by the Central Government, the appropriate government shall be the Central Government regardless of their location.

##### (e) "Capitation fee"

means any fee, donation or contribution other than a fee or any payment that an aided/unaided school publicly notifies at the time of announcement for admission

as being payable by all children in the event of admission to the school.

- (f) **"Child"**  
means a person who is not less than six years and not more than fourteen years of age.
- (g) **"Commission"**  
means the National Commission for Elementary Education established under Section 33 of this Act.
- (h) **"Competent Authority"**  
means an authority designated by the Appropriate Government as a competent authority for the purposes of this Act.
- (i) **"Competent Academic Authority"**  
means an authority designated by the Appropriate Government as a competent academic authority for the purposes of this Act.
- (ii) **"Child in need of Care and Protection"**  
shall have the meaning assigned to it in clause (d) of section 2 of the Juvenile Justice [Care and Protection of Children] Act, 2000 [56 of 2000].
- (k) **"Compulsory Education"**  
means an obligation on the State to take all necessary steps in terms of this Act to ensure that:
- (i) every child of the age of six years is enrolled in a school, participates in it, and completes elementary education.
- (ii) every child over six years, but less than 14 years, who was not enrolled in a school at the commencement of this Act, is enrolled in a school, participates in it, and completes elementary education.
- (l) **"Disability"**  
shall have the meaning assigned to it in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; and shall include such other conditions as may be notified by the competent authority as a disability for the purposes of this Act.
- (m) **"Disadvantaged Group"**  
means scheduled castes, scheduled tribes, other socially and educationally backward classes, and such other groups disadvantaged due to economic, social, cultural, linguistic, gender, administrative, locational, disability or other factors, and notified as a disadvantaged group in relation to an area, in such manner as may be prescribed.
- (n) **"Elementary Education"**  
means education at the elementary stage in a school.
- (o) **"Elementary Stage"**  
means the stage of school education corresponding to Grades I to VIII as per courses of study prescribed by a competent academic authority.
- (p) **"Equitable Quality" in relation to Elementary Education**  
means providing all children opportunities of access to, participation in, and

completion of elementary education in accordance with the provisions of this Act.

- (q) **"Free Education"**  
means freedom for the child and her parent/guardian from liability to:
- i) pay any fee or charges to the school where the child/ ward is studying, or to an examining body or any other external body providing any service through the school, and
  - ii) incur such other expenses, as may be prescribed, which are likely to prevent the child from participating in and completing elementary education; Provided that if textbooks and any other teaching learning material are supplied free to a non-disabled child under this clause, they shall be supplied free to a disabled child in such modified form as would meet her learning needs.
- (r) **"First Generation Learner"**  
means a child, neither of whose parents has completed elementary education.
- (s) **"Fully-aided School"**  
means a school, which receives grants from a government or local authority to meet its full recurring expenses, or such part, being not less than 90%, of the recurring expenses as may be prescribed.
- (t) **"Grade", in relation to the elementary stage,**  
means any of its eight annual sub-stages.
- (u) **"Guardian", in relation to a Child**  
means his natural guardian or any other person or institution having the actual charge or control over the child and recognised by the competent authority as a guardian in course of proceedings before that authority.
- (v) **"Juvenile in Conflict with Law"**  
means a person who has not completed eighteenth year of age and is alleged to have committed an offence.
- (w) **"Local area", in relation to a Local Authority,**  
means the area comprised within the territorial jurisdiction of the authority.
- (x) **"Local Authority"**  
means
- i) a Panchayat in respect of rural areas,
  - ii) a Municipality in respect of an urban area, and
  - iii) such other authorities as the appropriate government may, by notification, specify for the areas mentioned therein.
- Explanation: In case of rural areas situated within scheduled areas, the Gram Sabha shall also be a local authority to the extent laid down in the Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996.
- (y) **"Migrant Family"**  
means a family that does not reside at any one location for at least such minimum number of days in a calendar year as may be prescribed.
- (z) **"Minor Punishment", in relation to a teacher,**  
means any punishment other than dismissal or removal from service or reduction

in rank.

- (aa) **"Neighbourhood"**  
means such areas around the residence of a child as may be prescribed for whole or part of the elementary stage.
- (bb) **"Neighbourhood School", in relation to a Child,**  
means any school located within the neighbourhood of the residence of the child.
- (cc) **"Non-educational purpose"**  
means any purpose not connected with elementary education, or with children's access to, or participation in such education.
- (dd) **"Out-of-School Child"**  
means a child who is either not currently enrolled in a school or, though enrolled, is not able to participate therein.
- (ee) **"Parent"**  
means the father or the mother of a child and includes an adoptive father or mother.
- (ff) **"Participation" in Elementary Education, in relation to a Child,**  
means her:  
i) regular attendance in school, and  
ii) effective participation in curricular and co-curricular activities of the school throughout the elementary stage.
- (gg) **"Pre-primary Section", in Relation to a School**  
means an establishment, which meets the educational needs, with or without other services, of children before the elementary stage of education, either as a part of a school or as an independent entity collaborating with it.
- (hh) **"Prescribed"**  
means prescribed by rules made under this Act.
- (ii) **"Pre-School"**  
means a facility provided by a school to meet the educational needs of children at least between the ages of 3 and 6 years.
- (ii) **"Recognised", in relation to a School**  
means recognized by a statutorily empowered authority, or an appropriate government, or by an authority empowered by such government, in accordance with a law, rules, or executive instructions governing recognition of schools.
- (kk) **"Schedule"**  
means the Schedule referred to in Section 18 of this Act.
- (ll) **"School"**  
means an institution or part of an institution, which imparts education at the elementary stage or any part of such stage, and is recognised as a School by a competent authority.
- (mm) **"Screening Procedure" for Admission to a School**  
means any procedure that is used to select one child in preference to another,

except in a random manner, for admission to an elementary school or its pre-primary section.

- (nn) **"Specified Category", in relation to State Schools**  
means the State schools known at the commencement of this Act as Kandriya Vidyalayas, Navodaya Vidyalayas, and Sainik Schools, and such other categories of State schools having a distinct character as may be specified by notification by the appropriate Government, for the purposes of this Act.
- (oo) **"State School "**  
means a school run by an appropriate government or a local authority.
- (pp) **"Teacher"**  
means a person who teaches full time in a school and includes the head teacher of such school.
- (qq) **"Unaided School"**  
means a school which is neither a state school nor an aided school
- (rr) **"Ward", in relation to a Child,**  
means a child who is under the guardianship of someone other than a parent.
- (ss) **"Weaker Section", in relation to a Child,**  
means a child in need of care and protection, or a child, the annual income of whose parents or guardians is less than such minimum limit as may be notified by the appropriate government in this behalf from time to time.
- (tt) **"Working Child"**  
means a child who:  
i) works for wages, whether in cash or in kind, or  
ii) works for her own family in a manner which prevents her from participation in elementary education.
- (2) The female gender, wherever used in pronouns in relation to a child or young person, includes the male.
- (3) Words and expressions used but not defined in this Act, and defined in the Constitution, shall have the meaning assigned to them in the Constitution.

## Chapter II

### CHILD'S RIGHT TO FREE AND COMPULSORY EDUCATION OF EQUITABLE QUALITY

#### 3. Child's Right to Free and Compulsory Education of Equitable Quality

- (1) Every child who has attained the age of 6 years shall have the right to participate in full time elementary education and to complete it, and towards that end shall have the right, subject to the provisions of this Act, to:
- i) be admitted to a neighbourhood school in accordance with the provisions of Section 14, and
- ii) be provided free and compulsory education in such school, in the manner provided in this Act
- Provided that a child who, due to her severe or profound disability, or disadvantage,

or nature of occupation of her parents, cannot be provided elementary education in a neighbourhood school, shall have the right to be provided education in an appropriate alternative environment as may be prescribed.

(Explanation: For the purposes of this Section, neighbourhood shall be determined in relation to the residence of the child on the basis of proof of residence provided in such manner as may be prescribed, including but not limited to, ration card or voters identification card of the parent/guardian.)

- (2) A non-enrolled child who is in the age group 7-9 years, at the commencement of this Act, shall, in addition to the right specified in sub-clause (1), have the right to be admitted to an age appropriate grade in a neighbourhood school within one year from the commencement of this Act.
- (3) A non-enrolled child who is in the age group 9-14 years, at the commencement of this Act, shall in addition to the right specified in sub-clause (1), have the right to be provided special programmes within the neighbourhood school to enable her to join, as early as possible, but in any case within three years from the commencement of this Act, the age appropriate grade.
- (4) A child who, though enrolled, is not able to participate in elementary education, shall, in addition to the right specified in sub clause (1), have the right to be provided with suitable conditions, as may be decided by the appropriate government, to enable her participation.
- (5) No child shall be held back in any grade or expelled from a school until she completes elementary education, except through an Order of the School Management Committee (SMC).

Provided that an Order under sub-section (5) expelling a child from school shall be passed by the SMC only in the case of a delinquent child for whom all other corrective measures have been exhausted, and only after such child and her parents/guardians have been afforded an opportunity of being heard in such manner as may be prescribed.

Provided further that in the event of an SMC passing an Order under sub-section (5), it shall also be required to bring such Order to the notice of the Appropriate Government or local authority as the case may be, which will then give directions regarding other neighbourhood schools to which the expelled child shall be admitted for purposes of her further education

#### 4. Right Of Transition Till Completion Of Elementary Education

- (1) For every child studying in a school which provides education up to a level less than class VIII, the Local Authority shall specify a school, subject to the provisions of Section 14, where such child shall have the right of admission for free education till she completes elementary education
- (2) Any child moving from one school to another, including outside the state shall, for the purposes of seeking admission to another school, be entitled to receive a transfer certificate issued by the Headmaster of the school in which she was last enrolled;

Provided that the absence of such a transfer certificate shall not constitute grounds for delaying or denying her admission to an appropriate grade in the new school; nor shall such child be subjected to any test whatsoever to determine whether she

is to be admitted to the school.

## Chapter III

### RESPONSIBILITY OF THE STATE

#### 5. General Responsibility of the State

It shall be the responsibility of the State:-

- (i) To ensure the availability of a neighbourhood school for every child within a period of three years from commencement of this Act; Provided that in case of non-availability of a neighbourhood school, the State shall provide free transportation arrangements to the nearest school or provide free residential schools/ facilities,
- (ii) To ensure that every child is provided free education in the school mentioned in sub-clause (i);  
Provided that Parents/guardians who choose to admit their children to the nonfree quota in a school shall not have any claim on the State for providing free education to their children,
- (iii) To institute and implement a mechanism for regular monitoring of enrolment, participation and attainment status of every child, and taking corrective steps wherever necessary, so that every child completes elementary education, and to make information in this regard available in the public domain, including on an on-line basis,
- (iv) To ensure that children in schools receive education (a) of equitable quality, and (b) conforming to values enshrined in the Constitution, and,
- (v) To ensure that economic social, cultural, linguistic, gender, administrative, locational, disability or other barriers do not prevent children from participating in, and completing elementary education.

#### 6. Responsibility of the State Towards the Non-enrolled Child

The appropriate government shall take necessary steps to ensure that: -

- i) All non-enrolled children who are in the 7-9 years' age group at the commencement of this Act, are enrolled in a neighbourhood school within one year of the commencement of this Act.
- ii) All non-enrolled children who are in the 9-14 years' age group at the commencement of this Act are enrolled in special programmes in a neighbourhood school, if available, and failing that, in another school to enable them to be admitted to an age appropriate grade in a neighbourhood school as early as possible, but in any case within three years of the commencement of this Act.

#### 7. Provision Of Facilities For Pre-School Education

The appropriate government shall endeavour to provide facilities for pre-school education in State and fully-aided schools for children between the ages of 3 and 6 years, if such facilities are not already being provided, through Integrated Child Development Services (ICDS) or other government programmes, in proximity to such schools.

#### 8. Provision of Facilities to Young Persons to Complete Elementary Education

If a young person has, for whatever reason, been unable to complete elementary

education by the age of fourteen years but is continuing her education in a school at that age, she shall continue to be provided free education in such school till she completes elementary education or attains the age of eighteen years, whichever is earlier.

#### 9. Responsibility of the Central Government

Provision of Free and Compulsory education shall be the concurrent responsibility of the Central and appropriate governments, with the Central Government's responsibility consisting of the following:

- i) Provision of financial assistance to State Governments in accordance with such formula regarding sharing of costs of implementation of this Act, as the Central Government may determine from time to time in consultation with State Governments.
- ii) Taking action through appropriate bodies to develop a national curriculum framework, and to develop and enforce standards for training and qualification of teachers for elementary education in a participatory and consultative manner
- iii) Provision of technical resource support to the state governments, through appropriate institutions, for promotion of innovations and dissemination of best practices in the field of elementary education and for related research, planning and capacity building
- iv) Monitoring progress of implementation of various interventions, schemes and programmes for achieving the objectives of this Act, and taking appropriate steps in case of default.
- v) Taking such other steps as the President may, by Order, specify.

#### 10. Responsibility of the Appropriate Government

- (1) Responsibilities in connection with provision of free and compulsory education, except those of the Central Government as defined in Section 9, shall be that of the appropriate Government.
- (2) Without prejudice to the generality of sub-section (1), the appropriate government shall ensure:
  - i) Provision of financial assistance to Local Authorities for implementation of this Act in accordance with such formula regarding sharing of costs of such implementation, as the appropriate government may determine from time to time.
  - ii) Carrying out of an exercise every year to determine the requirement of schools, facilities and their appropriate locations for the implementation of this Act.
  - iii) Establishment of additional schools as required and making them functional.
  - iv) Deployment of teachers in schools in accordance with the provisions of this Act.
  - v) Prescription and periodic revision by the Competent Academic Authority of the curriculum for elementary education and courses of study for each grade thereof.
  - vi) Provision of a building, teaching aids and learning material of the prescribed specifications in accordance with the Schedule to every State school and fully aided school,
  - vii) Timely provision of "elements of free entitlement" as prescribed under section 2(1)(q), to eligible children.
  - viii) Development and maintenance of a comprehensive database to facilitate implementation of this Act.



- ix) Creation of adequate facilities for training of teachers and other personnel to meet the human resource requirement for the implementation of this Act.

### **11. Responsibility of the Appropriate Government to Augment Teacher Training Capacity Wherever Necessary**

Every appropriate Government shall, within six months of the commencement of this Act, assess the State's requirement of professionally trained teachers as prescribed under

this Act, vis-à-vis the capacity of existing training institutions, and shall in the event of a deficit, take steps to augment such capacity so as to match the requirement within such period not exceeding five years from the commencement of this Act, as the Central Government may notify.

### **12. Responsibility of Local Authorities**

- (1) Subject to the responsibility of the appropriate Government as laid down in Section 10, the Local Authority shall, if empowered by a law enacted in pursuance of Article 243G or Article 243W of the Constitution, perform the following functions:-
  - i) Maintain the record of all children in its area, who are in the age group of 0-14 years, with special reference to children belonging to each disadvantaged group, and to weaker sections, in such manner as may be prescribed,
  - ii) Ensure that every child in the age group of 6-14 years residing within its jurisdiction is enrolled in an elementary school, participates in it, and is enabled to complete elementary education,
  - iii) Plan, budget and provide for additional schools, teachers, and other facilities that may be required as a result of the gaps identified through the school mapping exercise for ensuring free and compulsory elementary education,
  - iv) Monitor the provisioning of prescribed infrastructure, teachers and supporting facilities for free and compulsory education in all schools in its area imparting elementary education,
  - v) Ensure sustained education of children of migrant families through special steps, including bridge courses, remedial teaching, and such other interventions as may be required.
- (2) To the extent the above functions have not been devolved upon local authorities by law, the appropriate government will by rules determine the authorities at various levels, which will perform the above functions till such time as such functions are assigned by law.

### **13. Planning For Provision of Free and Compulsory Education**

- (1) Every School Management Committee as constituted under Section 22 shall prepare School Development Plan to cater to the needs of the children residing in its neighbourhood in respect of their education of equitable quality, in such manner as may be prescribed.
- (2) School Development Plans, referred to in sub-section (1), shall be the basis for preparation of plans for provision of free and compulsory education for every local area, block, district, and metropolitan area, in such manner as may be prescribed.
- (3) Every appropriate Government and Central Government shall prepare plans for

provision of free and compulsory education in the State/UT and the country, taking into consideration the Plans referred to in sub-section (2) above.

- (4) The plans referred to in sub-section (3) shall be taken into consideration while preparing the annual demands for grants for elementary education presented by the appropriate/Central Government to the respective Legislatures/Parliament.
- (5) The plans referred to in sub-section (3) shall also form the basis for monitoring the implementation of this Act, by the National Commission for Elementary Education constituted under section 33 of this Act.

## Chapter IV

### SCHOOLS AND TEACHERS

#### 14. Responsibility of Schools to provide Free and Compulsory Education

- (1) Schools shall provide free and compulsory elementary education to children entitled under Section 3 to the extent and in the manner specified below:
  - i) State schools, except schools of specified categories, and fully aided schools - to all admitted children.
  - ii) Aided schools, other than fully aided schools - to at least such proportion of their admitted children as its annual recurring aid bears to its annual recurring expenses subject to a minimum of 25 per cent.
  - iii) State schools of specified categories, and unaided schools, to at least 25% children admitted to class 1 after the commencement of this Act, from among children belonging to weaker sections randomly selected by the school in a transparent and previously notified manner, and for the continued education of such children in the School thereafter till completion of elementary education or till they seek transfer from the school, whichever is earlier.

Provided that if a school belonging to a category mentioned in clauses (ii) and (iii), has a pre-primary section, provisions of sub clauses (ii) and (iii) shall apply to the pre-primary section instead.

Provided further that free seats in any school, shall be offered by the school first to eligible children for whom it is a neighbourhood school, and shall be offered to other eligible children only to the extent of vacancies remaining thereafter.

- (2) For every child admitted and educated in pursuance of (iii) of sub-clause (1), the appropriate government shall reimburse to the school at a rate equal to the per child expenditure in state schools/fully aided schools and state funded preschools, or the actual amount charged per student by such school, whichever is less, in such manner as may be prescribed.

Provided that if a school is already under obligation, at the commencement of this Act, to either the Central Government or an appropriate government or any authority/agency representing or acting on their behalf to provide free education to a specified number of children as a consequence of having received land/building/equipment/other facilities either free of cost or at subsidized rates, such school shall not be entitled to reimbursement under the above provision to the extent of such obligation.

- a) (3) It shall be the duty of every school to supply to the appropriate government or to

an authority designated by such government, such information as the appropriate government may direct to be furnished for the purposes of Section 5(3).

#### 15. Prohibition of Screening Procedures and Capitation Fees

No child or her family shall be subjected to any screening procedure by a school while deciding about admission to the school at the elementary stage, nor shall the family be required to make any payment in the nature of capitation fee.

#### 16. Admission to Schools to be Generally done at the Commencement of the Academic Year but not to be Denied at Other Times

Children shall be admitted to schools as far as possible at the commencement of the academic year, or within such period thereof as may be prescribed:

Provided that a child entitled to be admitted to a neighbourhood school under Section 3 (1), read with Section 14 of this Act, shall not be denied admission to such a school at any time of the academic year;

Provided further that a child admitted under the preceding proviso within four months of the commencement of the academic year shall be enabled to complete the class to which she has been admitted along with the batch of students admitted at the beginning of the session. A child admitted later in the academic year, who has not come on transfer from another school, shall complete the class with the next batch of students, unless the school is of the opinion that the child has made sufficient progress in the remaining part of the academic year to merit promotion to the next class along with the regular batch of students.

#### 17. Recognition of Schools

- (1) All schools, other than State schools, recognized at the commencement of this Act, and all State schools, whether established before or after the commencement of this Act, shall be deemed to be recognized schools for the purposes of this Act.
- (2) No institution, other than State schools, which is intended to be run as a School, shall be established or run after the commencement of this Act, except after obtaining a certificate from a Competent Authority indicating that the latter has no objection to the establishment and operation of such an institution, or after obtaining recognition as a School from such Authority.
- (3) Every appropriate government shall, within three months from the commencement of this Act, notify rules governing grant of recognition to Schools other than State schools. Where rules in this behalf already exist, they shall be deemed to have been framed under this Act, but shall be reviewed and revised to the extent necessary, within six months from the commencement of this Act, so as to bring them in conformity with it.
- (4) Every application for recognition shall be made in such form, in such manner and to such competent authority as may be prescribed, and the competent authority shall finally dispose of the application by an Order within a period not exceeding three months from the date of its receipt;

Provided that in the event of rejection of an application, the Order shall state reasons for its rejection. Recognition of a school other than a State school, may be withdrawn for breach of conditions referred to in sub-section (4), after giving an opportunity to the management of the school of being heard in such manner as may be prescribed, and from a date to be specified in the Order withdrawing recognition, which date shall not be later than 30 days from the date of passing of

the Order;

Provided that while passing an Order withdrawing recognition, the competent authority shall also give directions regarding other neighbourhood schools to which children studying in the derecognised school shall be admitted for purposes of their further education.

- (5) No person shall run a school whose recognition has been withdrawn by an Order passed under sub-section (5), after the date specified in the Order.

#### 18. Norms and Standards for a School

- (1) No State school shall be established, and no other school shall be recognized, by any competent authority, after the commencement of this Act, unless such school fulfils the norms prescribed in the Schedule.

- (2) All schools, which are deemed to have been recognised at the commencement of this Act under sub-section (1) of Section 17, but did not fulfil the norms prescribed in the Schedule at such commencement, shall do so within a period of three years, therefrom.

- (3) Responsibility for compliance with the provisions of sub section (2), shall be as follows:

- i) In case of State/fully-aided schools - of the appropriate government/local authority (subject to the provisions of sections 9, 10 &12)

- ii) In case of other schools - of the management of such schools;

Provided that the appropriate government may provide financial assistance, in such manner as may be prescribed, to managements of schools mentioned in sub-clause (ii) above to enable them to discharge their responsibility under this sub-section.

- (4) If a school other than a State or fully-aided school, fails to comply with the provisions of sub-section (2), within the time limit specified therein, the competent authority shall, after giving the management of such school an opportunity of being heard in such manner as may be prescribed, pass an Order declaring that the school has forfeited its recognition with effect from a date which shall be specified in the Order and shall not be later than 30 days from the date of passing of the Order;

Provided that while passing the above Order, the competent authority shall also give directions regarding other neighbourhood schools to which children studying in the derecognised school shall be admitted for purposes of their further education.

- (5) No person shall run a school after the date specified in an Order passed under subsection (4).

#### 19. Power to amend Schedule

The National Commission for Elementary Education may, in consultation with the Central and appropriate governments, at any time, amend the Schedule to this Act either with respect to the country as a whole or any part thereof.

#### 20. Prohibition of Deployment of Teachers for Non-educational Purpose

No teacher of a state or fully-aided school shall be deployed for any noneducational purpose except for decennial population census, election to local authorities, State Legislatures and Parliament, and disaster relief duties.

## 21. Prohibition of Private Tuition by Teachers

No teacher shall engage in any teaching activity for economic gain, other than that assigned by his employer or supervisor.

## 22. School Management Committees

- (1) A School Management Committee (SMC) shall be constituted for every State school and aided school, with such representation of parents, teachers, the community and representatives of the local authority, as may be prescribed.
- (2) Composition of the School Management Committee shall be so prescribed that:
  - i) At least three-fourths of its members are parents, or where both parents are not alive, guardians of children studying in the school, with proportionate representation among them of scheduled castes, scheduled tribes and other socially and educationally backward classes;
  - ii) The remaining members are drawn from other stakeholder sections of the community including representatives of the local authority, teachers, and persons/bodies working for education.
- (3) Physical assets of every State school, including its building, appurtenant land and fixtures, and all equipment and furniture, etc., shall be transferred by the concerned Government/local authority to the SMC within three months of its constitution under this Act, subject to such terms, conditions and restrictions, and in such manner, as may be prescribed.
- (4) The SMC shall perform the following functions, namely:
  - (i) monitor and oversee the working of the school, and plan and facilitate its development;
  - (ii) manage the assets of the school;
  - (iii) ensure that teachers of the school diligently perform the duties prescribed for them under Section 26;
  - (iv) disburse salary to teachers from the grants received for the purpose from the appropriate government/local authority, and to deduct payment of salary for the period of unauthorised absence, if any, in such manner as decided by the SMC;
  - (v) utilise other grants received from the appropriate government, local authority or any other source for the upkeep and development of the school, in accordance with the terms of such grant and the rules made in that behalf; and,
  - (vi) such other functions as may be prescribed by or under this Act.
- (5) All moneys received by a School Management Committee for the discharge of its functions under this Act, shall be kept in a separate account, and shall be utilised in such manner as may be prescribed.
- (6) Accounts of money received and spent by the SMC shall be maintained and audited in such manner as may be prescribed.

## 23. Teachers of State Schools to be a School-based Cadre

- (1) After the commencement of this Act, teachers in State schools, except in State schools of specified categories, shall be appointed for a specific school by such local authority or SMC as may be notified by the appropriate government, and shall not be transferred therefrom;

- (2) Recruitment of teachers shall be carried out in accordance with transparent, merit-based criteria, and information thereof shall be made available in the public domain.
- (3) All teachers already serving at the commencement of this Act, in State schools, except in State schools of specified categories, shall be permanently assigned to a specific State school in accordance with such procedure as may be prescribed, within a period not exceeding two years from the commencement of this Act, and shall then not be transferred from the school so assigned.

Provided that after assignment as in sub-section (3), the salaries of such teachers shall then be disbursed by the SMC in accordance with clause (iv) of sub-section (4) of Section 22.

#### **24. Teacher Vacancies in State Schools and Fully-aided Schools Not To Exceed 10% Of Total Strength**

- (1) It shall be the duty of every appointing authority in relation to every State school and fully-aided school, to ensure that teachers' vacancies in the schools under its control do not at any time exceed 10% of the total sanctioned posts of teachers.
- (2) Appropriate governments and local authorities shall ensure that, in schools run by them, teachers and their sanctioned posts are deployed in accordance with norms specified in the Schedule, and are not over-deployed in urban areas at the cost of rural areas.
- (3) Deputation or temporary deployment of teachers to schools other than those to which they have been appointed shall be prohibited.

Provided that in fully-aided or aided schools, the employee-employer relationship shall exist between the teacher and the management of such schools, and not with the appropriate government/local authority.

#### **25. Qualifications of Teachers and Terms and Conditions of Service**

- (1) After the commencement of this Act, only such persons as possess the qualifications prescribed under the NCTE Act shall be appointed as teachers;

Provided that in States which do not have adequate pre-service training capacity, Central Government/NCTE may grant relaxation in this provision for such period, and to such extent, as may be absolutely necessary.

- (2) Teachers serving at the commencement of this Act who do not possess qualifications prescribed by the NCTE shall be enabled by their employer, to acquire the equivalent of such qualifications within such period not exceeding five years from the commencement of this Act, as may be notified by the appropriate government.

Provided that the fees payable by a teacher for acquiring such qualifications, and such other expenses connected therewith, as the appropriate government may notify, shall be borne by the employer.

- (3) Terms and conditions of service of teachers serving in schools, shall be decided from time to time, by the appropriate government, commensurate with prescribed professional qualifications and experience.

#### **26. Duties of Teachers**

- (1) It shall be the duty of every teacher to:
  - (i) regularly attend school for its full duration,

- (ii) transact and complete the curriculum in accordance with the principles laid down in clause 29,
  - (iii) transact the curriculum in accordance with the time schedule, decided by the school, subject to general guidelines of the Competent Academic Authority,
  - (iv) report every case of non-attendance to the parent or guardian concerned in the first instance, and in case it persists, to the SMC constituted under Section 22,
  - (v) regularly assess the learning level of each child, and to provide supplementary instruction needed by the child,
  - (vi) regularly apprise every parent/guardian about the progress of learning and development of his child/ward studying in the school, and to also regularly report about such progress to the SMC, in such manner as may be prescribed, and
  - (vii) perform such other functions as the appropriate government or the appointing authority may specify, consistent with the provisions of Section 20.
- (2) Default by a teacher in the performance of a duty stipulated in sub-section (1) shall amount to professional misconduct, and such teacher shall be liable to be punished in accordance with the provisions of Section 27 of this Act and/or the disciplinary rules applicable.

#### 27. Accountability of Teachers Employed in State Schools and Fully-aided Schools

- (1) Notwithstanding anything contained in any other law, rules, regulation or contract for the time being in force, the following provisions shall apply to every teacher employed in State schools and fully-aided schools: -
- i) Power to grant leave to teachers shall vest in the Head Teacher/ School Management Committee (SMC) to such extent and subject to such restrictions as regards nature and duration of leave, and in such manner as may be prescribed;
  - ii) The SMC, Panchayat at the village level, or a municipal body, as the case may be, shall, where it is not itself the Appointing Authority for teachers serving in school(s) falling within its jurisdiction, furnish periodic assessment reports regarding performance of duties stipulated in Section 26 by such teachers, to the concerned Appointing Authority, in such manner as may be prescribed;
  - iii) Unless the State legislature has by law otherwise provided, power to impose minor punishment on a teacher in a State School, who was appointed by an authority higher than, or different from the authority mentioned in column 3 of the table below, shall vest in the Local Authority specified in column 3, and having jurisdiction over the rural/urban/metropolitan area in which the school is situated:-  
A For teachers in rural areas Panchayat of the intermediate or village level or SMC, as the appropriate govt. may notify  
B For teachers in government schools in urban areas The municipality or SMC, as the appropriate govt. may notify  
C For teachers in government schools in metropolitan areas Such authority or SMC, as the appropriate govt. may notify
- (2) When an SMC considers a matter in exercise of its powers under sub-clause (iii) of sub-section (1), no teacher other than the Head Teacher, who is a member of the SMC, shall participate in its proceedings, and the Head Teacher shall also not do so when the SMC is considering a matter concerning him.

#### 28. Redressal of Teachers' Grievances

It shall be the duty of the SMC/Local Authority to redress teachers' grievances to the

extent that they fall within its purview, and/or to forward them to the appropriate authority for obtaining redressal in the event that such grievances do not fall within its purview.

## Chapter V

### CONTENT AND PROCESS OF EDUCATION

#### 29. Values, Content and Transaction of Elementary Education

Competent Academic Authorities while prescribing curriculum and evaluation procedures, and schools while transacting them, shall adhere to the following principles:

- (i) They shall conform to the values enshrined in the Constitution,
- (ii) All schools shall function in a child friendly and child centred manner, and shall in particular:
  - (a) allow the child who is capable of forming her own views the right to express those views freely in all matters affecting the child, and allow the views of the child to be given due weight in accordance with the age and maturity of the child,
  - (b) build on the child's knowledge, environment and cultural identity, particularly linguistic, and develop the child's personality, talents and mental and physical abilities to their fullest potential,
  - (c) use the child's mother tongue as the medium of instruction as far as possible, at least during the first five years of the elementary stage,
  - (d) would rely on activity, discovery, exploration, understanding and problemsolving.
  - (e) would be free of fear, trauma and anxiety to the child, and
  - (f) conduct learner evaluation in a continuous and comprehensive manner such that it tests the child's understanding and ability to apply knowledge rather than rote learning.

#### 30. Certification of Completion of Elementary Education

- (1) No child shall be required to appear at a public examination during the elementary stage except, if at all, at the completion of such stage.
- (2) Every child who completes elementary education shall be awarded a certificate to that effect by the examining body holding public examination in terms of sub-section (1) above, or, in case no public examination is so held, by the school where she completes it.

Provided that nothing in this Section shall prevent schools from carrying out standardised, non-threatening assessments of learning levels of children to enable corrective action, at such regular intervals as may be prescribed by the appropriate government.

#### 31. Prohibition of Physical Punishment

- (1) No child shall be awarded physical punishment in any form in a school.
- (2) Violation of sub-section (1) by a teacher shall amount to professional misconduct, and such teacher shall be liable to be punished in accordance with Section 27 of this Act and/or the disciplinary rules applicable.

#### 32. Teacher Training and Innovation

- (1) NCTE while laying down norms, standards and guidelines in respect of preservice training programmes for elementary school teachers shall be guided by the



principles laid down in section 29.

- (2) The appropriate Government in respect of teachers in State schools and fully-aided schools, and managements in respect of teachers in unaided schools, shall take all necessary steps to ensure suitable in-service training and regular academic support, including through the use of information & communication technology (ICT), to teachers to enable them to implement the principles laid down in Section 29. In particular, all teachers shall be provided opportunities for peer interaction and encouraged to engage in innovation.

## Chapter VI

### MONITORING OF IMPLEMENTATION OF THE ACT

#### 33. National Commission for Elementary Education

- (1) Central Government shall, by notification, constitute a body to be known as the National Commission for Elementary Education, to continuously monitor implementation of this Act, recommend corrective measures wherever necessary, and to exercise powers and perform other functions assigned to it under this Act.
- (2) The National Commission for Elementary Education, shall consist of:-
  - (a) A Chairperson, who shall be an eminent person with proven record of service in the field of education;
  - (b) One member each having expertise in the fields of elementary education, development of disadvantaged groups, child development/child rights, finance, and law; and
  - (c) A Member-Secretary having experience/expertise in educational management.
- (3) Chairperson and members of the National Commission shall be appointed by the President, on the recommendation of a committee consisting of the following:- Prime Minister, Speaker of the Lok Sabha, Minister, Human Resource Development, and Leaders of Opposition in the two Houses of Parliament.
- (4) The Commission will perform the following functions, namely:
  - i) To monitor all aspects, including quality, of elementary education;
  - ii) To act as Ombudsman for the purposes of this Act, and to direct appropriate authorities to redress grievances of parents/citizens relating to elementary education;
  - iii) To present an annual report to Parliament on the status of implementation of this Act and such other issues pertaining to elementary education as may be prescribed;
  - iv) To render policy advice to Central Government/appropriate government/local authorities regarding effective implementation of this Act;
  - v) To commission such surveys, studies and research as it considers necessary for the discharge of its functions, especially in regard to provision of free and compulsory education to disadvantaged groups, and to disseminate their findings; and
  - vi) Such other functions as may be prescribed.

#### 34. Term of Office of the Chairperson and Members

- (1) The Chairperson and Members shall hold office for a term of three/ five years

from the date on which they enter upon their office:

Provided that the Chairperson or a Member shall not hold office as such after he has attained –

- (a) in the case of the Chairperson, the age of seventy years; and
  - (b) in the case of any other Member, the age of sixty-five years.
- (2) The Chairperson or a Member may, by writing under his hand addressed to the President, resign his office at any time.

### 35. Removal from Office

- (1) Subject to the provisions of sub-section (2), the Chairperson shall be removed from his office by order of the President on the ground of proven misconduct or incapacity.
- (2) Notwithstanding anything contained in sub-section (1), the President may, by order remove from office the Chairperson or any other Member, if the Chairperson or such other Member, as the case may be, –
  - (a) is unfit to continue in office by reason of infirmity of mind or body; or
  - (b) is of unsound mind and stands so declared by a competent court; or
  - (c) is or has been convicted of an offence which, in the opinion of the President, involves moral turpitude.

### 36. Vacation of Office by Chairperson or Member

- (1) If the Chairperson or a Member, as the case may be –
  - (a) becomes subject to any of the disqualifications mentioned in section 35, or
  - (b) is, without obtaining leave of absence from the Commission, absent from its three consecutive meetings, or
  - (c) tenders his resignation under sub-section (2) of section 34, his office shall thereupon become vacant.
- (4) If a casual vacancy occurs in the office of the Chairperson or a Member, whether by reason of his death, resignation or otherwise, such vacancy shall be filled by making fresh appointment in accordance with the provisions of section 33, and the person so appointed shall hold office only for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place he is so appointed, would have held office.

### 37. Vacancies, etc. not to Invalidate Proceedings of Commission

No act or proceeding of the Commission shall be invalid merely by reason of –

- (a) any vacancy or defect in the constitution of the Commission, or
- (b) any defect in the appointment of a person as Chairperson or Member, or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

### 38. Procedure for Transaction of Business

- (1) The Commission shall meet at least once every quarter at such time as may be fixed by the Chairperson.
- (2) All decisions at Commission's meetings shall be taken by majority:
 

Provided that in the case of equality of votes, the Chairperson, or in his absence

the person presiding, shall have and exercise a second or casting vote.

- (3) If for any reason, the Chairperson, is unable to attend a meeting of the Commission, any Member chosen by the Members present from amongst themselves at the meeting, shall preside.
- (4) The Commission shall observe such rules of procedure in the transaction of its business at a meeting, including regarding quorum at such meeting, as may be prescribed.
- (5) All orders and decisions of the Commission shall be authenticated by the Member-Secretary.

#### **39. Salary, Allowances and Conditions of Service of Chairperson and Members**

The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members, shall be such as may be prescribed:

Provided that neither the salary and allowances nor other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

#### **40. Member-Secretary, Officers and Other Employees of the Commission.**

- (1) Central Government shall, by notification, appoint a person not below the rank of Joint Secretary to the Government of India and having experience/ expertise in educational management, as Member-Secretary, and shall make available to the Commission such other officers and employees as may be necessary for the efficient discharge of its functions.
- (2) The Member-Secretary shall be responsible for the proper administration of the affairs of the Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed.
- (3) Salary and allowances payable to, and the other terms and conditions of service of the Member-Secretary, and of other officers and employees, appointed in the Commission shall be such as may be prescribed.

#### **41. Chairperson, Members and other Officers to be public servants.**

Chairperson and every Member of the Commission, and every officer appointed or authorized by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

#### **42. Powers of the Commission**

The Commission shall, in the discharge of its functions specified in sub-clauses (i) and (ii) of subsection

- (4) of Section 33, have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:-
  - (a) summoning and enforcing the attendance of any person and examining him on oath;
  - (b) requiring the discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any office of the Central Government or an appropriate government, Local authority or any organisation running schools,

- (e) issuing commissions for the examination of witnesses or documents.
- (2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code of Criminal Procedure, 1973.
- (3) If an enquiry by the Commission discloses a serious default in complying with the provisions of this Act, the Commission may:
  - (i) recommend to the concerned Government or Local authority the initiation of disciplinary proceedings, or such other action as the Commission may deem fit, against the concerned person or persons.
  - (ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
  - (iii) recommend to the concerned Government or authority the grant of such compensation to the children affected by the non-implementation of this Act, as the Commission may consider appropriate.

#### 43. Grants by Central Government

Central Government shall, after due appropriation made by Parliament, by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit to enable the Commission to discharge its functions.

#### 44. Accounts and Audit of the Commission

- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed after consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.
- (3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.
- (4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the Commission to the Central Government, and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

#### 45. Annual and Special Reports

- (1) The Commission shall prepare, for each financial year, an annual report, giving a full account of its activities, and the status of implementation of this Act during that year, and forward a copy thereof to the Central Government.
- (2) Central Government shall cause the report referred to in sub-section (1), to be

laid before each House of Parliament, along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

- (3) Where any such report or any part thereof relates to any matter with which a State Government is concerned, the Commission shall forward a copy of such report or part thereof to such State Government, which shall cause it to be laid before the Legislature of the State, along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for non-acceptance, if any, of any of such recommendations.
- (4) The Commission may at any time submit a special report to the Central Government or to a State Government, on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of its annual report, and the Central Government or the concerned State Government, as the case may be, shall cause the special report of the Commission to be laid before each House of Parliament or the State Legislature, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission, and reasons for non-acceptance of the recommendations, if any.

## Chapter VII

### MISCELLANEOUS

#### 46. Redressal of Grievances Regarding Non-Implementation of School-related Provisions of This Act

- (1) Anyone who has a grievance that provisions of Sections 12, 14-18, 20, 21, 26, 29, 31, 48 and the Schedule of this Act, to the extent that they relate to establishment, provisioning, management of schools and conduct of activities therein, are not being complied with, may submit a written representation in that behalf to, as the case may be, the Local Authority or the School Management Committee concerned, which shall take appropriate action on it and inform the applicant within a period a period as prescribed but not exceeding ninety days from the date of receipt of the representation.
- (2) If the person preferring the representation under sub-section (1) above is not satisfied with the action taken thereon by the Local Authority or SMC as the case may be, he may submit a representation in that behalf to such other authority as may be prescribed, which shall take appropriate action thereon and inform the applicant within a period as prescribed but not exceeding ninety days from the date of receipt of the representation.

#### 47. State-Level Regulatory Authority

- (1) The Appropriate Government may, by notification in the Official Gazette, appoint a State-level Regulatory Authority for inquiring into grievances which remain unredressed even after taking recourse to the remedies provided in Section 46. The composition of the Authority shall be such as the Appropriate Government may notify in its official Gazette.
- (2) On receipt of a representation under sub-section (1), the Regulatory Authority may either itself inquire into the matter, or may refer it for inquiry to such officer of

the Appropriate Government or concerned local authority as may be prescribed.

- (3) For the purposes of the inquiry referred to in sub-section (2), the Regulatory Authority or, as the case may be, the officer to whom it refers the matter for inquiry, shall have the powers to record oral evidence of such persons, inspect such premises, and examine such documents, as it thinks fit, in order to ascertain whether the provisions of this Act or rules made thereunder have been complied with.
- (4) Every school and other institution imparting elementary education, and every employer shall afford the Authority/officer referred to in sub-section (3), all reasonable facilities for entering into and inspecting premises, examining documents and recording statements of persons, connected with the subject matter of the inquiry.
- (5) Every officer of the Regulatory Authority or of the Appropriate Government/local authority to whom a matter is referred for inquiry under subsection
- (2) shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860)
- (6) If after inquiry as above, the Regulatory Authority is satisfied that provisions of this Act are not being complied with, it may, in its discretion, direct the government, local authority or private management running a school to take such corrective action, and within such period, as it may deem fit, or direct that:-
  - i) Proceedings be instituted by the competent authority for withdrawal of recognition under Sections 17 or 18 of this Act, or,
  - ii) Prosecution be launched against the offender(s) under Section 51 of this Act.

#### 48. Ensuring Participation in Elementary Education

No person shall prevent a child from participating in elementary education;

Provided that notwithstanding anything contained in the Child Labour (Prohibition and Regulation) Act, 1986 (No.61 of 1986), no person shall employ or otherwise engage a child in a manner that renders her a working child.

#### 49. Entry Age for Elementary Education and Procedure for Computing Age of a Child

- (1) A child shall be admitted to Grade 1 only if she has attained the age of five years and ten months before the beginning of the academic year.
- (2) Ordinarily the birth certificate and, in its absence, a declaration by the parent or guardian shall be treated as prima facie proof of the age of a child, unless the admitting authority has reason to disbelieve it. In case it is disbelieved, the admitting authority shall determine the child's age after making an enquiry in such manner as may be prescribed.

#### 50. Responsibility of the Parent / Guardian

- (1) It shall be the responsibility of every parent/guardian to enrol his child or ward, who has attained the age of 6 years and above in a school, and to facilitate her completion of elementary education.
- (2) If a parent/guardian persistently defaults in discharge of his responsibility under sub-clause (1) above, the SMC may direct such parent/guardian to perform compulsory community service by way of child care in the school, in such manner as may be prescribed.

**51. Penalty for contravention of Sections 15, 17, 18 and 48**

- (1) If a school contravenes the provisions of Section 15 by charging capitation fee, its management shall be liable to fine which may extend to ten times the capitation fee charged or collected.
- (2) If a school contravenes the provisions of Section 15 by conducting any screening procedure for admission of children, its management shall be liable to fine which may extend to Twenty Five Thousand Rupees for the first contravention, and Fifty Thousand Rupees for subsequent contraventions.
- (3) If a person contravenes the provisions of sub-section (2) or (5) of Section 17 or of sub-section (5) of section 18, he shall be punishable with fine which may extend to Rupees One lakh, and in case of continuing contravention, to a fine of Rupees Ten Thousand for each day during which such contravention continues.
- (i) If any person contravenes the provisions of section 48, he shall be punishable with a fine which may extend to Ten Thousand Rupees, and in case of continuing contravention, with an additional fine not exceeding Rupees Five Hundred for each day during which such contravention continues.
- (k) No Court shall take cognisance of an offence under this Act, except on a complaint made by a person authorised by the Appropriate Government in this behalf.

**52. Power of Central Government, Appropriate Government and Local Authorities to Issue General Directions**

- (1) Central Government may issue guidelines and give general directions to appropriate governments regarding implementation of this Act.
- (2) An Appropriate Government may issue guidelines and give general directions to Local Authorities and School Management Committees regarding implementation of this Act.
- (3) A Local Authority may issue guidelines and give general directions to School Management Committees regarding implementation of this Act.

**53. Power To Remove Difficulties**

- (1) If any difficulty arises in giving effect to the provisions of this Act, Central Government may, by Order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty;  
Provided that no Order shall be made under this sub-section after the expiry of two years from the commencement of this Act.
- (2) Every Order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

**54. Protection of Action Taken In Good Faith**

No suit or other legal proceeding shall lie against the Central Government, an appropriate government, the Commission, a local authority, a School Management Committee, or any person acting under the direction of such government/ Commission/ authority/Committee, in respect of anything which is in good faith done, or intended to be done, in pursuance of this Act, or any rules or any order made thereunder.

**55. Act to be in Addition to, and not in Derogation of Certain Other Laws**

Provisions of this Act in relation to (i) children with disabilities, and (ii) children in need

of care and protection, shall be in addition to, and not in derogation of the provisions, respectively, of (i) the Persons with Disabilities [Equal Opportunities, Protection of Rights and Full Participation] Act, 1995 [1 of 1996], and (ii) Juvenile Justice [Care and Protection of Children] Act, 2000 [56 of 2000].

#### **56. Power of Central Government to Make Rules**

- (1) Central government may, by notification, make rules, within a period not exceeding three months from the commencement of this Act, to carry out the provisions of Chapter VI of the Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
  - (a) Functions of the Commission under sub-clause (vi) of sub-section (4) of Section 33,
  - (b) Salary and allowances, and other terms and conditions of service of the Chairperson and Members of the Commission under Section 39;
  - (c) The procedure to be followed by the Commission in the transaction of its business at a meeting under sub-section (4) of Section 38;
  - (d) Powers and duties of the Member Secretary of the Commission under sub-section (2) of Section 40;
  - (e) Salary and allowances and other terms and conditions of the service of officers and other employees of the Commission under sub-section (3) of Section 40; and,
  - (f) Form of the Statement of Accounts and other records to be prepared by the Commission under sub-section (1) of Section 44.
- (3) Every rule notified by the Central Government under this Section shall be laid, as soon as may be after it is notified, before each House of Parliament.

#### **57. Power of Appropriate Government to Make Rules**

- (1) The appropriate Government may, by notification, make rules, within a period not exceeding six months from the commencement of this Act, for carrying out the provisions of Chapters I-V and VII of the Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
  - (a) notification of disadvantaged groups under clause (m) of sub-section (1) of section 2.
  - (b) courses of study for the elementary stage under clause (o) of sub-section (1) of section 2.
  - (c) expenses under sub-clause (ii) of clause (a) of sub-section (1) of section 2.
  - (d) notification of number of days in the calendar year in relation to migrant families under clause (y) of sub-section (1) of section 2.
  - (e) notification of neighbourhood in relation to a child under clause (aa) of sub-section (1) of section 2.
  - (f) the manner in which a child or her parents/guardians shall be heard in the event her expulsion is contemplated by the SMC under sub-section (5) of section 3.
  - (g) prescription and revision of curriculum under clause (v) of sub-section (2) of



section 10.

- (h) norms for building, teacher aids and learning materials under clause (vi) of sub-section (2) of section 10.
- (i) identification and notification of elements of free entitlement under clause (vii) of sub-section (2) of section 10.
- (j) the form and manner in which record of children shall be maintained by Local authorities under clause (i) of sub-section (1) of section 12.
- (k) reimbursement of expenses to unaided schools and schools of specified categories under sub-section (2) of section 14.
- (l) the manner in which management of a school shall be heard in the event that withdrawal of its recognition is contemplated under sub-section (5) of section 17.
- (m) manner in which financial assistance will be provided by the appropriate government to schools other than state schools and fully aided schools for complying with the provisions of section 18 (2).
- (n) functions of School Management Committees (SMCs) under clause (i) of sub-section (2) of section 22.
- (o) determining representation of sections of the community under clause (i) of sub-section (3) of section 22.
- (p) rules of procedure governing assignment of teachers to specific schools under sub-section (2) of section 23.
- (q) the form and manner in which progress of children shall be reported to their parents/guardians and to the SMC under clause (vi) of sub-section (1) of section 26.
- (r) nature and duration of leave and the manner in which it may be granted to teachers under clause (i) of sub-section (1) of section 27.
- (s) payment of salary to teachers, and withholding of it for period of unauthorised absence, if any, under clause (iv) of sub-section (3) of section 22.
- (t) the form and manner in which periodic assessment reports of the performance of teachers shall be provided to the appointing authority under clause (ii) of sub-section 1 of section 27.
- (u) notification of authority competent to impose minor punishment on teachers in government schools in metropolitan areas under clause (iii) of sub-section (1) of section 27.
- (v) the form and manner in which reports relating to implementation of this act and other issues pertaining to elementary education shall be made to Parliament by the National Commission for Elementary Education under clause (iii) of sub-section (4) of section 33.
- (w) officer of an appropriate government or local authority to whom the State-level Regulatory Authority may refer representations for inquiry under sub-section (2) of section 47.
- (x) the manner in which the age of a child may be computed or determined under sub-section (2) of section 49.
- (y) prescription of curriculum, specifications of classroom, teaching learning equipment, library, and play material and sports equipment under items 1, 4 (vi),

8, 9 and 10 of the Schedule.

- (3) Every rule notified by an appropriate government under this Section shall be laid, as soon as may be after it is notified, before the appropriate Legislature.

## SCHEDULE

(See Section 18)

### Norms and Standards for a School

#### S.No. Item Norm

1. Curriculum As prescribed by the Competent Academic Authority
  2. Number of teachers:
    - (a) Primary School (Classes 1-5) Pupil Teacher Ratio (excluding Head Teacher) not to exceed 40
    - (b) Upper Primary School (Classes 6-8)
      - At least one teacher per class such that there is as far as possible at least one teacher each for
        1. Science and Maths
        2. Social studies
        3. Languages
          - At least one teacher for every 35 children
          - As soon as enrolment crosses 100:
            - i. A full time head teacher
            - ii. At least part time instructors for:
              - Art Education
              - Health and Physical Education
              - Work Education
3. Qualifications of teachers As per Section 25 of the Act.
4. Building All-weather building consisting of:
  - i At least one classroom for every teacher
  - ii An office-cum-store cum-head teacher's room in every school.
  - iii Toilets (separate for boys and girls)
  - iv Drinking Water facilities
  - v Kitchen (wherever mid day meal is cooked in the school)
  - vi Barrier-free access
5. Specifications of a classroom As may be prescribed
6. Minimum number of working days/instructional hours in an academic year
  - i 200 working days for Primary schools
  - ii 220 working days for Upper Primary schools
  - iii 800/1000 Instructional hours per academic year for primary/upper primary schools
7. Minimum number of working hours per week for the teacher 45 (Teaching plus

preparation hours)

8. Teaching learning equipment As may be prescribed
9. Library As may be prescribed
10. Play material, games and sports equipment As may be prescribed
- 11\* Boundary wall or fencing
- 12\* Playground/space (with e.g. slides, swings, see- saw, gymnastic bars, sand pit etc.)

**B. Desirable**

1. Facility for pre-school education in accordance with Section 7.
2. Electrification, telephone and at least one personal computer. \* Exemptions may be permitted in appropriate cases

## Annexure - 4

### Uncounted Children in Karnataka A Case Study

#### Introduction

It is a well-known and established fact that education is an empowering tool and a means to attain freedom from poverty, ignorance and eliminating gender, caste and class discrimination. Since education possesses the power to transform a society into a quality entity the force that influences and shapes it are also innumerable, each with its own agenda and interest, these in turn impacting the policy decisions, and political processes in the country.

The 86th amendment to the Constitution has made Right to Education a fundamental right. Article 21A of the Constitution guarantees education to all children, thereby making it legally binding for all the states in India to provide compulsory and free education to all children in the age group of 6 to 14 years. By restricting age of education to 6-14 the ruling elite has resorted to a deliberate conspiracy to dilute the contents of Article 45 and the Supreme Court verdict given in the Unnikrishnan vs. State of Andhra Pradesh case through 86th Amendment to the Constitution which states clearly that free and compulsory education should be given till the age of 14 years which means to 0-14 years.

The cut off age of 6 - 14 years goes against the definition of the concept of 'Child' as given by the UNCRC (up to 18 years of age) and India ratified this in 1992. The human rights of all persons to education is stated in the Universal Declaration of Human Rights, the International Covenants, the Convention on the Rights of the Child emphasizes that this must be used as powerful tools in realizing the 'human right to education for all'. The Declaration states that 'every woman, man, youth and child has the human right to education, training and information, and to other fundamental human rights dependent upon realization of the human right to education and this entitles every woman, man, youth and child to - the human right to free and compulsory elementary education & to readily available forms of secondary and higher education' and freedom from discrimination in all areas and levels of education, and to equal access for continuing education and vocational training'.

Human right to education is inextricably linked to other fundamental human rights that are universal, indivisible, interconnected and interdependent and ensure participation of the community at the local, national and international levels in shaping decisions and policies affecting them.

Even if we confine our discussion to the present Constitutional framework alone, the State has the onus to provide equitable quality education to all children until the age of 14 years. Therefore, it is an obligation on the part of the state to identify every child who is out of school in the age group of 6 to 14 years.

One of the effective strategies to ensure universal education in a country like India is by ensuring universal enrolment. Primarily, absence of quality learning in the school and the

socio, economic, gender and religious structure of the Indian society is the cause for dropouts specially, in the high schools in India. In order to enable the dropouts to join the mainstream education system enrolment of the same is a major strategy. Prior to enrolling these children, identifying them is of utmost importance and this was done in the state of Karnataka through by undertaking yearly child census by Sarva Shiksha Abhiyan (SSA).

Article 21A of the Constitution guarantees education to all children in the age group of 6 to 14 years and in this constitutional context the State has a legally binding obligation to provide equitable quality education to all children until the age of 14 years. This makes it compulsory for the State to effectively identify all the out of school children within this age through their child census and provide them education. The out of school child census data with its prevailing method of identifying and analyzing age related to the date of birth of the child has raised a crucial issue for debate.

The SSA census has taken only those children who have just entered 14 years of age in place of taking 14 years as completed number of years. Unfortunately, the method used and the definition of age has done great injustice to the children in turn limiting the effectiveness of this exercise. In our opinion, this is an incorrect method to determine the age of the child as age is always taken in completed years. Since ages, this particular procedure is followed in the census department as well as other institutions involved in collection and analysis related to numbers.

To understand this point clearly, let us assume that a child was born on 20.07.1992, enters age 14, on 21.07.2006 and completes 14 years of age on 20.07.2007. But, as per the education department calculations, the child completes 14 on 20.07.2006. Here, the child's entry to 14 after completing 13 on 20.07.2006 is taken as completion of 14. But in reality, the child has completed only 13 years and entered 14 and continues to fall into the same age till 19.07.2007. She/he will be completing 14 years only on 20.07.2007. The Department has taken the running years instead of completed years; as a result of which we are omitting children between 13 and 14 years - an age which is very critical and of paramount importance in elementary education. While the existing data gives only the teachers' data very little is written about the disparities between the data provided and the existing realities.

In this backdrop we felt it was important to assess the gap that the present collection of data has left due to the erroneous collection of facts and figures by SSA. Our objective has been to do a thorough research of the same in the Bannikuppe Panchayat, Bidadi - Ramnagara taluk, where the education program of Centre for Child and Law (CCL) is having an extension program to transform government schools into quality entities.

The education program of CCL - NLSIU is engaged in an extension program at Bidadi, Bannikuppe panchayat. This extension program started in 2002 as a research intervention to understand the issues pertaining to school education from the grass root level. This involvement with the bottom up approach has resulted in not only contributing qualitatively to the issues connected to primary stakeholders like children, teachers or community members but also to feed into the making of policies, delegated legislations through advocacy and SDMC model bye-law is an example of this. This program also intends to give grass root inputs based on which policies of the government can be formulated before they become legislations that does not hold good for the ground realities. In this context we decided to do this case study in the panchayat where we have intensely worked with the schools in taking our views and programs on quality education.

## Purpose of the Study

CCL has taken up this case study in order to examine the gaps in the data collected by the teachers and the definition provided by the State for 14 years and how both has impacted the education of children of under the 6 - 14 category. The objective of this case study is to bring to the notice of the Government of Karnataka and our partner friends the disparities in the data collected by the teachers and the CCL education program to contribute to research and policy making in Karnataka and India as a whole.

This case study uses primary data collected from the fifteen habitations of Bannikuppe panchayat - Bidadi. In order to influence policy making, a very complex process in India and to ensure that none of the children should be wasted as dropouts at an age where their primary focus should be on being to school, the education program did a out of school children census and this case study is a logical continuation to enable a comparative analysis of our program data and the SSA data. This case study intends to enunciate the severity of the problem and the number of children who will miss out on school education.

The education program team is in the knowing that policy formulation is a complicated political process but nevertheless through this case study we intend to bring to the notice of the State the importance of authentic methods and approaches of the same as it has the power to impact a sizable child population in the State of Karnataka. This document is prepared to serve the purpose of day-to-day advocacy with the State Education Department to bring policy changes through grass root experiences.

## Methodology

The education program is involved with the Bannikuppe panchayat for last three years and one of the important activities of the three village assistants of this program has/is been doing is collection data on issues related to access, enrolment, retention, attainment, working of education department and School Development Monitoring Committee/Community. By virtue of this fact we grasped that SSA census data was not a comprehensive one and the methodology adopted to approach the issue was not scientific.

Though we had ready data of all children in the panchayat and knew that the records of the teachers were not complete, keeping in mind the research approach and process of not making any sweeping generalizations we decided to do this case study. As any serious research demands, we went to the field and engaged ourselves rigorously to find out the facts and figures related to the process and outcome of the census data of the out of school children. The field assistants were empowered regarding the definition of 14 years before they went to the panchayat.

This case study aims to study the disparities in the data and information collected by the GSSJ and SSA. In the course of this work we are attempting to analyze the gaps in the SSA census. Through this case study we intend to bring the children who are less than 14 years but have been left out of the SSA census done by the teachers and also children who fall within completed 14 years of age defining the number of years as per the Government of India census interpretation.

This Statistics enables us to understand the differences in the statistics collected by the CCL & SSA of out of school children. The primary data collected by CCL from the habitats was content analyzed and the overall impact on the out of school children issue is analyzed here. The reasons for the difference in the out of school children conducted by SSA vis-à-vis

GSSJ is also analyzed and recommendations are also suggested. Each data was examined and analyzed to bring out its implications on the children. To end with the research draws out practical recommendations and implications for action that will address the injustice done to the children in Bannikuppe panchayat in by the SSA.

\* Definition of 14 years in GSSJ child census is completion of 14 years and 364 days

\* Definition of 14 years in SSA child census completion of 13 years and 364 days.

## Research Questions

In order to operationalise this exercise the field assistants went with a questionnaire comprising of -

- (1) Name of the habitation
- (2) Total number of the children in each habitation
- (3) Name of the child in each habitation and gender of the child
- (4) Caste of the child
- (5) Date of birth of the child
- (6) Age of the child
- (7) Reason for quitting the child
- (8) The intention to rejoin the school

### Data Collection

- Primary data was collected from the children of all fifteen habitations and as a logical result of this field research we have come out with all details of a total number of 42 children who fall under 14 years of age. The result of a week's rigorous field work by three field assistants has given us meaningful insights for the case study -
- A valuable child census of out of school children and also an output enabling us to identify the gaps in the SSA conducted child census.
- A detail list of children, children who are below 14 years but not enlisted by SSA and children who have completed 14 years & 364 vis-à-vis SSA's children list who have completed 13 years and 364 days.
- Emerge with an analysis for the difference between GSSJ and SSJ child census and the implications that this difference on universal education as a fundamental right.
- Suggest remedies and take up advocacy with the Department of Education

The details of out of school children in the age group of 1-14 years is given in two tables -

- (1) Table No 1: Providing results of both child census done by GSSJ and child census SSA.
- (2) Table No.2: Captures the highlights of out of school children by providing a comparison in percentages between child census GSSJ and child census SSA.

## Analysis

BOX 1: Details of out of School Children in the Age Group of 6-14 Years in Bannikuppe Gram Panchayat

Name of the habitation	Child Census of CCL				Child Census Sarva Shiksha Abhiyan (SSA)		
	Name of the Child	Caste	D of B	Age	Name (child)	Dof B	Age
K.K.Halli	Shivakumar	SC	15/12/1991	14.5			
	Hanuma Simhan	SC	2/6/1992	13.11			
	Manjunatha	Viswa Karm a	6/5/1992	14			
M.R.Pura	Muttaraju	SC	2/3/93	13.2			
	Shivakumar	SC	NDOB	11			
H.P.Colony	Raveena	ST	4/7/1997	8.10			
	Saveena	ST	10/4/1993	13.1	Saveena	10/4/1993	13.1
	Sowmya	ST	2/2/1993	13.3	Sowmya	2/2/1993	13.3
	Lathesh	ST	NDOB	10			
K.G.Halli	Govindaraju	SC	2/2/1994	12.3			
	Gala Hanumaiah	SC	15/5/1992	14			
	Ramesh	SC	10/4/1996	10.1	Ramesh	10/4/1996	10.1
	Vimalakshi	Uras	18/2/1995	11.3	Vimalakshi	18/2/1995	11.3
	Sabamma	Veera shaiva	20/5/1999	7	Sabamma	20/5/1999	7
	Aswath	Veera shaiva	8/4/1998	8.1	Aswath	8/4/1998	8.1
	Pavithra	Veera shaiva	20/12/1996	9.5	Pavithra	20/12/1996	9.5
	Nirmala	Idiga	14/4/200	6.1	Nirmala		6.1
	Raghavendra	Idiga	8/2/1999	7.3	Raghavendra	14/4/200	7.3
	Rajeswari	Idiga	12/4/1998	8.1	Rajeswari	8/2/1999 12/4/1998	8.1
Avaragere	Geetha.H	SC	12/4/1993	13.1			
	Manjula.V	SC	12/2/1992	14.3			
	Kempamma .H	SC	10/2/1992	14.3			
B.Colony	Rekha	ST	8/6/1991	14.11			
	Tejaswini	ST	9/8/1993	12.9			
	Manjula	ST	3/5/1993	13			



M.G.Palya	Munichandra	SC	1/5/1993	13	Munichandra	1/5/1993	13
	Devaraju	SC	1/6/1992	13.11	Devaraju	1/6/1992	13.11
S.B.Palya	Raja	SC	26/5/1993	13	Raja	26/5/1993	13
	Girijamma	SC	31/5/1993	13	Girijamma	31/5/1993	13
	Hanumantha	SC	30/4/1992	14.1	Hanumantha	30/4/1992 <sup>1</sup>	14.1
	Chamundamma	SC	25/5/1993	13	Chamundamma	25/5/1993	13
	Laxamma	SC	1/6/92	13.11	Laxamma	1/6/1992	13.11
Bethengere	Ravi Kumar	Thigala	17/6/1992	13.11			
	Narayana	Thigala	13/12/1992		Narayana	13/12/1992	13.5
	Puflamma	Vokkalinga	5/6/1994	13.5 11.11			
M.H.Bande <sup>3</sup>	Idesiri	SC		7			
	Sulochana	SC		8			
	Vijaya	SC		7			
	Anitha	SC		9			
	Nagu	SC		7			
	Devika	SC		8			
	Raju	SC		7			

Source:

1. Child Census Data, Department of Education, Ramangar Taluk, Bannikuppe Panchayat, Bidadi- March 2006
2. Child Census Data Gunathmaka Shala Shikshanakkagi Janandolana (GSSJ), Bannikuppe Panchayat, Bidadi- March 2006

The data in box 1 shows considerable difference in the statistics of out of school children child census conducted by CCL and SSA. A comparative analysis of the two-census report shows a phenomenal number of 24 school children who fall under the age group of 6-14 missing in the child census data of SSA. The program census shows 42 out of school children as against 18 in the SSA child census.

### Habitation wise Analysis

- In K.Keranahalli, an in-depth study of CCL revealed that the three children - Shivakumar, a SC student of 14.5 years, Hanumasimhan, again a SC student of 13.11 years and Manjunatha, belonging to the Viswa karma community and 14 years old are not counted in the SSA census. SSA count of out of school children in this habitation is zero.

1 Approximate age has been estimated as per the details and information provided by the parents

2 Approximate age has been estimated as per the details and information provided by the parents

3 These children are migrated from North Karnataka Districts like Gulbarga, Bijapur, Raichur etc

- In M.R.Pura, Muttaraju and Sivakumar, both SC children, though not more than 13.2 and 11 years respectively, are not counted in the SSA census. SSA count of children here is zero.
- In H.P.Colony, 8 .10 years old Raveena and 10 years old Latesh, both from the ST community, are not counted in the SSA census. Here SSA child count is only 2 as against 4 by CCL.
- In K.G.Halii, 12.3 years old Govindraju and 14 years old Gala Hanumaiah, both from SC community, are not counted in the SSA census. Here SSA child count is 8 as of 10 by CCL.
- In Avaragere, 13.1 years old Geetha, 14.3 years old Manjula and 14.3 years old Kempamma, all three from SC community are not counted in the SSA census. Here SSA child count is zero which leaves out 3 children from the habitation.
- In Bairagicolony, 14.11 years old Rakha, 12.9 years old Tejaswini and 13 years old Manjula are not counted in the SSA census and hence the SSA child count is here is zero.
- M.G.Palya and S.B.Palya are the only two habitations where the CCL and SSA census count has tallied with 5 out of school children.
- In Bethengere, the name of 13.11 years old Ravi Kumar and 11.11 years old Puttamma is not counted by the SSA. Here SSA child count is one.
- In M.H.Bande, 7 year old Idesire, 8 years old Sulochana, 7 years old Vijaya, nine years old Anitha, 7 years old Nagu, 8 years old Devika and 7 years old Raju, all belonging to the SC community have been counted by CCL as against no children counted by the SSA census in this habitation.

Before going into the implications and recommendations for this issue it is important to get an overall picture of the impact that this difference in statistics and age definition by the SSA has produced and this is captured in Box 2 which follows -

**BOX 2: Highlights of the Study**

Particulars	Child census-GSSJ	Child census-SSA
Definition of 14 years	Completion of 14 years 364 days	Completion of 13 years 364 days
Total Number of Children	42 3.8% against the total child population	18 1.6% against the total child population
Female children	24 4.3% against the total female child population	10 1.8% against the total female child population
Male children	18 3.2% against the total male child population	08 1.4% against the total male child population
Scheduled caste	24 7.1% against the total SC population	08 2.3% against the total SC population
Scheduled Tribes	07 6.5% against the total ST population	02 1.8% against the total ST population
Other backward classes (Idiga, Thigala, Uras and Viswakarma) General-Veerashaiva, Vokkaliga	07+04=11 1.7% against the total general population	08 1.2% against the total general population

The total number of out of school children counted by CCL is 42 while SSA has counted it as 18, which means that 24 children do not exist in the Government records at all. This means that SSA has counted only 1.6% of the total child population as against 3.8% of CCL.

SSA has counted only 10 out of school girl children as against CCL's 24 girl children which means, that SSA has counted only 1.8% of the total female child population as against 4.3% of the total female child population. Approach to girl children statistics reveals the gender sensitivity of government and the difference in percentages illustrates that gender has not found any specific importance in the entire scheme of SSA census.

The total number of male children counted by the program is 18 as against 8 by SSA, which means that SSA has counted 1.4% of the total male child population as against 3.2 of CCL.

The total number of Scheduled Caste children counted by the program is 24 as against 8 by SSA, which means 7.1% against the total SC population as against 2.3 by SSA.

The total number of Scheduled Tribes children counted by the program is 7 as against 2 by SSA. Based on this number the program study reflects 6.5% against the total population as against 1.8% of SSA census.

The total number of other backward class children counted by the program is 11 as against 8 by SSA. In percentage terms the program count is 1.7% against the total general population as against 1.2% of SSA census.

## Implications

The primary purpose of this SSA census is to enroll and bring back the out of school children into the mainstream education in order to achieve the goal of compulsory universal education as envisioned by the Constitution. Instead of going into the details of the reasons for high dropout rate in schools which is in itself a complicated issue, this case study is restricted only to the issue of discrepancy between the numbers recorded by the teachers and the actual number of children who are out of school.

Leaving out considerable number of dropouts from the SSA census shows that SSA lacks the conviction of bringing back the dropouts to the school and this in turn reflects the fact that it is still not completely aligned to the objective of compulsory universal education. Let alone formulating strategies to bring back the dropouts into the school they have failed in performing their primary duty of counting the dropouts in an extensive and rigorous way and this raises questions on their intention to bring back the child to school.

This gap in the strategy to ensure universal enrolment and dropout headcount raises serious questions about our motivation to provide education to all in turn propelling us to examine and address the crucial issue of the purpose of omission of this kind and also the implications of this omission. The primary and crucial question that emerges here is whether SSA is doing justice to all children as the program is all about ensuring and providing universal education to all children till the age of 14 years.

Even if SSA contests the program definition of 14 years, it is worth noting that SSA has left uncounted a whole lot of 20 children in the Bannikuppe panchayat who come under their own definition of 14 years. This raises serious concerns about the details and rigorousness with which this census has been carried out. Instead of teachers playing a proactive role in sorting out the age definition of the child with the Education Department, the teachers have

omitted children who fall well even within the definition of the Department.

Children attaining education in government schools are from the economically backward classes. Box 1 shows that the Scheduled Caste, Scheduled Tribes, girl child and other backward classes come from disempowering social realities. For instance the girl children have to fight against a lot of societal views to continue their education after 8th-standard. This gives us a clear picture that the major child population in government schools is from the marginalized section of the society. Box 2 speaks for itself as to how children from the most marginalized communities have been uncounted resulting in further marginalization of the communities they belong to. This study shows a lack of sensitivity towards gender issue and class and caste structure of Bannikuppe panchayat.

Through this case study the program has brought to light that 24 children are uncounted and this is the reality of a single panchayat. Taking this calculation a little further we can examine and imagine the magnitude of the number of uncounted children in 5675 panchayats of Karnataka. This calculation of 24 children multiplied by 5675 gives us the magnitude of injustice done by SSA.

- In reality, the high dropout rate prevails at the age group of 13 and 14 years. It is well known, that this age children are in the class VII to class VIII - crucial in a child's education, as it is a transition period.
- By keeping this category out of child census, we are doing great injustice to children who are supposed to move from higher primary stage to secondary stage where class VIII lies. At this age it is very tempting and easy for children to become child laborers to fulfill family needs & poor quality education provided at school thus compelling them to give a decent burial to their studies
- In a patriarchic society like ours, it is at this transition age the dropout rate among the girls is more due to physiological, social and cultural reasons. This kind of age calculation will further deprive the already deprived girl children of their legitimate right to education.
- Education being a fundamental right does not make any sense to these children who are left out during the present method of head count.

## Conclusion

The teachers in government schools are not only held responsible for the out of school children but are expected to be active participants in bringing back these children to the mainstream education. In this context, the greater the number of out of school children the greater the responsibility of the teachers and lowering the number of out of school children saves the teachers from that much of extra responsibility to bring them back to the schools. This Process of recording the dropouts and bringing them back to school may be a threatening exercise to the teachers reflecting directly on the quality of school and teaching activities that they engage in during their working hours. With all these intricacies SSA may become an exclusionary process for the children instead of an opportunity to provide them the education they are entitled to.

Restricting this study only to numbers would be extremely unjust and superficial as numbers are just a symptom of a deep-rooted malady. The main cause for discrepancy of this nature is the attitude of the people involved in the entire process of recording authentic data of out of school children. Considering the fact that the teachers have done this study,

the tendency of the teachers towards this process and the technicalities involved for them based on the result of their survey needs to be examined. The difference in the numbers shows an extremely anti child tendency as it reflects a cut and dry approach towards the entire issue and not the passion to see that all children in the state educated. While restricting the age to 13 years and 364 days is itself a very rigid parameter, diluting it still further by not even counting the children under this category is a bigger blunder defeating the very purpose of universal education.

In this context it is important for the education department to reflect not only on the logic of the census but also on the ways and means of rectifying the fallacy. In a county like India which is far behind in realizing universal education age should be stressed upon much but analysed within the framework of the disadvantages that the government school going children face, encounter and handle and their day to day realities. In case of dissatisfactory interpretation of 14 years, the next resort would be interpretation by Judiciary and seek a constitutional clarification regarding the cutoff age of the education for children and census related to it.

Here it is also important to assert that providing education to children is not only the duty of the state but enjoying and attaining it is the right of the child. The need for this understanding is all the more important considering the fact that it is the lower strata of the society that resorts to public education and excluding this category in general and the SC, ST and other backward and minorities in particular gives us a strong reason to question the premise of a census for which at least a budget of one crore has been invested.

We intend to take this case study for advocacy with the Education Department with the objective of emphasizing on the spirit of universal education rather than constricting it to a mere age factor which is a complex area in itself considering the complexities of Indian society.

## Annexure - 5

F.No.10-15/2007-EE-4

Government of India  
Ministry of Human Resource Development  
Department of School Education & Literacy

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New Delhi, 13<sup>th</sup> July 2007

To,

Ms. Aruna J. Kashyap  
Socio-Legal Information Centre  
4<sup>th</sup> Floor, C.V.O.D. Jain School,  
84 Samuel Street (Pala Gali)  
Dongri, Mumbai, India 400009

**Subject:** Application under Right to Information Act, 2005 seeking information regarding the Constitution (Eighty Sixth Amendment) Act, 2002 which received the assent of the President on December 12, 2002.

Madam,

Kindly refer to your application dated 4<sup>th</sup> July, 2007 addressed to the undersigned on the abovementioned subject.

2. The Indian Postal Order No. 59E 499568, dated 04.07.07 of the amount of Rs.10/- payable to CPIO, Department of School Education, N. Delhi has been deposited in the Facilitation Centre of this Department as fees for the aforesaid application. The original receipt for the same is enclosed.

3. Information in respect of various points asked by you is furnished below; adseriatim.

1. No
2. Does not arise/ Not applicable

3. In this connection, it is informed that Section 1 (2) of the 86<sup>th</sup> Constitutional Amendment Act provides that 'it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.' This notification has not yet been issued pending enactment of the consequential legislation envisaged in Article 21-A of the Constitution

Yours sincerely,

Sd/-

(Simmi Chaudhary)

Deputy Secretary to the Govt. of India/CPIO

Telefax:23382498

## Annexure - 6

### **Social Service Institute**

C/o Apanalaya, 885/14 Lotus Colony, Govandi Mumbai- 400 093

Date. Nov.1st, 2002

To,  
Chairman/Secretary

Sub.: To open/run secondary and higher secondary  
School in M (East) Zone on behalf of corporation

Sir/Madam

We, social service institutes, Banga wadi, Shivaji nagar Govandi, and Mankhurd, Zone, are doing social development activity. Mainly, we handle social, education at, cultural and area activist training etc. activities.

We would like to inform you, through this letter, you are aware of all local problems as residents of this area. This year, in the Chhatrepati Shahs Maharaja Maiden, on behalf of the corporation, coco-nut has been broken as an auspicious beginning of the building of school building. We congratulate the corporation for the same. But the real problem is that a school from 1<sup>st</sup> to 7<sup>th</sup> std. is being run appropriately in Shivaji nagar area. The real difficulty starts from the 8<sup>th</sup> std. Students do not get admission, or they fail in the 8<sup>th</sup>. Education abruptly ends due to financial difficulties. Private institutions lost the poor folks. Complaints into have often been lodged against these events, but they are not taken seriously. It is therefore necessary to demand that in Shivaji nagar, area a school from std. 8<sup>th</sup> onwards be opened by corporation. Teachers from the closed schools be invited. It is necessary to generate greater awareness and demand amongst the local people, Mandals, institutes should support your demand. For this purpose, we all should start a signature campaign, in collaboration with the federation. A letter to that effect be sent to the federation.

With the expectation that you will lend support to this, please,

Thanks,

Yours faithfully,  
Sd. (Santosh sarve)  
Secretary.

No. See Sch/9145

Date. 17.1.2005

To  
Shri Santosh Sarve,  
Convener,  
Social service institution,  
Apnalaya, 881, plot No. 14,  
Lotus colony, Govandi,  
Mumbai- 43

**Sub.: Taking into consideration the increasing population of M/East ward, about the opening of primary and secondary school**

**Ref.: Your letter dt. 17-8-104 addressed to Hon-Commissioner.**

Please see the about mentioned letter.

To impart secondary education is not the duty of corporation due to economic difficulties. Considering the present financial conditions of the corporation, it cannot afford to open new secondary school. A resolution to this effect has been passed in mayor's conference: No. 916/ dt. 27-7-1998.

It would not be possible to start open secondary stds. As mentioned in your above letter.

Sd. ( )  
Deputy education officer  
(Secondary)



No. EOP/1725

Date. 9.8.2005

To,  
Social service institution,  
23/7/10, Road No. 3,  
Shivaji nagar, Govandi,  
Mumbai- 400 043

Sub:- Regarding the starting of the proposed secondary school on Shahi Maharaj  
Maidan, in Shivaji nagar,

Ref:- Your letter dt.6-8-2004

You are informed in regard to your above letter:

Shivaji nagar B.M.C. school Bldg. No.1 is being re-constructed in Multi-storeyed building, which will be completed by the end of the year 2005.

After setting passion of the bldg. some classes of B.M.C. school No.02 and 03 will be transited to the new bldg. as some classes are conducted in the verandas, class room of the new bldg.

(2) After the transfer of school from the single-storey bldg. the rooms falling vacant will used for Sarva Shiksha Abhiyan, Mahatma phule education scheme, Balwadi unofficial class etc.

(3) The old single-storey bldg. being Acc cement roofed, it would not be possible to build another storey on that bldg.

(4) To run a secondary school is not binding for the corporation, therefore, it would not be possible to open a secondary school.

Thanks,

Your faithfully,  
Sd. Education officer in charge,

## Annexure - 7

### Guidelines for implementation of

### The 'National Programme for Education of Girls at Elementary Level (NPEGEL)' as a component of the scheme of Sarva Shiksha Abhiyan (SSA)

#### 1. BACKGROUND :

- 1.1 The Government has approved a new programme called 'National Programme for Education of Girls at Elementary Level (NPEGEL)' as an amendment to the scheme of Sarva Shiksha Abhiyan (SSA) for providing additional components for education of girls at elementary level. The NPEGEL will form part of SSA and will be implemented under the umbrella of SSA but with a distinct identity.
- 1.2. The scheme of Sarva Shiksha Abhiyan (SSA) was started in the year 200102 with the objective of universalisation of elementary education. It is an attempt to provide an opportunity for improving human capabilities to all children including the girl child, through provision of communityowned quality education in a mission mode. However, as SSA has limited financial provisions for girls' education in the form of "i nnovations" at district level and free textbooks, and thus there is a need for an additional component.
- 1.3. Accordingly, NPEGEL has been formulated for education of under privileged / disadvantaged girls from class I to VIII as a separate and distinct gender component plan of SSA. The gender component is necessary to achieve UEE for girls in educationally backward areas.

#### 2. SCOPE :

- 2.1 The scheme would be applicable in the following areas :
  - (a) **Educationally Backward Blocks (EBBs)** : EBB means a block where the level of rural female literacy is less than the national average and the gender gap is above the national average. Also all blocks in 13 districts of Jammu & Kashmir, which qualify by this definition and were not covered by the 1991 census will be covered. A list of States with such districts/blocks is at Appendix.I.
  - (b) **Blocks of districts which have atleast 5% SC/ ST population and SC/ ST female literacy rate below 10% shall also be taken up under this programme**
  - (c) **Selected urban slums.**
- 2.2 Once the data for 2001 Census becomes available, selection of blocks under (a), (b) and (c) above may be modified according to the new Census data. States would be competent to change the blocks in light of the 2001 Census, keeping the definition in view and after getting the consent of GOI.

#### 3. Strategy:

- A. Mobilisation for girls education, including community, teachers, NGOs, etc. This

- is to be process oriented programme, where community ownership and the basket of components must evolve with local participation.
- B. A basket of components has been provided for in the scheme, however, all blocks would not take up all activities. The projects should be based on the conditions of that block and should specifically target the following:
- Out of school girls
  - Drop outs girls
  - Overage girls , who have not completed elementary education
  - Working girls
  - Girls from marginalised social groups.
  - Girls with low attendance
  - Girls with low levels of achievement
- C. Development of material including teaching learning material, CDs, films and other material, helping in the review/ development of textbooks, development of guidelines for incorporation of gender concerns, development/ compilation of supplementary reading material for girls, including life skills, which would provide the support needed for girls' e ducation.

#### 4. OBJECTIVES :

- 4.1. There exists a significant gender gap in enrolment at the elementary level, which is more acute for schedule caste and scheduled tribe girls, for whom the gender gap is almost 30% at the primary level and 26% at upper primary stage. The reduction of this gender gap has now plateaued and further reduction would require a concerted focus on the hard to reach groups. Therefore, it is necessary to include certain interventions addressing the specific needs of girl children. The objectives of NPEGEL are:
- a) to develop and promote facilities to provide access and to facilitate retention of girls and to ensure greater participation of women and girls in the field of education
  - (b) to improve the quality of education through various interventions and to stress upon the relevance and quality of girls' education for their empowerment

#### 5. FOCUS :

##### 5.1. The focus of NPEGEL will be as follows:

- (a) To strengthen the capacity of National, State and district institutions and organisations for planning, management and evaluation of girls' education at the elementary level, and create a dynamic management structure that will be able to respond to the challenges of girls' education;
- (b) To develop innovative gender sensitisation / training programmes, with the assistance of concerned organisations and women' s groups, for teachers and administrators and create an environment whereby all the sections of the education sector will become alive and sensitive to the role of education in eliminating gender disparities;
- (c) To initiate networking between different institutions for research, extension and information dissemination to increase output of gender sensitive, quality teachinglearning material especially in regional languages, and decentralised areaspecific models of intervention;

- (d) To gear the entire education system to play a positive interventionist role to enhance self-esteem and self-confidence of women and girls; build a positive image of women by recognising their contribution to the society, polity and the economy.
- (e) To break gender stereotypes, ensuring that the content and process of education is sensitive to gender concerns.
- (f) To provide coordinated efforts, to ensure necessary support services to enhance girls' participation and performance in elementary education.
- (g) To build community support for girls' education and provide a conducive environment for girls' education in the school, community and home; and
- (h) To ensure that girls get good quality education at the elementary level.

## 6. IMPLEMENTATION AUTHORITY :

### 6.1 STATE LEVEL STRUCTURE :

- 6.1.1. The SSA State Implementation Society will be the implementing agency of the NPEGEL at State level. Therefore, funds for this programme will be routed through the SSA society of the State. At the State level a 'Gender Coordinator' will be appointed who will look after the NPEGEL. In States where Mahila Samakhya (MS) programme is operational, the SSA society will have NPEGEL implemented through the MS Society. In such States, the SSA society shall transfer the funds to MS Society for implementation of the programme. The monitoring and evaluation of the component will be done by the State SSA Society. In states where MS is not being implemented, the implementation of this component will be through a subunit called the 'Gender Unit' of SSA society and the existing mechanism used for implementation of SSA will be followed.
- 6.1.2 State Mahila Samakhya Societies (MSS), wherever set up under the directions of the Government of India, will provide direction and support to the programme. The MS society will ensure the representation of SC/ST women's organisation in the SRG of MSS. In States that do not have an MSS, a sub committee of the SSA society with nominees from relevant departments of the State Government, Government of India, experts in girls' education and representatives of SC/ ST women's organisations will be set up for the purpose.
- 6.1.3 Suitable assistance can be taken from institutions like Women's studies centres at Universities / colleges, etc. The resource centres under the Mahila Samakhya programme, at the State level, will be the nodal institution to coordinate with individuals, Government and other organisations for the development of material etc.

### 6.2 DISTRICT STRUCTURE :

- 6.2.1 Activities would include preparatory activities, including formation of core teams for girls education, training of core teams, baseline assessments and block and village mapping, and social assessments, village and block plans preparation and facilitation. Simultaneously, advocacy and communication activities, including the formation/ mobilisation of MTAs, PTAs and other core groups in the village would be included, in addition to implementation of the block plans.
- 6.2.2 District Gender Unit, which is a branch of the State MS Society or the State SSA Society (in States where MS is not there), will administer the NPEGEL at district level. A 'District Gender Coordinator' shall be appointed for each district. The

District Gender Unit will consist of District Gender Coordinator, Resource persons and supporting staff. This unit will coordinate and supervise all aspect of the component at district level, and provide resource and training support. It will also network with the local administration, other institutions and NGOs in the district.

- 6.2.3. At the district level, there will be a 'District Gender Coordination Committee' which will ensure the implementation and monitoring of the gender component of SSA and which will meet at least twice a year. The committee will have nominees of Mother Teacher Associations (MTAs), Women Motivator Groups (WMGs), Mahila Samakhya Sanghas or Mahila Sanghas, female member of SC/ST organisations, etc. in the districts. The State level head of the Gender unit or his/her nominee will also be a member of this committee.

### 6.3 SUBDISTRICT UNIT :

- 6.3.1 At the block level, the coordinator, will, with the help of the national, State and district level, coordinate the training of teachers and educational administrators, mobilisation of the community, regular monitoring of girls' enrolment, retention, and achievement, and work with communities to devise strategies.

- 6.3.2. Selection of core groups would be done at two levels:

1. Coordinator : 1 (to be selected from among the teachers)
2. Resource person : 1 (to be selected from among the teachers)
3. Other members of resource support group at field level. These community level activists for community mobilisation, local level monitoring, and on site resource support would be selected from among youth groups and women students.

- 6.3.3 The core group at the block level will be responsible for coordinating with and converging with the DGU and existing programmes. They will, with the help of students, teachers and volunteers, do surveys, and help prepare the village plans. They will also monitor and oversee the implementation of these plans. The core groups will form the major vehicle for community mobilisation, monitoring in the village the progress for enrolment, drop out, achievement of girls, facilitating with the VEC/ MTA/ village community in devising interventions for these activities in the village, and creating an environment for girls' education. They will be selected on the basis of their aptitude. They can also assist in the upgraded schools in special activities like sports, painting, computer aided education, music or as escorts.

- 6.3.4 At the cluster level there will be Coordinators (One for every 5 25 villages), who will work as honorary women workers and will have the assistance of a Core Group. In older MS areas, the federations or the Sanghas could takeover this role. In all project areas, efforts will be made to eventually hand over this function to such groups of activists. The coordinator would work along side the Model cluster school. At the cluster level, the coordinator, will, with the help of the national, State and district level, coordinate the mobilisation of the community, regular monitoring of girls' enrolment, retention, and achievement, and work with the core group and communities to devise strategies to achieve project goals.

- 6.3.5 The village level efforts will be coordinated by Mahila Samakhya Sanghas, core groups, VECs, Mothers Committees or Parent Teacher Associations, as the

case may be. The district unit, cluster coordinators and village Sanghas will respectively, decide the prioritisation for activities and incentives to be taken up in the cluster/ village. This autonomy is vital for genuine local needs/solutions to get reflected in the programme activities/strategies.

- 6.3.6 A Cluster Level Committee would be formed for monitoring the cluster level activities and would consist of the Presidents of VEC/SMC of the villages in the cluster. The President of the Cluster level Committee would be selected from its members by rotation every quarter. The Head Master of the 'Model Cluster School for Girls' would be the membersecretary. If number of women member is less than four, an additional member may be coopted from the VEC/SMC to ensure that at least 4 women members are there.

#### 6.4 NATIONAL SUPPORT GROUP :

- 6.4.1 The National Resource Group (NRG) already created under the Mahila Samakhya programme at the National level shall provide inputs on conceptual issues and concerns arising in the programme, and advise GOI on policy matters concerning the education of girls. This group, along with smaller sub committees for specific inputs formed through cooption of additional persons from relevant institutions or experts , will provide the interface with research and training institutions, women's movement, educationists and nonGovernmental institutions and also bring in other experiences of educating girls. Eminent individuals will also be encouraged to go to the districts as role models and be part of the environment building effort.

### 7. COMPONENTS OF THE GIRL EDUCATION PROGRAMME :

- (i) **Model Cluster school (MCS) :** A Model Cluster School for Girls' , as a model girlchild friendly school at cluster level will be opened in all selected districts/ blocks where the scheme is operational. A cluster will be for about 510 villages with each block having about 810 clusters. This girlchild friendly infrastructure will be used by all the schools in that cluster, by rotation. It shall have facilities in terms of teaching learning equipment, books, equipment, games, etc. Facilities available, like books will also be circulated to the schools in the clusters. Facilities will be used for learning through computers, film shows, reading material, self defence, life skills, riding bicycles, reading, games etc. Instructors will be hired for the day or on contract for imparting vocational and other training. These would be aimed at improving the achievement of girls, fostering an interest in education among them, and raising the importance of girls' education in the community. The facilities will also be used for teacher training in the cluster. Clusters will be taken up in a phased manner, and those schools will be selected which have shown the best performance for enrolment of girls over the baseline, and which are accessible to around 10 villages / schools, whose girls can use this infrastructure and which has land for additional civil works and play fields. While selecting the location of the model cluster schools, the density of SC/ ST population would also be taken into consideration.

An existing school will be identified for opening of 'Model Cluster School for Girls' having the density of SC/ST/OBC/Minority girls. A 'model cluster school for girls' will have the provision of an additional classroom, supply of drinking water, electrification, and toilet for which one time grant upto a maximum of

Rs.2.00 lakhs will be provided. To the extent of construction of such additional room/toilets, this amount would be over and above the 33% limit for Civil Works under SSA. The construction of additional classrooms, etc. will be carried out by the VEC/SMC of the cluster headquarter. The type of design for the classroom will be approved by the Executive Committee of the State SSA Society. Infrastructure development will be used for additions to schools, residential facilities, girls toilets, water supply, electrification and barrier free features etc. in the upgraded cluster schools.

A one time grant amounting to Rs.30,000/will also be provided for teaching learning equipment, library, sports, vocational training, etc. .

- (ii) For each cluster, one or more of the following interventions may be undertaken within an overall annual ceiling of Rs. 60,000/per cluster.
- (a) **Recurring Grant to Model Cluster Schools :** A maximum amount of Rs. 20,000/per annum will be provided to each cluster to meet the requirements of expenditure on various activities for promotion of girls' education in that cluster including maintenance of the school and engagement of part time instructors for additional specified subjects provided that no instructor would be hired for more than 3 months in an academic year and he/she would not receive remuneration of more than Rs. 1,000/per month.
- (b) **Awards to Schools/Teachers :** One award per year @ Rs. 5,000/( in kind) will be provided to a school/teacher at cluster level for achievements in enrolment, retention and learning outcomes of girl students.
- (c) **Student Evaluation, Remedial Teaching, Bridge Courses, Alternative Schools:** Special models of alternative schooling catering to hard to reach groups of girls including bridge courses, flexible timings, back to school camps, remedial teaching, etc. for out of school, irregular girls will be started in such villages where this poses a serious problem. In addition to the provisions already available under the EGS &AIE component of SSA, a maximum amount of Rs.20,000/per annum will be provided to each cluster for student evaluation, remedial teaching, bridge course and alternative schools. There may be two such centres under one cluster.
- (d) **Learning through Open Schools :** Children at the upper primary level, even in the open schooling system, in certain special cases, require some shortterm residential training at regular intervals. The scheme will provide waiver of fees of girls for courses under National Open School and State Open Schools, setting up of specially designed open learning centers. The implementing agency will devise suitable system with NOS, State Open Schools or other such organisation for this purpose. The cluster school will form the venue of the residential upper primary school / NGO Centre. This will facilitate bringing to the educational system those girls who have dropped out from regular schools for some reason. A maximum amount of Rs. 50,000/per annum will be provided to each cluster towards the payment of fees and provision of supplementary teaching to be taken up with the help of National Open School or State Open School. Short term residential courses can also be organised. To the extent possible, the payment on this account would be made by the State Societies directly to National Open School or State Open School as the case may be.

- (e) **Teacher Training** : Under this scheme Teachers and teacher educators will be trained for gender sensitisation. A maximum amount of Rs. 4,000/per annum will be provided to each cluster for annual training of at least 20 teachers specially on gender aspects. This amount will be in addition to the provisions under SSA for normal teacher training on subjective issues.
- (f) **Child Care Centres** : The scheme provides opening of additional Early Childhood Care centres to meet gaps in the Integrated Child Development Scheme and relieve girls from the burden of sibling care. Two Child Care Centres per cluster run by community may be opened in the areas where there is no Child Care Centre under any scheme of the Department of Women & Child Development and/or the State Government concerned. Each centre opened under the 'Girl Education Component' of the SSA will receive a recurring grant of Rs.5000/and nonrecurring grant of Rs.1000/ per annum.
- (iii) **Additional incentives** : SSA provides for free textbooks to all girlchildren upto a limit of Rs.150/per child. In addition to the existing norms, a package of incentives shall be available to the girlchild under this programme. For each school a Mother' s/ Women's Committee would, depending upon the real needs, decide on additional incentives within the already prescribed financial ceiling of Rs. 150 per girlchild per year, under SSA. However, if there are any savings after providing for free text books to the girls, the balance money out of this amount may be used for providing additional items such as stationery, slates, work books, uniform, providing escorts in difficult areas, etc.
- Thus, if a State is spending Rs. x per child on textbooks from SSA funds, then it would spend only an additional Rs. (Rs.150 – x) for these activities.
- (iv) **Nutrition and School Health** : Health too, remains a critical issue for girls' education. Greater malnutrition among girls and lower family priority towards their health affects their learning capacity. School health would involve general health check up with a more intensive follow up of such girls who require special attention. On sanctioning of a 'Model Cluster School for Girl Child', a list of such schools mentioning the nearest Government Hospital or Referral Hospital or PHC Centre to the school will be provided to the concerned State Health Department under intimation to the Department of Elementary Education & Literacy who will request the Ministry of Health & Family Welfare for providing necessary services to the Model Cluster Schools. A synergy for this would be built with the Department of Health. Similar synergy will be developed for convergence of 'Midday Meal Scheme' run by the Department of Elementary Education & Literacy.
- (v) **Community Mobilisation (Mobilisation for enrolment, retention and learning)** : At the District and cluster (a group of about ten villages) level , mobilisation activities including the training of teachers and educational administrators, mobilisation of the community, including formation and training of resource groups (Mother Teacher Associations (MTA), Women Motivator Groups(WMG), Mahila Samakhya (MS) Sanghas etc.), activities by resource group like enrolment, retention, talking to parents etc., training & review of resource group, community follow up of enrolment, attendance, achievement etc shall be carried out.
- The key to girls' education is community mobilisation. The SSA programme already mentions mobilisation at habitation/ village / urban slum level. For this



purpose, a Cluster Coordinator along with a core group at cluster level comprising of women workers, volunteers and mothers/ parents etc. will assist in bringing girls from the villages, as well as monitoring their achievement, attendance, retention etc. Training of the community / resource groups involving MotherTeacher Association, Women Management Groups, Sanghas, etc. will also be taken up under this component.

At the cluster level there will be a Coordinator (One for every 5-25 villages), who will work as an honorary women worker. She will be paid TA/DA, etc..

This Core Group will play one of the most critical roles in the programme, in terms of planning, mobilisation and implementing the programmes package of activities. Therefore, its constitution, selection of members, their training and orientation will be a key input in the programme. Their role will help the programme to truly evolve and gain local context and community ownership.

In addition to the provisions already available under SSA, an amount of Rs. 35,000/ for the first year; Rs. 20,000/ for the second and third year; and Rs. 10,000/ for the fourth and fifth year will be provided for for the purpose of community mobilisation through training, follow up of girls' enrolment, attendance, achievement etc. in each cluster: The above provision also includes the cost towards Management Information System and Documentation, honorarium & TA/DA to the coordinators and meetings of resource groups at cluster level. This amount will form part of 6% for management cost and it can be enhanced on account of expenses incurred for community mobilisation activities in the EBBs and other educationally deprived areas selected for special focus on girls' education. The 6% ceiling of a district shall not be exceeded by an amount more than 10% of the total " Girls Education Component" of its annual district plan.

(vi) **Implementation, Monitoring and Supervision :**

**Programme activities at State and National level :** Activities at the National and State level also include (a) Planning, (b) Training, (c) meeting, workshops evaluation and MIS, (d) Development of material including teaching learning material, CDs, films and other training material, fees & honorarium, (e) helping in the review/ development of textbooks, development of guidelines for incorporation of gender concerns, (f) development/ compilation of supplementary reading material for girls, including life skills, which would provide the support needed for girls' education etc. and (g) inter State sharing, documentation, publication, networking, Library, journal etc.

The SSA provisions will continue for carrying out development of training modules, curriculum and pedagogy activities, however, gender focused materials will be at the core of such activities at State level by the implementing unit of NPEGEL. These may include:

- (a) Development of material including teaching learning material, CDs, films and other training material,
- (b) Assisting the review/ development of textbooks, development of guidelines for incorporation of gender concerns,
- (c) Development/ compilation of supplementary reading material for girls, including life skills, which would provide the support needed for girls' education etc.

- (d) Development/ compilation of suitable curriculum and pedagogy including evaluation from the gender perspective etc. Material, pedagogy and modules already developed under programmes like MS, Lok Jumbish Project and District Primary Education Project, like gender review of text books, development of supplementary gender sensitive teaching learning material will also be collected and incorporated.

Funds for implementation, monitoring and supervision of NPEGEL at subdistrict, district, State and central levels will provided as given below :

- a) Management expenses of 6 % of project cost including consultants for appraisal and monitoring and evaluation of the scheme, coordination with existing schemes, advocacy, workshops and seminars establishment and administrative expenses etc. as follows: Funds to the extent of 1% at national level will be provided at national level to cover planning, monitoring and concurrent evaluation. Funds to the extent of 5% of proposed expenditure at State and district level for planning and monitoring. Funds for this programme will be routed through the SSA society of the State as per mechanism mentioned in para 5 above.
- (b) The ceiling of 6% for management cost fixed under SSA can be enhanced on account of expenses incurred for community mobilisation activities in areas where this programme will be implemented upto 10% of the total amount earmarked for the district under this programme.

## 8. METHODOLOGY :

- 8.1 The separate subplan for 'Girls Education Component' will be prepared by the district implementation unit of the NPEGEL. As in the case of DEEP, these plans shall be scrutinized at the State level by the resource group, before being forwarded to the cell at the National level, who shall appraise the plans, with the help of external agencies/ consultants where necessary. A team constituted for the purpose will appraise the plans received. The Project Approval Board (PAB) of SSA will approve these subplans. The PAB will also invite two eminent persons /NGOs with experience and expertise in girls'/wom en' s education while approving these plans.
- 8.2 For the year 2003-04 the State shall prepare a supplementary Annual Plan for the year 2003-04 and get it approved by the Executive Committee of the SSA Society. Thereafter, approved Supplementary Annual Plan may be sent to the Department of Elementary Education & Literacy for approval and release of funds.
- 8.3 From 2004-05, the State will prepare subplan for NPEGEL which will be part of SSA District Elementary Education Plan but will be a distinct component of it.

## 9. Financial norms under the NPEGEL :

- 9.1 The assistance under this component will be as per the parameters of SSA i.e. 75 : 25 sharing arrangement during Xth Plan and 50 : 50 sharing thereafter between the Central Government and State Governments. Commitments regarding sharing of costs would be taken from State Governments in writing.
- 9.2 The provisions for NPEGEL will be in addition to the provisions already made under SSA. The SSA society will ensure that there is no duplication of activities proposed under the programme.

- 9.3 The Government of India would directly release funds to the SSA State Implementation Society. The State Government will also release its share to the State Implementation Society. Funds will be released thereafter to the Mahila Samakhya society wherever applicable. In States where MS is not being implemented, the implementation of this scheme will be through a subunit called 'Gender Unit' of SSA society and existing mechanism used for implementation of SSA will be followed.
- 9.4 The State society should open a separate savings bank account for operating of funds of NPEGEL. State Government should also release its matching share to the State SSA society through a separate budget head. Separate accounts will have to be maintained at district and subdistrict structures, accordingly.

## Annexure - 8

### PROVISIONS FROM UDHR, ICESCR AND CRC RELATED TO CHILDREN'S EDUCATION

#### Article 26, Universal Declaration of Human Rights, 1948 [UDHR]:

- (1) Everyone has the 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.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

#### Article 13, International Covenant on Economic Social and Cultural Rights, 1966 [ICESCR]

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### Article 28, Convention on the Rights of the Child, 1989 [CRC]

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

## Annexure - 9

**BRIHANMUMBAI MAHANAGARPALIKA- Education Department  
Sarva Shiksha Abhiyan**

Office of the Education Officer  
Sarva Shiksha Abhiyan  
2nd Floor, Lakhamsi Nappu Marg,  
Hindu Colony, Dadar, Mumbai 14

SSA/416

Date: 29.12.06

To

Ms. Gunjan Gupta  
Shelter Don Bosco, Opp. St. Joseph's Wadala,  
Mumbai- 400 031

Sub: Application for information under section 6 (1) of the  
Right to Information Act 2005.

Ref: Your letter dt. 30 Nov 2006

Madam,

The required information is furnished below.

Particulars of information solicited:

- A. Subject matter of information: School buildings for primary and secondary education
- B. The period to which the information relates: 2000-2006 year wise
- C. Specific details of information requested:
  1. Please furnish the amount allocated from SSA budget towards repairs of school buildings, construction of toilets, provisions for water facilities and construction of ramps etc for disabled children.
  2. Please also furnish copies of all related budget documents.
  3. Please also furnish a copy of the Education Department's School Building's Rental Policy.

**Information furnished**

2001-01	2001-02	2002-03	2003-04	2004-05	2005-06
Nil	Nil	Nil	Rs.4865000/-	Rs.1009000/-	Rs.668500/-
Nil	Nil	Nil	Nil	Nil	Nil
Nil	Nil	Nil	Nil	Nil	Nil
Nil	Nil	Nil	Nil	Rs.15,75000/-	Nil

Budget copies of SSA for the year 2002-03, 2004-05, 2005-06 are enclosed.

Circular under no. EOP/2960 dt. 6.12.00 regarding Education departments School Building Rental Policy is Enclosed.

Yours faithfully,

Sd/-

Research Officer/Dy. Project Officer  
SSA

## Annexure - 10

**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**EDUCATION DEPARTMENT**  
**Consolidated statement showing the No. of Recognized Aided and Unaided**  
**Private Primary Schools, Pupils and Teacher for year 2002-2003 (31-3-2003)**

Sr. No.	Medium	City, Suburbs and Extended Suburbs								
		Aided			Unaided			Aided and Unaided		
		Schools	Pupils	Teachers	Schools	Pupils	Teachers	Schools	Pupils	Teacher
1	Marathi	180	94801	1999	65	28838	563	245	121439	2562
2	Hindi	45	22391	372	20	4949	111	65	27340	483
3	English	85	51138	654	410	213365	4419	495	264503	5073
4	Gujarathi	59	21414	518	23	3008	99	82	24422	617
5	Urdu	32	15358	247	13	4024	61	45	19382	308
6	Kannada	02	236	06	01	143	04	03	379	10
7	Tamil	01	499	12	-	-	-	01	499	12
<b>Total</b>		<b>404</b>	<b>205637</b>	<b>3808</b>	<b>532</b>	<b>252327</b>	<b>5257</b>	<b>936</b>	<b>457964</b>	<b>9065</b>

Sd/-  
 Superintendent-I  
 Private Primary School

Sd/-  
 Superintendent-I  
 Private Primary School

Sd/-  
 Superintendent

**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**EDUCATION DEPARTMENT**  
**Consolidated statement showing the No. of Recognized Aided and Unaided**  
**Private Primary Schools, Pupils and Teacher for year 2001-2002 (31-3-2002)**

Sr. No.	Medium	City, Suburbs and Extended Suburbs								
		Aided			Unaided			Aided and Unaided		
		Schools	Pupils	Teachers	Schools	Pupils	Teachers	Schools	Pupils	Teacher
1	Marathi	177	69195	1829	73	40492	303	250	109687	2132
2	Hindi	33	16236	300	29	9244	188	62	25480	488
3	English	75	50397	972	418	280155	4697	493	330552	5669
4	Gujarathi	61	17142	522	21	3392	95	82	20534	617
5	Urdu	31	15425	287	03	1869	40	34	17294	307
6	Kannada	03	241	08	01	152	04	04	393	12
7	Tamil	01	504	13	00	00	00	01	504	13
<b>Total</b>		<b>381</b>	<b>169140</b>	<b>3911</b>	<b>545</b>	<b>335304</b>	<b>5327</b>	<b>926</b>	<b>504444</b>	<b>9238</b>

Sd/-  
 Superintendent-I  
 Private Primary School

Sd/-  
 Superintendent  
 Private Primary School



**MUNICIPAL CORPORATION OF GREATER MUMBAI  
EDUCATION DEPARTMENT**  
Consolidated statement showing the No. of Recognized Aided and Unaided  
Private Primary Schools, Pupils and Teacher for year 2003-2004 (1-4-2004)

Sr. No.	Medium	City, Suburbs and Extended Suburbs								
		Aided			Unaided			Aided and Unaided		
		Schools	Pupils	Teachers	Schools	Pupils	Teachers	Schools	Pupils	Teacher
1	Marathi	179	96432	1819	73	28449	611	252	124881	2430
2	Hindi	45	22755	368	24	6228	129	69	28983	497
3	English	85	51183	846	438	205712	4380	523	256895	5226
4	Gujarathi	59	20845	479	21	2714	101	80	23359	580
5	Urdu	32	16586	353	17	5848	105	49	22234	458
6	Kannada	02	246	10	01	143	04	03	389	14
7	Tamil	01	526	12	---	---	---	01	528	12
Total		403	208373	3887	574	248894	5330	977	457267	9217

Sd/-  
Superintendent-I  
Private Primary School

Sd/-  
Superintendent  
Private Primary School

**MUNICIPAL CORPORATION OF GREATER MUMBAI  
EDUCATION DEPARTMENT**  
Consolidated statement showing the No. of Recognized Aided and Unaided  
Private Primary Schools, Pupils and Teacher for year 2004-2005 (01-4-2005)

Sr. No.	Medium	City, Suburbs and Extended Suburbs								
		Aided			Unaided			Aided and Unaided		
		Schools	Pupils	Teachers	Schools	Pupils	Teachers	Schools	Pupils	Teacher
1	Marathi	179	97417	1814	81	28638	633	260	126055	2447
2	Hindi	45	22985	385	29	8531	178	74	31496	563
3	English	85	51484	867	480	236115	5003	565	287599	5870
4	Gujarathi	57	19598	457	20	2492	68	77	22090	525
5	Urdu	32	12486	291	20	6248	114	52	18732	405
6	Kannada	02	255	06	01	3245	58	03	3500	64
7	Tamil	01	508	12	---	---	---	01	508	12
Total		401	204713	3832	631	285267	6054	1032	489980	9886

Sd/-  
Superintendent-I  
Private Primary School

Sd/-  
Superintendent  
Private Primary School

**MAHARASHTRA PRATHMIC SHIKSHAN PARISHAD MUMBAI  
EGS/AIE CENTERS STARTED AND CHILDREN COVERED (2006-2007)**

No	District	No Of out school children	Enrollment during fortnight	Vastishala		M.P.E.G.S. (pt)		M.P.E.G.S. (Upp-pt)		M.P.E.G.S. (Seasonal)		Setushala (Res.)		Setushala (Non-Res.)		R.G.G.S.		
				No. of Centres	No. of students	No. of Centres	No. of students	No. of Centres	No. of students	No. of Centres	No. of students	No. of Centres	No. of students	No. of Centres	No. of students	No. of Centres	No. of students	
				1	Pune	7898	7597	322	5869	7	132	1	12	0	0	0	0	2
2	Pune MNC	8031	2735	0	0	270	5592	5	99	0	0	0	0	0	0	0	0	0
3	Pimpri Chinchwad	1666	645	0	0	73	1614	2	44	22	444	0	0	4	101	0	0	
4	Aheadnagar	11582	11274	434	8719	7	117	1	8	0	0	0	0	0	0	173	1081	
5	Aheadnagar MNC	138	69	0	0	0	0	0	0	0	0	0	0	3	73	0	0	
6	Solapur	14078	10960	398	8567	9	133	2	18	0	0	1	18	0	0	48	226	
7	Solapur MNC	1680	379	0	0	0	0	0	0	0	0	0	0	14	297	0	0	
8	Latur	2750	1863	94	1886	37	578	75	1331	0	0	0	0	0	0	214	895	
9	Usmanabad	1787	1199	137	2599	26	412	12	149	0	0	0	0	123	0	33	246	
10	Nanded	9157	5812	321	6255	132	2809	260	5042	0	0	9	249	0	1934	892	6089	
11	Nanded MNC	363	352	0	0	38	812	14	290	0	0	0	0	0	0	0	0	
12	Nashik	4385	4292	681	17536	7	112	81	1413	0	0	0	0	0	0	361	1565	

13	Nashik MNC	415	130	0	0	44	1541	7	185	0	0	0	0	0	0	0	0	0
14	Maligann	3601	314	0	0	50	769	105	2032	0	0	0	0	0	0	0	0	0
15	Mulgaon MNC	2249	2105	649	16666	50	983	576	11360	0	0	0	0	0	0	0	113	877
16	Jalgann	3076	2800	214	6313	216	3861	108	1588	0	0	0	0	0	0	0	12	68
17	Jalgann MNC	538	181	0	0	14	275	5	156	0	0	0	0	0	0	0	0	0
18	Dhule	2721	2268	237	6136	5	87	79	1392	0	0	0	0	0	0	0	1	8
19	Dhule MNC	383	383	0	0	12	209	0	0	0	0	0	0	0	0	0	0	0
20	Thane	3282	2160	793	17673	130	2101	80	1050	0	0	0	0	0	0	0	161	971
21	Thane MNC	3410	2583	0	0	30	541	0	0	0	0	0	0	0	0	0	0	0
22	New Mumbai MNC	368	90	0	0	27	668	0	0	0	0	0	0	0	0	0	0	0
23	Masai Bhamburda MNC	2013	730	0	0	36	600	0	0	0	0	0	0	0	0	0	0	0
24	Bhivandoli MNC	568	621	0	0	108	1586	9	224	0	0	0	0	0	0	0	0	0
25	Kalyan Dombivli MNC	3818	3634	0	0	25	387	1	20	0	0	0	0	0	0	0	0	0
26	Ulhasnagar MNC	1328	1204	0	0	236	4733	0	0	0	0	0	0	0	0	0	0	0
27	Raigad	1121	489	382	7791	10	191	13	198	0	0	0	0	0	0	0	24	182
28	Mumbai MNC	21007	16338	0	0	1465	30072	0	0	0	0	0	0	0	0	0	0	0
29	Mumbai	14324	44	0	0	0	0	80	1621	0	0	0	0	0	0	0	0	0
30	Aurangabad	36236	35432	678	13698	70	1291	31	580	0	0	0	0	29	41	75	543	
31	Aurangabad MNC	3276	2738	0	0	38	690	5	134	0	0	0	0	0	0	0	0	0
32	Bard	39318	39401	812	13213	29	629	17	328	0	0	0	0	0	0	0	130	918
33	Panbhand	26446	25332	130	3173	0	0	0	0	0	0	0	0	0	0	0	179	1030
34	Hingoli	617	310	84	1877	66	1170	103	1168	0	0	0	0	31	724	330	2444	
35	Jalna	9511	9462	464	9027	77	1242	88	1513	0	0	0	0	0	0	0	253	1729
36	Nagpur	10904	10479	107	1768	6	97	3	83	1	18	38	611	0	0	0	76	154
37	Nagpur MNC	868	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
38	Gondia	187	3	206	3315	42	730	20	299	0	0	0	0	0	0	0	23	33
39	Chandrapur	617	239	114	1596	42	730	20	299	0	0	0	0	0	0	0	34	140
40	Gadchiroli	892	397	287	4382	18	213	41	649	0	13	221	0	0	0	0	223	921
41	Vardha	10450	10318	27	460	4	69	0	0	0	0	0	0	0	0	0	46	79
42	Bhandara	10133	10018	30	448	0	0	0	0	0	0	0	0	0	0	0	69	126
43	Amravati	717	383	58	1038	17	270	5	83	0	0	0	0	0	0	0	160	730
44	Amravati MNC	1583	801	0	0	104	2082	18	484	0	0	0	0	0	0	0	0	0
45	Akola	9511	9456	47	1248	7	111	2	36	0	0	0	0	0	0	0	42	155
46	Akola MNC	4730	4001	0	0	8	136	0	0	0	0	0	16	325	0	0	0	0
47	Buldhane	1720	527	118	3378	15	256	10	137	1	0	1	22	1	10	80	283	
48	Yavatmal	42038	41787	338	7796	38	672	28	339	0	0	0	0	0	0	0	242	1344
49	Vashim	18884	18010	0	0	9	146	43	938	0	0	0	0	0	0	0	37	177
50	Kolhapur	989	280	268	4815	13	268	0	0	0	0	0	0	0	0	0	134	283
51	Kolhapur MNC	339	180	0	0	2	22	0	0	0	0	0	0	0	0	0	0	0
52	Sangli	483	492	120	2639	11	238	14	282	0	0	5	105	5	73	29	91	
53	Sangli MNC	1301	308	0	0	2	38	2	44	0	0	5	95	3	60	8	15	
54	Sindhudurg	11005	10751	29	423	1	26	0	0	1	19	0	0	0	0	0	20	29
55	Ratnagiri	5770	5321	93	1428	14	199	1	11	0	0	0	0	0	0	0	83	121
56	Batana	6656	6337	173	2382	44	695	27	431	0	0	1	11	5	79	114	332	
	<b>Total</b>	<b>421462</b>	<b>363982</b>	<b>8764</b>	<b>186938</b>	<b>3744</b>	<b>80829</b>	<b>1998</b>	<b>36020</b>	<b>24</b>	<b>481</b>	<b>73</b>	<b>1330</b>	<b>236</b>	<b>3760</b>	<b>4571</b>	<b>24708</b>	

**MAHARASHTRA PRATHMIC SHIKSHAN PARISHAD MUMBAI  
EGS/AIE CENTERS STARTED AND CHILDREN COVERED (2006-2007)**

District	No Of out school children	Enroll ment during Enroll ment fortnight	Remain ing out of school Children	Vastakshala		M.P.E.G.S. (prv)		M.P.E.G.S. (Upp pr)		M.P.E.G.S. (Seamral)		Setakshala (Rm.)		Setakshala (Prm. Res.)		E.G.G.S.	
				No. of Centrs	No. of students	No. of Centrs	No. of students	No. of Centrs	No. of students	No. of Centrs	No. of students	No. of Centrs	No. of students	No. of Centrs	No. of students	No. of Centrs	No. of students
ALL ZILHA PARISHAD	360068	323370	34391	8764	186938	1159	20210	1822	32358	2	37	68	68	196	2504	4563	24693
ALL MUNICIPAL CORPORATION	61394	38621	22782	0	0	2585	60619	176	3662	22	444	3	5	40	856	8	15
<b>TOTAL</b>	<b>421462</b>	<b>363982</b>	<b>57173</b>	<b>8764</b>	<b>186938</b>	<b>3744</b>	<b>80829</b>	<b>1998</b>	<b>36020</b>	<b>24</b>	<b>481</b>	<b>73</b>	<b>1330</b>	<b>236</b>	<b>3760</b>	<b>4571</b>	<b>24708</b>

Items No.	Particulars Schools	Information as on						Remarks
		01/09/00	01/09/01	01/09/02	01/09/03	01/09/04	01/09/05	
7	Number of B.M.C. special schools for mentally challenged children	9 schools	9 schools	9 schools	9 schools	9 schools	9 schools	
12	Number of children enrolled in BMC schools till class 4	384651	377065	361132	343290	324024	302401	
13	Number of children regularly attending BMC schools till class 4	338492	334276	321407	298797	281900	260064	
19	Distribution of number of children in BMC schools depending upon the language of instructions / education							
	Marathi	237636	220278	203567	186635	171569	156337	
	Hindi	162129	161072	125777	152161	145731	136501	
	Gujarati	23436	22690	20276	17630	13709	14618	
	Urdu	131977	130262	125163	121731	118769	114338	
	Tamil	16300	16006	17377	1669	16398	15595	
	Telugu	9224	9333	8441	7974	7716	7119	
	Kannad	8385	8198	7771	6688	6338		
	English	17464	18926	20158	20451	21717	22791	
	<b>Total</b>	<b>606551</b>	<b>588765</b>	<b>560197</b>	<b>530540</b>	<b>504297</b>	<b>474037</b>	
6	Number of BMC special schools for physically disabled children							These type schools are not run by BMC

## Annexure - 11

**Household Survey  
Districtwise Out of School Children  
(Age Group 6-14)**

Year: Dec.2004

<b>District Name</b>	<b>Total</b>
Ahmednagar	17786
Akola	4735
Amravati	7707
Aurangabad	14164
Bhandara	865
Beed	10210
Buldhana	9734
Chandrapur	4028
Dhule	5429
Gadchiroli	6075
Gondiya	980
Hingoli	10177
Jalgaon	11550
Jalna	19281
Kolhapur	4507
Latur	11774
Mumbai	78000
Nagpur	6492
Nanded	36453
Nandurbar	31311
Nashik	19086
Osmanabad	5269
Parbhani	11575
Pune	22518
Raigarh	6800
Ratnagiri	3293
Sangli	2811
Satara	7039
Sindhudurg	923
Solapur	11627
Thane	30018
Wardha	1322
Washim	4910
Yatvatmal	10349
<b>Total....</b>	<b>428798</b>

Year: Dec.2006

District Name	Total
Ahmednagar	2308
Akola	3413
Amravati	1484
Aurangabad	3072
Beed	1695
Bhandara	5738
Buldhana	3325
Chandrapur	2046
Dhule	1169
Gadchiroli	1820
Gondiya	365
Hingoli	2872
Jalgaon	3115
Jalna	2809
Kolhapur	1085
Latur	2171
Mumbai	2699
Mumbai (Suburban)	0
Nagpur	5937
Nanded	12339
Nandurbar	7771
Nashik	6356
Osmanabad	568
Parbhari	5774
Pune	10198
Raigarh	1160
Ratnagiri	4355
Sangli	2440
Satara	1544
Sindhudurg	1185
Solapur	3343
Thane	11223
Wardha	255
Washim	630
Yatvatmal	873
<b>Total....</b>	<b>117137</b>

## Annexure - 12

Items No.	Particulars Schools	01/09/00	01/09/01	01/09/02	01/09/03	01/09/04	01/09/05	Remarks
7	Number of B.M.C special schools for mentally challenged children	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	9 schools 9 classes	
12	Number of children enrolled in BMC schools till Class 4	384651	377065	361132	343290	324024	302401	
13	Number of children regularly attending BMC schools till Class 4	338492	324276	321407	206797	281900	260064	
19	Distribution of number of children in BMC schools depending upon the language of instructions/education > Marathi	237636	220278	203667	186635	171569	156537	
	Hindi	162129	161072	157444	152161	145731	136501	
	Gujrathi	23436	22490	20276	17630	15709	14618	
	Urdu	131977	130262	125163	121731	118769	114538	
	Tamil	18300	18006	17377	16691	16398	15595	
	Teigu	9224	9333	8441	7974	7716	7119	
	Kannad	8385	8198	7771	7232	6688	6338	
	English	17464	18926	20168	20486	21717	22791	
	Total	608551	588765	560197	530540	504297	474037	
6	Number of B.M.C special schools for physically disabled children							These type of schools are not run by BMC

## Annexure - 13.

**IN THE COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO. 2947 OF 2001**

Yashwant Ramaji Mistry

... Petitioner

**VERSUS**

Municipal Corporation of Gr. Bombay

&amp; Anr.

.... Respondents

None for Petitioner

Mr. D. H. Mehta with Mrs. Priti Purandare for Municipal Corporation of Greater Bombay

Mr. Niranjan Pandit, Assistant Government Pleader, for State

Mr. M. S. Doctor instructed by M/s. Hariani &amp; Co. as amicus curiae.

CORAM : A.P. SHAH, Ag.C.J. &amp;

S.U. KAMDAR.J.

DATE : JULY 7, 2004.

**PC.:-**

1. The Division Bench, by its order dated 24<sup>th</sup> January, 2002, passed in the above Writ Petition, being appalled at the conditions of the municipal schools in Mumbai, appointed a Committee to be chaired by a retired Judge of Bombay High Court to consider the conditions of the municipal schools in the City of Bombay, the inadequacies and deficiencies in the facilities and infrastructure therein, and to make suggestions to improve the condition of the schools. The Committee was also directed to consider whether there were adequate number of class-rooms, black-boards, tables and benches and whether there was adequate lighting and adequate and proper toilet facilities in the schools. Mr. Justice D. R. Dhanuka was appointed as Chairman of the said Committee.
2. The Justice D. R. Dhanuka Committee visited 52 school building over a period of nine days and held meetings with the Municipal Commissioner, the Chairman and Members of the Education Committee of the BMC, teacher's representatives, representatives of various associations, associatin of Class IV servants of the Municipal Corporation and experienced social workers.
3. The report of the Justice D. R. Dhanuka Committee was submitted on 19<sup>th</sup> December, 2002. From the said report, which is a voluminous document running into 290 pages, the following salient factors clearly emerge:

- (a) that the structures housing many of the schools were in an extremely dilapidated condition and in need of urgent repairs, in order to avoid accidents and prevent danger to public safety.
  - (b) that though in some cases, large amounts were spent by the Corporation, the work done by contractors was extremely substandard.
  - (c) that even the sanctioned grant, and the budgetary, provisions during the course of the previous five years were not fully utilized for repairing the municipal schools, which needed structural repairs, and that in some cases even after estimates were sanctioned after following the detailed procedure, the work was not taken in hand.
  - (d) that there was virtually no system in place to ensure that proper housekeeping and maintenance was carried out in the schools and that some basic minimum infrastructure and standard was maintained.
  - (e) that there were large number of vacancies for teachers throughout the year.
  - (f) that adequate classrooms were not available and that students were required to sit in passages in some of the schools.
  - (g) that there was hardly any sense of cleanliness or maintenance demonstrated on the premises, and that toilet facilities in many schools were unusable.
  - (h) that very often, there was no adequate arrangement for drinking water.
  - (i) That academic and extra-curricular activities of the students were suffering because halls provided in the schools for holding annual day functions, cultural activities, etc., were being used as election offices for years together.
4. Based on the above mentioned findings, the Justice D. R. Dhanuka Committee made one set of recommendations with respect to certain matters that needed to be dealt with urgently and made another set of recommendations with respect to several matters, which required to be addressed over a two-year period. Consequent to several orders passed by this Court, most of the urgent recommendations of the Justice D. R. Dhanuka Committee have been complied with by the BMC. However, many of the long-term recommendations remain to be complied with. The Justice D. R. Dhanuka Committee also recommended that a separate independent commission be appointed to conduct an urgent survey in respect of the lack of education facilities in municipal schools. Keeping in view the recommendations made by the Justice D. R. Dhanuka Committee, we are issuing the following directions:-
- (1) A Committee consisting of the following persons be appointed for the purposes of overseeing, over a period of six years, a complete overhaul of the schools run by the BMC and to ensure that certain basic minimum standards, facilities and mandatory infrastructure are made available in all municipal schools:-
    - (a) Dr (Mrs.) Alka Karande, Deputy Municipal Commissioner in charge of Education.
    - (b) Ms. Dilbur F. Parakh
    - (c) Mr. Shyam Divan
    - (d) Mr. Rahul Kadri
    - (e) Mr. A. S. Dalvi
  - (2) The above-mentioned process of overhauling the BMC Schools to be forthwith



initiated as set out hereinafter:

- (a) The Education Officer, BMC, has prepared and handed over a list of two BMC Schools in very Ward, which were selected as model schools for the purpose of immediate renovation and rehabilitation.
- (b) The Committee to frame guidelines/norms on the basis of which the above-mentioned schools are required to be renovated and improved, and if required, to frame special guidelines with respect to any of the above schools for which the same may be required. While framing the guidelines / norms, the Committee will take into consideration the draft already prepared by the BMC.
- (c) The Municipal Commissioner to forthwith sanction and make necessary funds available for the renovation / rehabilitation / improvement of the above schools, as per the recommendations of the Committee.
- (d) The Education Officer, BMC, is required to ensure that the renovations / improvements suggested by the Committee be carried out in the schools that have been indentified as model schools within one year from today. The Education Officer, BMC, will be responsible for complying with this direction.
- (e) The Committee is directed to continuously monitor the progress with respect to the renovations / improvements that have been made in the model schools and to inspect the same within a period of one year from today and to ascertain whether the same have been renovated / improved to their satisfaction.
- (3) The Committee is directed to devise a methodology along with a suggested time frame for the purpose of replicating the improvements made in the model schools in all BMC Schools and to make a report to the Court in this regard, so that appropriate directions may be passed for implementation of the next phase.
- (4) In addition, the Committee to review and ascertain whether the recommendations made by the Justice D. R. Dhanuka Committee in its report to this Court have been complied with by the BMC. In this regard, the Committee will consider the material that has already been placed before the court by the BMC, as also any other material that it deems fit.
- (5) The Committee to recommend this Court:
  - (i) what further steps need to be taken for the proper implementation of the recommendations contained in the justice D. R. Dhanuka Committee report;
  - (ii) to suggest what further orders, if any, need to be passed by this Court in this regard;
  - (iii) to suggest a time frame within which the recommendations made in the report are implemented.
- (6) The Committee to suggest a system by which the conditions prevailing in the 690 schools that have been visited by the Justice D. R. Dhanuka Committee can be ascertained.
- (7) The Committee to recommend a failsafe system for proper reporting and timely repairs of all municipal schools, which will ensure that all municipal schools at all times in the future, have and maintain the minimum basic requirement and mandatory infrastructure referred to hereinabove.
- (8) The Committee to consider, and ascertain, the veracity of recent news report with

respect to the quality of food served in municipal schools and, if necessary, to recommend remedial measures in this regard.

- (9) The Committee to make suggestions / recommendations with respect to any other aspect pertaining to BMC schools which, in the opinion of the Committee, needs improvement or overhaul.
- (10) With regard to the suggestion made by the Justice D. R. Dhanuka Committee in paragraph 5 (pg.199) of its report, in the chapter entitled "Lack of Educational Facilities", for the appointment of a separate Committee and a separate survey with respect to the lack of educational facilities at municipal schools, a Committee consisting of the following persons be appointed.
  - (a) Dr. (Ms.) Alka Karande, Deputy Municipal Commissioner in charge of Education
  - (b) Ms. Dilbur F. Parakh
  - (c) Ms. Zarine D'montre
  - (d) Ms. Carolyn Fernandes
  - (e) Ms. Asha Bajpai
- (11) The Education Committee to study all aspects pertaining to the academic standards and educational facilities available at all BMC schools, including the adequacy and qualifications of the teaching staff, the syllabus and teaching methods, teaching aids, extra-curricular activities, sport facilities and any other matter which, in the opinion of the Committee, is necessary and relevant.
- (12) The Education Committee to submit a report to the Court with its recommendations and suggestions with regard to the academic standards and educational facilities at BMC schools and the guidelines for improving the same within a period of six months.
- (13) For the purposes of carrying out the above study as well as for the purpose of making the above-mentioned report, the Education Committee will have full access to all BMC schools and records and will be entitled to interview principals, teachers and other staff in BMC schools as also to interview and interact with students and parents of students attending BMC schools.
- (14) Both the above mentioned Committees to have joint meetings, initially, at least once every month for purpose of coordinating their activities.
- (15) The Municipal Commissioner is directed to make available a permanent office space for the use of both the above Committees, and also to make available full-time staff comprising of a clerk, a stenographer and typist and a peon. The Municipal Commissioner to also make available a room for the purpose of the above Committees to hold their meetings.
- (16) The Municipal Commissioner is directed to make available a minimum of at least one BMC officer to act as a clerical staff for each of the above Committees.
- (17) The Municipal Commissioner is directed to make available necessary arrangements, including but not limited to providing transport facilities to members of both the above Committees, for the purpose of carrying out site visits, as and when they may request the same. For this purpose, the Municipal Commissioner is directed to appoint an Officer of the BMC to act as a liaison officer between the Committees and the BMC.

- (18) The Municipal Commissioner is personally directed to file an affidavit within a period of four weeks from today confirming that the above-mentioned directions have been complied with.
- (19) Both the above-mentioned Committees to convene their first meeting within four weeks of receipt of this order.
5. Mr. Doctor submitted that in order to upgrade and improve the standards in municipal schools, it would be desirable to take help and assistance from the voluntary organization, such as, Rotary, Lions International, Jaycees, Bombay First, etc. The Corporation can also seek the assistance of Indian Merchant Chambers and FICCI and also explore the possibility of involving industrial house and business houses in the process of modernization of municipal schools. The Municipal Commissioner should personally communicate with organizations and make a report of the responses received within eight weeks from today. We could recommend that the concerned organization should adopt the schools for their upgradation.
6. Liberty to apply in case of difficulty.
7. Adjourned to 4<sup>th</sup> October, 2004.

Sd/-  
R. R. Gadagkar  
Associate  
High Court, Bombay

## Annexure - 14

**MUNICIPAL CORPORATION OF GREATER MUMBAI  
EDUCATION DEPARTMENT**

No. SRSC/173

Date: 13/7/2007

To,  
Socio Legal Information Centre  
CVOD Jain School,  
4<sup>th</sup> Floor,  
84, Samuel Street,  
(Palla Galli)  
Dongri,  
Mumbai-400 009

**Sub:- Request to have information under right to information Act 2005 regarding the Court Committee appointed by the Hon'ble High Court.**

**Ref:- Your application dated 26.04.2007**

With reference to the above subject matter the desired information regarding the court committees appointed by the Hon'ble High court is given below:-

Sr. No.	Question	Answer
1	Copy of the interim report prepared by the Committees	The court committee for improvement of education and court committee for improvement have only submitted their first interim report to the high court. Copy of the same is submitted herewith pg. 3 to pg. 67 for information please.
2	Copy of the final report prepared by the Committees	
3	As per your RTI reply No. SRSC/610 dt. September 30, 31 2006 you have mentioned that the interim report has been submitted to the Hon'ble High Court and awaiting further direction.	The interim report of the committee for improvement of education and court committee for improvement of infrastructure was submitted to Prothonotary High Court on 14 <sup>th</sup> September 2006 and 30 <sup>th</sup> November 2006 respectively

a)	Please furnish the date on which the interim report was submitted to the Hon'ble High Court and the Court room and bench before which it was submitted.	
b)	Please furnish copies of all directions issued by the Hon'ble High Court after the interim report was filed.	No further direction are issued by the Hon'ble high court after the submission of interim reports on 14 <sup>th</sup> September 2006 & on 30 <sup>th</sup> November 2006 till date

Forwarded for information please

Sd/-  
Education Officer (I/c)

**Preliminary Report**

Submitted to  
The Honourable High Court  
At Mumbai

By the Education Committee

July 2006

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**Appendices:**

Appendix A: Education Committee

Appendix B: Objectives and Tenets of the New Adoption Programme

Appendix C: Objectives and Tenets of the New Partnership Programme

Appendix D: Memorandum of Understanding (MOU) for School Adoption

Appendix E: Memorandum of Understanding (MOU) for Partnership

**1. Introduction**

The Education Department of the Bombay Municipal Corporation (BMC) is responsible for 1191 schools in Mumbai. These schools, conducted in eight different mediums (languages), provide access to education for underprivileged children. The Department currently supports the primary education of an estimated 5,09,955 students between the ages of six and fourteen. The principal goal of the Education Department is to recognize the right of every child to education and to encourage poor and needy children through various programs and projects towards literacy. This responsibility has been carried out by the Education Department since 1907.<sup>1</sup>

**1.1 Overview of Municipal Primary Schools<sup>2</sup>**

Language	Schools	Pupils	Teachers	Special Teachers	Faculty to Student Ratio
Marathi	450	1,86,635	5,860	523	1:29
Hindi	232	1,52,161	2,901	120	1:50
Gujarati	113	17,630	629	30	1:27
Urdu	202	121,731	2,396	84	1:49
Tamil	49	16,691	228	16	1:69
Telugu	45	7,974	213	10	1:36
Kannad	46	7,232	154	6	1:45
English	45	20,486	280	10	1:71
Total	1,182	5,30,540	12,661	799	1:39

A brief description of the involvement of the High Court in BMC municipal schools will give the reader a background on the state of BMC schools and the steps that have been so far taken to improve their educational facilities and standards. In 2001 the High Court's Division Bench made certain observations in regard to the inadequate infrastructure and academic standards in BMC schools. A Committee was appointed, chaired by Justice D.R. Dhanuka, a retired judge of the High Court, to closely examine the deficiencies in these schools. This committee was to make suggestions and plans for addressing the problems observed.

A detailed report of the findings was submitted on 19th December 2002. The report clearly outlined the poor, sub-standard conditions seen in BMC schools. One of the primary statements made in the Dhanuka report was that, 'an urgent survey should be

done in respect to the lack of educational facilities in Municipal schools, by a separate

<sup>1</sup> Municipal Corporation of Greater Mumbai - website [www.mcgm.gov.in](http://www.mcgm.gov.in)

<sup>2</sup> Municipal Corporation of Greater Mumbai Education Department School Adoption Programme Booklet 2004.

independent commission and the deficiencies noted must be immediately removed.' (Dhanuka Report, p.199)

On 7 July 2004 Justice A.P. Shah and Justice S.U. Kamdar of the Bombay High Court passed an order appointing two Committees. One Committed to oversee, over a period of six years, a complete overhaul of the schools run by the BMC to ensure that certain basic standards and mandatory infrastructure is made available in all municipal schools. The second Committee, an Education Committee, was set up to conduct a separate survey regarding the lack of educational facilities at municipal schools.<sup>3</sup>

This Education Committee was to have full access to all BMC schools and records, with an entitlement to interview principals, teachers and staff and to interact with students and parents. However, while almost 14 Education Committee meetings have been held since September 2004, little progress has been made with this arrangement. In each of these meetings it has been requested that a timetable be prepared by the Education Department for these school visits. Till date only one school has been visited, the City of Los Angeles school in Matunga. To complete the required work it is imperative for the Committee to closely evaluate and monitor BMC schools. This can only happen when the Committee can work with some degree of independence from the BMC and have free access to schools of their choice.

It is clear that the BMC supports a very large number of underprivileged children. It should be lauded for its work to ensure that primary education is the right of every child. Unfortunately the situation continues to be inadequate. The current state of primary education from school infrastructure to quality of teaching is poor and inferior. The BMC has a number of credible objectives relating to education. However, in many cases it has not met these stated intentions.

This report will detail the findings of the Education Committee and outline where it feels the BMC is failing to meet its education goals. The School Adoption Programme we feel, is a viable solution to some of the lacunae in the system and the proposed tenets of a revised programme are discussed. This report details what aspects must now be addressed and how a mutually beneficial and harmonious relationship between the BMC, the NGOs, the private sector and the general public can make the changes that are presently required. Since the court-directed survey of BMC schools was not possible this report has been prepared from information obtained from non governmental organizations, researches conducted by experts from academic institutions, and other individuals and agencies working in the field of education for underprivileged children. The experience of the Aseema Charitable Trust will be drawn on as an example of an NGO that has successfully adopted a BMC school.

## 2. Education in BMC Schools

The BMC has a number of credible objectives related to primary education. However, on many counts these intentions do not at all much the state of affairs noted by the Education Committee. The Education Department's primary objectives are to reduce the drop-out rate, to stimulate social, intellectual, and emotional development in all students and to make education relevant to each child's needs and social realities. The Education Committee has recognized a number of key areas where these goals are not being met. The Committee has detailed the reasons why these objectives are continuing to fail, and the possibilities for meaningful change.

<sup>3</sup> Refer to Appendix A Education Committee

### 3. Key areas to be addressed

- Quality of teachers, teaching and the teacher student ratio in BMC schools
- Inadequacies of the curriculum
- Involvement of the community and extra curricular activities
- BMC bureaucracy, which hampers efficient running of the schools
- The state of pre-primary education in particular

#### 3.1 Quality of teaching and the teacher student ratio

The Education Department of the BMC manages an enormous number of schools, providing primary education in eight different mediums. However the major problem affecting the quality of teaching in BMC schools is the inconsistent teacher student ratio. As can be observed in Table 1.1, teachers are not equally distributed through the mediums. Some schools have an excess of teachers while others face a severe shortage. In Urdu, Hindi and English medium schools many teachers are forced to teach combined classes, and are continuously overstretched by large class sizes. These teachers are overburdened and find it impossible to effectively teach and care for all of their students. In addition to this many BMC teachers find it difficult to balance non-teaching administrative duties with their classroom role.

It is clear that teachers are integral to the achievements of BMC schools. The success of any academic initiatives relies on the ability of teachers. They must be to some extent relieved of the burden of their administrative duties so that their focus remains with the education of their students.

In certain instances only two teachers are responsible for teaching seven classes (ST. I to VII) which means one teacher has to be present in three or four classes at the same time! This is 'achieved' by either combining classes or the older students or peon taking classes in addition to this, most teachers have access to limited facilities in terms of space and resources to hold stimulating classes for the children. In some cases teachers are conducting classes in a medium that is not their language of instruction, which is not an acceptable solution to the ratio problem.

It has also been noted by the Education Committee that the professionalism of BMC teachers needs to be enhanced. When teachers are overburdened, and not appropriately supported, or made accountable not for their teaching but for their students' results it is very difficult for them to become fully motivated and involved in their classes. The quality of teachers is also an issue. The teachers also need to update their knowledge and skills on a regular basis. All this undermines the quality of teaching in BMC schools.

This issue can only be addressed when the BMC effectively balances the teacher student ratio with appropriate teaching staff and revises the current School Adoption Programme.

#### 3.2 Inadequacies of the curriculum

In many cases, attendance at BMC schools is extremely poor. Those enrolled do not attend regularly and among those students that do attend school there is little evidence of learning. The current curriculum should be revised to ensure that children are equipped with a solid foundation of basic skills of reading, writing and numeracy. To achieve the Education Department's objective to meet the National Goal of Universalization of Education certain core curriculum changes must be made. The English medium Balbharati can be improved.

Currently the Balbharti has good, child friendly visuals, but the textbook is unclear and



should be redesigned so that reading and writing skills can be properly graded. Many students are only copying to fill their book, and do not comprehend the alphabet or phonetics. The maths text book is very ordered and useable, but if students do not have a foundation in reading and writing they find it impossible to progress past Standard II. In many cases children are admitted to the higher standards with insufficient skills and they are ill equipped to study subjects such as geography, history and science which require detailed written questions and responses. The current admission system should be revised to ensure that students have the skills required to progress. Students should be properly assessed before they are promoted to a higher standard.

The Education Committee has found that a key focus for improving BMC schools and reducing dropout rates is the curriculum. Students require a foundation in reading, writing and numeracy and only an ordered, meaningful and relevant child centered curriculum can provide this.

Another reason for the waning of initial enthusiasm of the children is the physical punishment and insensitive derogatory remarks by teachers. Brutal and inhuman disciplinary practices are a deterrent to schooling. Teachers and principals interaction with the children and their parents are often marked by power play and authority. Teachers need to be made aware of the rights of the child and be made child sensitive.

It was observed that the BMC schools are 'disabled insensitive'. A physical and mentally disabled child has no special facilities. The teachers are also not trained to deal with such 'special needs children'.

### 3.3 Involvement of the community and extra-curricular activities

The majority of parents, however poor they may be, are keen to educate their children. To that extent they are willing to spend money to educate their children. However, when they see the inadequate conditions and academic standards in their child's school they become disinterested and are no longer willing to send their children to school.

Another reason is that many parents feel that even after the education in the BMC schools, their child is not able to earn a proper living for want of vocational training. Even if vocational training is there, it does not impart any marketable skills. The current training is outdated. Besides, though education is supposed to be free, in practice, they have to bear the cost of transport, books, examination materials, uniforms etc., which they cannot afford.

In some BMC schools, education is a farce. Many a times, children come, there are no teachers, no classes. The students loiter around the school premises and go home. At home also there are neither any facilities nor is the environment conducive to study or learning. Most of the parents are illiterate or poorly educated and do not have the resources to address the problem. In many cases they take their child out of school or move them to private schools, if possible or put them to work to raise additional funds for the household. This occurrence is common, evidenced by the high dropout rate in BMC schools.

The general public is hesitant to donate capital because there is no guarantee that their donation will benefit the students. A community's citizens are willing to help that community's underprivileged, especially its children, if the citizens are confident that their assistance will ultimately aid the intended recipients. To meet its education objectives the BMC recognizes that it must inspire and invite community support. However the current state of this relationship needs to be addressed and improved.

In relation to this the Education Committee has noted the importance of extra-curricular activities. Outings and study trips serve two important purposes. They positively support

education and development by exposing students to a wider environment, and they also serve to involve BMC schools in their surrounding community. These outings and study trips are integral to the BMC's objectives for education.

Many children, attending BMC schools live in economic and social environments that are not conducive to their physical, mental and emotional development. These conditions include poverty, poor environmental sanitation, infection and inadequate access to health care. There are many categories of disadvantaged children whose background, needs and concerns must be taken into account. Education must be made relevant to the child's social realities.

### 3.4 BMC bureaucracy

Since its inception, the Education Committee has had limited access to BMC schools hence it has been unable to make consistent progress in evaluating and monitoring academic standards and facilities.

Under the current school adoption scheme one of the 'rules for school adoption' is that 'The Organization (adopting the school) is not allowed to interfere in the administrative affairs of the school'.<sup>4</sup> The BMC takes the word 'administrative' to encompass everything from toilet facilities to teaching aids. NGOs that adopt schools have very little flexibility or autonomy, and are faced with bureaucratic delays. Under these conditions they cannot create meaningful changes. At present the relationship is not one of trust and support. A key area affecting education in BMC schools is the BMC bureaucracy.

### 3.5 Pre-primary education

The BMC does not officially address the education of children under six years of age, but it does assign Community Development Officers (CDO) to meet the needs of this age group by networking with other organizations. Mumbai is divided into 24 wards. There are only 538 Balwadi teachers and an equal numbers of ayas working in the BMC for 16,533 children between the ages of three and six.<sup>5</sup>

Pre-primary education aims to expose children to a learning environment in which they are shown how to socialize, create, imitate and experiment. Many children in BMC schools are first generation learners. Pre-primary education is a vital stepping stone for these children and for their parents. It can be a traumatic, confusing experience for a child with no preparatory education to enter school for the first time. Among so many other students, in a foreign environment, the child lags behind those who have had a pre-primary education. The Education Committee recognizes that this is a key area to be addressed in BMC schools.

## 4. Aseema Charitable Trust

Aseema is a non-governmental organization committed to providing quality education to street and underprivileged children. In 2001 Aseema adopted the Pali-Chimbai Municipal School in Bandra. Working closely with the BMC it is Aseema's endeavour to show that a public-private partnership can work effectively to provide quality education for underprivileged children. When the NGO adopted the Pali-Chimbai School there was one BMC Headmistress and one BMC teacher for seven standards in the English medium, which meant that the headmistress taught 3 classes and the other teacher taught 4 classes.

Over the past four years Aseema has developed the school's infrastructure and assisted in providing quality education in the following manner:

<sup>4</sup> Municipal Corporation of Greater Mumbai Education Department. *School Adoption Programme Booklet 2004*.

<sup>5</sup> *Children of the Balwadi - changing the face of education*. Asha Saraswat ICES Publishing Georgia USA 2005.

- It has established pre-primary classes. This level of education offers children an early involvement in school and a positive introduction to learning.
- Teachers meet every two months to prepare the curriculum and a detailed timetable. An evaluation is done at the end of each term, and the progress of every child is closely monitored. These measures work to develop and support the role of teachers and to structure their teaching.
- Parents are encouraged to participate in their children's academic progress. Regular parent-teacher meetings are held to discuss the children's experiences and to involve parents more fully in their children's education.
- Students are taken on outings and study trips, involving the children in their community. A Sports Day and Annual Day are organized at the Pali-Chimbai School every year.
- It has developed a curriculum which gives equal emphasis to academic study, creativity and emotional development.
- It has repaired the drainage system, toilets and drinking water area and developed the playground and provided play equipment.

Assems's experience is an example of an NGO successfully working with the BMC to improve education and infrastructure. This example indicates the scope for meaningful change in BMC schools.

#### 5. Revised School Adoption Programme

The BMC recognizes that the task of overseeing and managing its primary schools is enormous, and that it alone cannot effectively fulfill all the infrastructural and educational needs of these schools. The BMC has sought to involve the private and voluntary sectors in the development of its school system through the School Adoption Programme (SAP) and School Support Activities (SSA) schemes. Voluntary organizations, companies and non-profit organizations have responded and supplemented the BMC's efforts in several ways. They have invested in school infrastructure, class room furniture, laboratory and library materials, supplied uniforms and text books, provided scholarships and study classes, administered extra-curricular activities and established Balwadis.

While this partnership has improved affairs slightly, much remains to be accomplished. The adoption programme, in its current format, does not appear to be enjoying the kind of success hoped at its inception.

Justice D.R. Dhanuka, in his report submitted to the High Court in 2002, stated that, 'The Committee is of the opinion that mere distribution of uniforms or note books etc. is not sufficient to remove the large-scale deficiencies noticed by the Committee. The Committee recommends that the Adoption Scheme be enlarged, so as to encourage the Public Trusts to take over the maintenance and housekeeping of the schools, construct classrooms in the school, and promote the cultural activities in School. In other words, the Municipal Corporation should be directed to examine itself, the concept of part privatization to some extent, so that Municipal schools may have all the facilities, which an ideal school should have. There is no reason as to why the Municipal Schools should not endeavour to achieve excellence in all fields with the involvement of enlightened citizens of Mumbai.' (Pg. 199-200)

The Committee is of the opinion that the scope of the adoption programme needs to be widened if it is to be successful. As previously stated, NGOs currently have very little

autonomy in the schools they adopt. Revision of the adoption programme is sought with an appreciation of the huge undertaking faced by the BMC. The new scheme is based on a desire to relieve the BMC of some of its burden by transferring accountability to the hands of the private sector. Voluntary organizations will have an opportunity to concentrate solely on academic and infrastructure issues affecting schools. These organizations will have greater freedom to initiate the necessary improvements and changes. Through this revised programme a balance can be found between the BMC and private organizations.<sup>6</sup> Under the new programme the NGO will take academic responsibility for the BMC school control of the school, and will bring in additional resources. A local managing committee will be appointed comprising of a BMC representative, a representative of the NGO and a member of the Parent Teacher Association. This managing committee will meet regularly to decide upon issues such as admissions, the appointment of teachers, the time-table and extra-curricular activities. The BMC will make a financial allocation to the school in the same manner it is doing at present, and the NGO will contribute extra resources, as and when it is necessary.

Recognizing that an organization, due to lack of resources and staff, may be unable to adopt a school, a simultaneous 'partnership programme' is recommended. Such a programme will help smaller donors who are unable to contribute under the previous adoption scheme to donate for specific projects or programmes. It is important to note that the partnership programme welcomes and encourages contributions from individuals, trusts and corporates and the availability of such a formal programme should increase the involvement of a community's citizens, ultimately benefiting that community's underprivileged children.<sup>7</sup>

This revised School Adoption Programme will work to relieve the BMC of its administrative burden. Under this revised proposal the NGO will have greater flexibility and an opportunity to create significant educational and infrastructural changes in its adopted school. This will ultimately lead to a mutually beneficial and harmonious relationship between all related parties.

This report proposes that the new adoption programme be initially implemented with four to five NGOs and trailed, and the results assessed before the programme is put into practice.

## 6. Key recommendations

This report presents key areas requiring attention in BMC schools. The primary recommendations made by this report are that:

- The teacher student ratio must be addressed.
- The curriculum closely assessed to ensure all students are given an appropriate foundation for education.
- Parents and the community need to be involved in BMC schools.
- The value of pre-primary education should be recognized.
- The revised School Adoption scheme should be implemented with four to five NGOs and trailed initially before it is put into practice.
- There is a need for poverty alleviation programmes of the Government to be taken up in BMC schools for the parents, families and even members of the locality. The families of the students also need to be empowered.

<sup>6</sup> Refer to Appendix B Objectives and Tenets of the New Adoption Programme

<sup>7</sup> Refer to Appendix B Objectives and Tenets of the New Adoption Programme

- Learning has to be an active process both through hands on activities and through the mental process. Modern market oriented skills have to be taught in BMC schools.
- Many of the students cannot join school because of the strict compliance by schools of technicalities like certificates of earlier schools etc. This rigid compliance on certificates to be removed. Admissions should be on the capacity of the child when no 'certificates' is available. No child should be denied admission to a school for want of any certificate.
- Teacher empowerment programmes need to be conducted regularly. Professional development of the teacher is required. Teachers need to be trained in using different teaching methodologies like using role plays, discussions, debates, street plays etc. The rights of the child should form an integral part of teacher education. Feedback needs to be given to teachers so that they can internalize the methodologies.
- Teachers also need to be trained in dealing with slow learners, and other learning disabilities and to deal with 'special needs' children.
- The curriculum should include multiple intelligences. An ideal curriculum may include written, spoken and expressive language, mathematics, games, music, fine arts and social and community skills. The mental health or emotional intelligence of the student to form an important component.<sup>8</sup>
- The methods of examination and evaluating students need to be made less bureaucratic and cumbersome. The number of formal evaluations per child have to be done away with and replaced by more teacher friendly methods.
- It finally appears to be an academic cum management issue. A collaborative study by a reputed management institute like the S.P Jain Institute of Management and Research and an academic institution like the Tata Institute of Social Sciences, can result in a model format and strategy formulation for effectively managing the vast network of BMC schools. Funds may need to be provided for such a study. The strategies formulated by this study will be greatly beneficial to all parties concerned and will go a long way in providing quality education to the economically underprivileged children of Mumbai.

## 7. Conclusion

The BMC manages a vast network of schools in Mumbai. It should be lauded for its objective to support the right of every child to education. However, the Education Committee has noted a number of areas requiring immediate attention and improvement. A limited vignette of the current BMC education system has been presented, along with the key areas to be addressed and the scope for change. Ultimately the revised school adoption programme outlined in this report can lessen the administrative load currently carried by the BMC. This new programme could be trailed with four to five NGOs initially. The results of this can be properly assessed before the scheme is put into wider practice.

A harmonious relationship between all parties - the BMC, NGOs, the private sector and the community can be mutually beneficial. The principal beneficiaries will be the underprivileged children, who will enjoy an inviting, stimulating education and obtain a firm foundation for a brighter future.

Zarine D'Monte  
Dilbur Parakh

Asha Bajpai  
Carolyn Fernandes

### Appendix A: Education Committee

The report of the Justice D.R Dhanuka Committee was submitted to the Honourable High Court on 19th December 2002. On 7th July 2004 Justice A.P Shah and Justice S.U Kamdar passed an order appointing an Education Committee. This Committee was to conduct a separate survey with respect to educational facilities at municipal schools.

The following persons were appointed:

- a) Dr. (Ms.) Alka Karande, Deputy Municipal Commissioner in charge of Education
- b) Ms. Dilbur F. Parakh
- c) Ms. Zarine D'Monte
- d) Ms. Carolyn Fernandes
- e) Ms. Asha Bajpai

The Education Committee was appointed to study all aspects pertaining to the academic standards and educational facilities available at BMC schools, including the adequacy and qualifications of teaching staff, syllabus and teaching methods, teaching aids, extra-curricular activities and any other matter which, in the opinion of the Committee, is necessary and relevant.

Based on the findings of this study the Committee was requested to submit a report with guidelines for improving academic standards and educational facilities within a period of six months. For the purposes of carrying out these duties the Education Committee was to have full access to all BMC schools, with an entitlement to interview principals, teachers and other staff in BMC schools and also to interview and interact with students and parents of students attending BMC schools.

### Appendix B Objectives and Tenets of the New Adoption Programme

#### Objectives

The adoption programme has one principal objective, with various sub-objectives. The principal objective of this scheme is:

- "To ensure that all actions taken by the BMC, its staff or any other relevant party (NGO, corporate firms, etc) be in the best interests of the beneficiaries of the school - its students."

The principal objective should be the guideline behind any policy and decision on any matter related to the schools and unless it can be proved that the policy will benefit the students, the policy should not be implemented.

The sub-objectives of the programme are as follows:

- To ensure that all school children are able to read and write in their medium of instruction
- To provide a strong academic foundation for all school children
- To nurture an enthusiasm for learning amongst all school children
- To provide education that is relevant and meaningful and encourages children to stretch their creative abilities
- To reduce the drop-out rate

- To improve attendance
- To provide support for extra-curricular activities that promote the all-round development of children
- To utilize the available resources of the community to positively impact the child's learning experience
- To achieve the National Goal of Universalization of Education

#### **Tenets of the New Adoption Programme**

The chief tenets of the adoption programme are as follows:

- The NGO will take complete operational and academic responsibility of the school for a period of five years to ten years
- Additional resources to be brought in by the NGO may include:
  - Providing furniture
  - Providing teaching aids/ audio-visual aids
  - Development of school laboratories
  - Development of school libraries
  - Development of computer laboratories
  - Establishment of pre-primary classes e.g. Balwadi's classes
  - Providing student enrichment activities (vocational, music, audio-visual etc)
  - Conducting support classes for needy students
  - Providing class teachers
  - Providing teachers for special subjects and extra-curricular activities
  - Providing social workers
  - Providing counseling facilities
  - Providing mid-day meals
  - Providing medical check-ups
  - Creation and maintenance of playground and garden
  - Providing uniforms, shoes, notebooks, etc. as required
  - Providing water filters
  - Maintain school infrastructure and undertake housekeeping and minor repairs
  - Any other activity deemed worthy of inclusion in the Adoption Programme, decided by the Local Managing Committee of that school
- A Local Managing Committee to be appointed, comprising of
  - A BMC representative (not below the rank of A.O.)
  - A representative of the NGO
  - A representative of the Parent Teacher Association (PTA), where available
- This Local Managing Committee, will meet as and when necessary and at least once a month and will be authorized to take decisions with respect to the following issues:
  - Admissions

- Appointment of teachers, social workers, helpers and other support staff
- Time-table
- Extra-curricular activities including organizing excursions, and field trips, annual day, sports day, etc.
- Issues relating to school house-keeping and minor repairs
- Charging nominal fees for special services provided
  - Computer classes
  - Bus fees
  - Any other charge, subject to approval of the Local Managing Committee
- The BMC to make allocation (financial) to the school in the same manner it is doing so at present
- BMC will ensure that the current level of expenditure being incurred on the school (relating to housekeeping expenses, repair expenses, etc) will be continued at par with other schools and the Local Managing Committee will take all decisions involving such expenditure.
  - The BMC will send this amount to the Local Managing Committee at the inception of the concerned academic year
  - The NGO will contribute extra resources, as and when deemed necessary
- The BMC should ensure that the students of the school will be invited to participate in all the inter-school activities.
- The NGO will submit an annual report to the BMC's Education Officer entailing the activities undertaken at the school in that academic year. Financial statements will be audited by the BMC auditor.
- An agreement or 'Memorandum of Understanding' (MOU) be entered into between the BMC and the NGO regarding the new adoption scheme.<sup>8</sup>
- Either party may terminate this agreement if:
  - Violation of any terms and conditions of the agreement occurs
  - The opposite party is functioning in a manner deemed detrimental to the interests of the students
  - Either party can only terminate the agreement by giving an advance notice of three months
- After a period of five to ten years, the NGO has the option of renewing the agreement for a further term of five to ten years, subject to the BMC's approval
- The NGO to be allowed to display a sign on the adopted school building, measuring not more than 1 metre by 0.5 metre, indicating that that school has been adopted by that NGO

Under the revised scheme, an NGO can only claim adoption of the school if it fulfills all of the requirements noted above. An organization cannot claim 'partial adoption' status. If an organization fails to satisfy all of the requirements noted above, it will forfeit the privilege of displaying its sign at the school and may either be subject to the provisions of the partnership programme or may be asked to vacate the school premises.

<sup>8</sup> Refer to Appendix D MOU for School Adoption Programme



## Appendix C

### Objectives and Tenets of the New Partnership Programme

Recognizing that an organization, due to lack of resources and staff, may be unable to adopt a school, a simultaneous 'partnership programme' will be implemented. Such a programme should increase the contributions from NGOs, corporates and individuals that were unable to contribute under the previous adoption scheme. It is important to note that the partnership programme welcomes and encourages contributions from individuals, trusts, corporates and the availability of such a format programme should increase the involvement of a community's citizens, ultimately benefiting that community's underprivileged children.

The following are the basic tenets of the Partnership programme:<sup>9</sup>

- An organization or individual is said to be in the Partnership programme only if the concerned party contributes through any of the following ways:
  - Providing furniture
  - Providing teaching aids/ audio-visual aids
  - Development of school laboratories
  - Development of school libraries
  - Development of computer laboratories
  - Establishment of pre-primary classes e.g. Balwadi's classes
  - Providing student enrichment activities (vocational, music, audio-visual etc)
  - Conducting support classes for needy students
  - Providing class teachers
  - Providing teachers for special subjects and extra-curricular activities
  - Providing social workers
  - Providing counseling facilities
  - Providing mid-day meals
  - Providing medical check-ups
  - Creation and maintenance of playground and garden
  - Providing uniforms, shoes, notebooks, etc. as required
  - Providing water filters
  - Maintain school infrastructure and undertake housekeeping and minor repairs
  - Any other activity deemed worthy of inclusion in the Partnership programme, decided by the Local Managing Committee of that school
- A Local Managing Committee to be appointed, comprising of
  - A BMC representative (not below the rank of A.O.)
  - A representative of the organization
  - A representative of the Parent Teacher Association (PTA), where available
  - If the school has multiple partners, only those organizations/individuals whose annual contributions exceed Rs. 1,00,000/- will be allowed to sit on the committee
- In addition to the above tenet, an organization can only claim to be in partnership

<sup>9</sup> Refer to Appendix E for an MOU for Partnership Programme

with the school if the economic value of its annual contribution is at least Rs. 50,000/-

- In addition to the first tenet, an individual can only claim to be in partnership with the school if the economic value of his/her annual contribution is at least Rs. 10,000/-
- The minimum duration of membership in the Partnership programme is one year
- However, if the organization or individual does not comply with all of the requirements in subsequent years, the concerned party will cease to be part of the Partnership programme in those years
- There is no maximum tenure (in years) of membership; as long as the organization or individual satisfies all the requirements of the Partnership programme, the concerned party is said to be a member of the programme
- If an organization or individual wishes to 'partner' with a school adopted by an NGO, the concerned party may do so, subject to approval of an authorized representative of that NGO, which has adopted the school

#### Appendix D:

#### Memorandum of Understanding (MOU) for School Adoption Programme

The BMC to allot the (name) Municipal School to (name of NGO/Corporate) for a period of five/ten years.

The BMC retains the full ownership over the school and allotment is only for the purpose enumerated hereunder:

- (Name of NGO) will provide furniture
- (Name of NGO) will provide teaching aids/audio-visual aids
- (Name of NGO) will develop the science laboratory
- (Name of NGO) will develop the school library
- (Name of NGO) will develop the computer library
- (Name of NGO) will establish pre-primary classes e.g. Balwadi classes
- (Name of NGO) will provide student enrichment activities (vocational, music, art)
- (Name of NGO) will conduct support classes for needy students
- (Name of NGO) will provide class teachers
- (Name of NGO) will provide teachers for special subjects and extra-curricular activities
- (Name of NGO) will provide a social worker
- (Name of NGO) will appoint helpers and other support staff
- (Name of NGO) will provide counseling facilities
- (Name of NGO) will provide mid-day meals
- (Name of NGO) will provide periodic medical check-ups
- (Name of NGO) will create and maintain the playground and garden
- (Name of NGO) will provide sports equipment
- (Name of NGO) will provide uniforms, shoes, notebooks etc as required
- (Name of NGO) will provide water filters

- (Name of NGO) will maintain the school infrastructure and undertake housekeeping and minor repairs
- (Name of NGO) will organize a Parent-Teacher Association and ensure regular functioning of this association
- (Name of NGO) will follow the school curriculum as prescribed by the BMC
- (Name of NGO) will conduct any activity as decided by the Local Managing Committee of that school

In order to perform the activities mentioned above, (Name of the NGO) will constitute a Local Managing Committee consisting of the Head Master, a representative of (Name of NGO) and a representative of the Parent-Teacher Association. The Local Managing Committee will be authorized to take decisions in respect to the following matters:

- Admissions
- Appointment of teachers, social workers, helpers and other support staff
- Time-table
- Extra-curricular activities including organizing excursions and field trips, annual day, sports day, etc
- Issues relating to school housekeeping and minor repairs
- Charging nominal fees for special services such as bus fees, computer classes etc.

The BMC will ensure that the current level of expenditure being incurred on the school (relating to housekeeping expenses, repair expenses etc) will be continued at par with other schools and the Local Managing Committee will take all decisions involving such expenditure.

- The BMC will send amount to the Local Managing Committee at the inception of the concerned academic year
- (Name of NGO) will contribute extra resources, as and when deemed necessary.

(Name of NGO) will submit an annual report to the BMC's Education Officer entailing the activities undertaken at the school in that academic year.

Either party may terminate this agreement if

- Violation of any terms and conditions of the agreement occurs
- The opposite party is functioning in a manner deemed detrimental to the interests of the students
- Either party can only terminate the agreement by giving an advance notice of three months

After a period of five / ten years, (Name of NGO) has the option of renewing the agreement for a further term of five to ten years, subject to the BMC's approval.

(Name of NGO) to be allowed to display a sign on the adopted school building, measuring not more than 1 metre by 0.5 metre, indicating that that school has been adopted by (Name of NGO)

DATE:

Name of BMC Representative:

Name of NGO Representative:

Signature of BMC Representative:

Signature of NGO Representative:

### Appendix E:

#### Memorandum of Understanding (MOU) for Partnership Programme

(Name of individual/organization) agrees that membership will only be conferred if the (name of organization or individual) only contributes through any of the following ways:

- Providing furniture
- Providing teaching aids/audio-visual aids
- Development of school laboratories
- Development of school libraries
- Development of computer laboratories
- Establishment of pre-primary classes e.g. Balwadi classes
- Providing student enrichment activities (vocational, music, audio-visual etc)
- Conducting support classes for needy students
- Providing class teachers
- Providing teachers for special subjects and extra-curricular activities
- Providing social workers
- Providing counselling facilities
- Providing mid-day meals
- Providing medical check-ups
- Creation and maintenance of playground and garden
- Providing uniforms, shoes, notebooks, etc. as required
- Providing water filters
- Maintain school infrastructure and undertake housekeeping and minor repairs
- Any other activity deemed worthy of inclusion in the Partnership programme, decided by the Local Managing Committee of that school

A Local Managing Committee consisting of the Head Master, a representative of (name of individual/organization) and a representative of the Parent-Teacher Association to be formed

- If (name of school) has multiple partners, only those organizations/individuals whose annual contributions exceed Rs. 1,00,000/- will be allowed to sit on the committee
- In addition to the above tenet, the economic value of the (name of organizations)'s annual contribution will be at least Rs. 50,000/-
- In addition to the first tenet, the economic value of the (name of individual)'s annual contribution will be at least Rs. 10,000/-

The minimum duration of membership in the Partnership programme is one year

- However, if the (name of organization/individual) does not comply with all of the requirements in subsequent years, (name of organization/individual) will cease to be part of the Partnership programme in those years.
- There is no maximum tenure (in years) of membership, as long as (name of organization/individual) satisfies all the requirements of the Partners programme, (name of organization/individual) is said to be a member of the programme

If (name of organization/individual) wishes to 'partner' with (name of Municipal School) adopted by (Name of NGO), the (name of organization/individual) may do so, subject to approval of an authorized representative of (Name of NGO).

DATE:

Name of BMC Representative:

Name of Organization or Individual:

Signature of BMC Representative:

Signature of Representative:

RAHUL KADRI

ARCHITECT

4A SHIVSAGAR ESTATE, DR. A.B. ROAD, WORLI, MUMBAI 400 018

November 30, 2006

The Prothonotary & Senior Master

Bombay High Court

Dr. M. Kane Marg

Mumbai 400 032

Sub : Writ Petition No. 2947 of 2001

First Interim Report of Infrastructure Committee

Dear Sir,

By an order dated 7th July, 2004, the Hon. High Court constituted Committee for the purpose of overseeing a complete overhaul of Municipal schools run by the Municipal Corporation of Greater Mumbai. This order was passed in the W.P. No. 2947 of 2001 (Shri Yashwant R. Mistry V/s. M.C.G.M.).

Adv. Mr. Mustafa Doctor was appearing as "Amicus - Curie" in this case. Together with this letter, we are forwarding a copy of first interim report of the following members of the Infrastructure Committee.

1. Rahul Kadri (Architect)
2. Shyam Divan (Advocate) [since registered from the Committee]
3. Dilbur Parakh (Member)

This report dated 30th November, 2006 may kindly be placed before the Ld. Judges of the Hon. High Court for perusal and direction in the matter.

We have also forwarded a copy of this report to "Amicus - Curie" Advocate Mr. Mustafa Doctor.

Thanking you,

Yours faithfully,

(RAHUL KADRI)

ARCHITECT

Encl: As above

November 30, 2006

**DRAFT REPORT BY COURT APPOINTED COMMITTEE BASED ON WRIT PETITION NO. 2947 OF 2001.**

	Suggested Directions by the High Court	Report on the Suggested Directions by the Committee
2(a)	The Education Officer, BMC has asked to identify two schools in each ward selected as model schools for the purpose of immediate renovation and rehabilitation.	It was found by the Committee that the two schools identified in each ward by the Education Officer, BMC as model schools, were not being repaired/upgraded in any wholistic manner, the quality of repairs was low, the amenities provided not adequate, materials used not appropriate and a significant lack of knowledge in repair procedures and methods amongst the BMC Engineers & Contractors.
2(b)	The Committee appointed by Justice D.R. Dhanuka Committee have asked to frame guidelines/norms for renovation.	The Committee framed guidelines and norms on the basis of which model schools need to be repaired. These guidelines are being followed now. Guidelines enclosed in Annexure-I.
29(c)	Municipal Commissioner is being authorized to sanction necessary funds for renovation/rehabilitation/improvement of the schools as recommended by the Committee..	The Municipal Corporation has sanctioned necessary funds for the repairs and the administration has assured the committee adequate funds in the next budget as well.
2(d)	The Education Officer, BMC was asked to ensure that the renovation/improvements as suggested by the Committee be carried out in the model schools within one year from July 2004.	The identified schools were repaired. The process of creating Model Schools is being implemented in 2006-2007 as per the new norms.
2(e)	The Committee has been directed to monitor the progress of renovation/improvement and to ascertain whether the same have been renovated/improved to their satisfaction.	The Committee has been monitoring the progress of upgrading schools to be model schools and was not satisfied. Therefore in consultation with the municipal administration, the concept of realistic, planned repairs and upgradation has been adopted. The new system is now in place and results would be seen within the next year.
3.	The Committee has been further directed to devise a methodology for replicating the improvements made in the model schools.	The first phase of creating model schools is in process. The methodology for planned intervention has been framed and will be replicated expeditiously.
4.	Committee has been advised to review and ascertain whether the recommendations of the Dhanuka Committee have been complied by the BMC. The strong view that there should be a separate engineering cell only for Municipal Schools.	This is a very important idea and towards this, the BMC has appointed a panel of Architects and Structural Consultants to plan and supervise the work of special repairs of municipal schools. A Senior Municipal Architect has been appointed to co-ordinate the work of this panel

		<p>This Committee feels that the lack of accountability and knowledge about repairing building is deficient amongst the BMC Engineers as also found in the Dhanuka Committee Report. Though outside experts have been incorporated into the system, there needs to be a dedicated monitoring cell, adequately staffed with trained Engineers who would not be transferred for a period of 3-4 years. The seniority of the Officers to head this department should be carefully considered and a fixed tenure assured. The Committee is suggesting that the composition of the cell should be as per the attached Annexure II.</p> <p><b>Urgency of repairs:</b>          Whilst the repairs were being carried out at a faster pace, this Committee found that the repairs were not satisfactory and therefore asked the BMC not to spend any more money till a proper procedure was established to ensure thorough repairs and well thought out upgradation of the schools. Following discussions with the municipal administration, an improved system has been put in place wholistically.</p> <p><b>Compound Wall:</b> This issue has not been individually addressed, focus has been on upgrading the model schools and additional 80 schools identified for repairs.</p>
<p>5.</p>	<p><b>Committee's recommendations to the Bombay High Court.</b></p>	<p><b>Focus on creation of a special cell</b>          The court to specify who is to be the chair person          Since many recommendations require decisions to be taken at, more Senior levels of the BMC and the Committee finding is that the City Engineer is unable to make policy decisions. The committee recommends that the Additional Municipal Commissioner in charge of education should personally monitor the progress of the work on a monthly basis.</p>
<p>6.</p>	<p><b>The Committee's recommendation of a failsafe system for proper reporting and</b></p>	<p>This system is being prepared.</p>

	timely repairs of all municipal schools	
7.	The Committee to ascertain the quality of food served in municipal schools and recommend remedial measures.	The meal scheme needs to be more closely assessed and need to appoint qualified caterers in this field.
8.	The Committee to make suggestions/recommendations with respect to improvement or overhaul pertaining to BMC Schools.	Recommendations made.
9.	The Committee has recommended to provide proper toilet facilities.	The issues of adequate and effective toilets has been addressed in the upgradation manual and will be implemented.
10.	Procedure for urgently addressing minor leakages in some of the schools.	Water leakage would be attended to during the repairs. However, a procedure for urgently addressing minor leakages has not been established and needs to be done.
11.	Establish schedule of inspection of buildings more than 15 years old.	The system of survey of schools buildings has been followed as per the specialist repair consultants. A comprehensive survey of the occupancy characteristics of all the BMC schools has not been carried out as yet and needs to be done. An ongoing system for inspection of buildings has been established.
12.	The limit of expenditure upto Rs. 50,000/- to be removed.	Expenditure limit for rented schools has been increased upto Rs. 2,00,000/- and if the estimated cost is more than Rs. 2,00,000/- if required as a special case, sanction from Education Committee will have to be sought.
13.	The present system of minor repairs handled at Ward Office level to be dispensed with and Education Department to have separate cell to do such work.	The present system of minor repairs being handled at ward office level has been dispensed with. However, the Education Department need not have a cell to do such work if handled by the office of the City Engineer.
14.	To carry out the major structural and renovation work by C.E's Central Office.	Major structural repairs and renovations are being carried out now by the City Engineers Central Office and the procedure for estimating, tendering and commence have been revised.
15.	The Premises Department of Education Department be upgraded to have full	Premises section of Education Department has been asked to compile



	data about every school building in detail and all data to be computerized.	data within six months, the same has not been compiled with totally.
16.	The house keeping in majority of the schools is non-existent and the norms for required personnel based on area and work to be prepared.	The problem of housekeeping has not been adequately addressed the manual is under preparation by the BMC Education Department. The suggestion that the housekeeping work be given to an outside agency is being actively explored. The report on the manual is awaited.
17.	Adoption of scheme for house-keeping, maintenance and upkeep to be prepared.	The adoption scheme is under preparation. Has undergone many reviews.
18.	Formation of Monitoring Committee to prepare report.	The monitoring will be handled by the specialized Project Management Consultants who have been appointed.
19.	Appointment of an Officer on Special Duty for co-ordination of all work to be undertaken as per recommendations.	An Officer on Special Duty has not been appointed to coordinate. But a senior Municipal Architect has been deputed to coordinate the work of all the empanelled Architects/Structural Consultants. The Officer on Special Duty could be the person in-charge of the Infrastructure Cell.
20.	Preparation of Manual for the Education Department.	Preparation of Manuals : The infrastructure committee has overseen the preparation of procedures for appointing of architectural consultants and contractors and a manual for a model school. (here it is appropriate to mention the dedicated work done by Senior BMC Architect Lalita Gupta and assisted by Architect Durgesh Palkar in preparing the architectural manual).
21.	Establishing a repair cell by the City Engineer of Corporation.	A separate Special Repair Cell has not been established so far and this is a great problem since the Engineers get frequently transferred to unrelated departments and do not possess the specialized knowledge for repairs.
22.	Preparation of short guideline cum Manual for repairs of school buildings to get quicker results.	Is being addressed by a panel of qualified experts (Structural Consultants & Architects) appointed by the BMC to

		work on individual schools and frame overall guidelines.
23.	Ramabai Sahakar Nagar Municipal School at Ghatkopar, in one class-room, two classes were being run by two teachers simultaneously.	In this school, there is a shortage of constructed space and are unable to construct more because the Corporation does not own the land.
24.	Municipal School Halls are being used as election office.	The BMC Officers report that the order has been implemented.
25.	Committee's observation of Municipal Teachers are being utilized for non-educational purposes/duties.	It is strongly recommended by the Committee that utilization of services of school teachers for non-education work must stop. After necessary directions to the State Government, the same has been implemented.
26.	Head Masters of the Municipal School's limit to spend the monies on urgent work.	The Committee has recommended to increase the same to Rs. 1,000/- per month on a reimbursable basis.
27.	Ceiling on expenditure to be incurred on repairs.	After the Committee's recommendations, the ceiling on essential repairs has been removed.
28.	Security	Security is surely lacking in BMC schools and this leads to a lot of anti-social activities after school hours. This issue needs to be addressed with active participation of the Police by making the Police a part of the local school committees.
29.	Adoption Scheme	BMC has started a Public Partnership Cell in its head office which will act as a single window for public participation in education activity.

#### ANNEXURE – I

##### NORMS FOR REPAIRS & UPGRADATION OF BMC SCHOLS

After much deliberation with the BMC personnel, it was decided that the following norms shall be followed :

##### A. STRUCTURAL REPAIR CONSULTANTS :

Structural Engineering Firms with specialized expertise in structural repairs shall be engaged as Consultants & Project Management of School Buildings. Their prequalification criteria shall be as under :

1. He should be a qualified structural engineer.

2. He should have minimum 10 years experience in comprehensive repair & rehabilitation work exclusively.
3. He should have done minimum 5 comprehensive repair projects of 50 lacs each.
4. He should have at least 5 full time qualified diploma engineers as supervisors as their staff. He should submit a list of CVs of their Key-Personnel.
5. He should have CAD station for preparation of drawings.
6. They should submit Clients/users Certificate of appreciation for works executed.
7. They should submit Photographs/ CDs/ Documentation pertaining to the projects they have completed.

The scope of work of Repair Consultants for structural repairs includes' the following:

1. Visiting, inspecting and surveying, taking an inventory of all schools.
2. Preparation of an evaluation report for carrying out comprehensive repairs and submitting it to the Special Cell and Court Committee alongwith the Block estimated cost.
3. Preparation of work plan for repairs for all — schools and setting up a format for management and supervision of the project and submitting it to the Special Cell(Education) and Court Committee.
4. Evolving a correct methodology for repairs by recommending modern techniques and materials in this field.(A soft copy of methodology was circulated by M/s. Arun Kelkar and Asso. on 11-07-2006 for your ready reference and suggesting changes, if any. All the consultants have to agree and standardize on a set of specifications which will apply to different building types.
5. Preparation of plans with specifications for methods, materials, and chemicals etc used to ensure durability in repair works.
6. Preparation of estimates and tender documents based on fair market schedule of the city Engineering department and preparing the fair rate analysis for fair items.
7. Advise and jointly evolve post qualification criteria for inviting tender and awarding work to specialized repair specialist contractors.
8. Day to day supervision of repair sites to supervise quality / speed of work as well as to make site decisions and giving instructions to the contractor for the items of work.
9. Verification and certification of Contractor's bill for payment.
10. Certification of work after total completion.
11. Attend coordination and review meeting with the Special Cell and Court Committee whenever called for.

#### **B. ARCHITECTS/ARCHITECTURAL FIRMS :-**

Architects with expertise in school design shall be appointed for wholistic upgradation of the schools. The prequalification criteria shall be :

1. They should be registered with the Council of Architecture.
2. They should be in practice for at least 10 years.
3. Annual turnover of the Firm should be at least 50 lacs.
4. They should have designed a minimum of two schools/ educational institutions of minimum 20,000 sq.ft. each.
5. They should have CAD facilities.

6. They should have a minimum of 5 qualified Architects in their Firm. They should submit a list of CVs of their Key-Personnel.

7. They should submit Clients/users Certificate of appreciation for the schools which they have designed.

8. They should submit Photographs/ CDs/ Documentation pertaining to the schools they have completed.

The scope of work of Architectural Consultants for upgradation of interior facilities in the schools:

1. Visiting, inspection of the — school sites allotted to the firm.
2. Refer the manual prepared for designing of school buildings and Standardise set of requirements in terms of facilities to be provided in Schools.
3. Preparing a design strategy in concurrence with the requirements. All The Consultants would have to agree and standardize on the specifications and use of materials.
4. Preparing a work schedule for all schools.
5. Preparation of master plan and a detailed design proposal giving Room wise details. *(Plans available with the MCGM shall be supplied to the consultants, but wherever drawings are not available, the consultants would have to prepare measured drawings for which no extra payment shall be made to the Consultants).*
6. Preparation of estimates, tender drawings and tender documents based on fair market schedule of the city Engineering department and preparing the fair rate analysis for fair items.
7. Preparation of working drawings.
8. Advise and jointly evolve post qualification criteria for awarding work to specialized repair specialist contractors.
9. Day to day supervision by providing 'Clerk of Works'.
10. Approving samples of various elements and components and approving shop drawings if required.
11. Issue Certificate of Virtual completion of works.
12. Submit completion report and as-built drawings for record.
13. Verification and certification of Contractor's bill for payment.
14. Attend co- ordination and review meeting with the Special Cell and Court Committee, whenever called for.

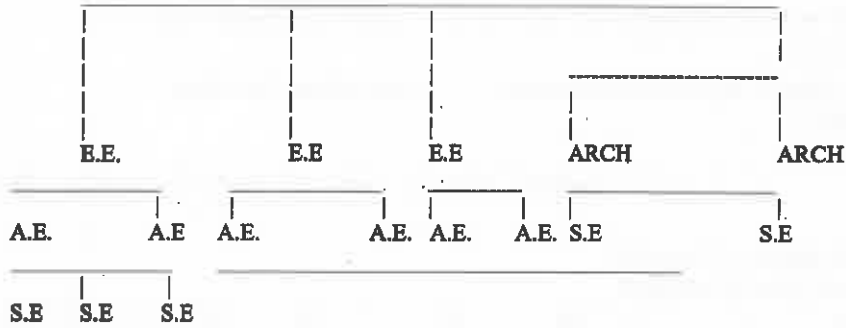
#### ANNEXURE – II

INFRASTRUCTURE CELL  
100 BUILDINGS/YEAR

EDUCATION OFFICER

DEPUTY CITY ENGR.

[Responsible for all infrastructure activities]



They will be assisted by:

One Office Superintendent

Two Head Clerks

Three Clerks

Two Steno-Typists

Three Typists

Three Peons

The above cell should be preferably housed at the Education Officer's Office at Dadar.  
The above staff will be expanded as and when needed.

**BRIHANMUMBAI MAHANAGARPALIKA-Education Department**  
**Sarva Shiksha Abhiyan**

Office of the Education officer  
Sarva Shiksha Abhiyan  
2nd floor, Lakhamshi Nappu  
Marg, Hindu Colony, Dadar  
Mumbai 14  
SSA/416  
Date 29.12.06

To

Ms. Gunjan Gupta,

Shelter Don Bosco, Opp. St. Joseph's Wadala,

Mumbai - 400 031

Sub : Application for information under section 6(1) of the Right to information Act 2005.

Ref : Your letter dt. 30 Nov 2006.

Madam,

The required information is furnished below.

Particulars of information solicited :

A. Subject matter of information : School buildings for primary and secondary education.

B. The period to which the information : 2000-2006 year-wise  
Relates :

C. Specific details of information requested : information furnished.

	2000-01	2001-02	2002-03	2003-03	2004-05	2005-06
i) Please furnish the amount allocated from SSA budget towards	Nil	Nil	Nil	Rs.4865000	Rs.*900	Rs.*
repairs of school buildings,	Nil	Nil	Nil	Nil	Nil	Nil
construction of toilets,	Nil	Nil	Nil	Nil	Nil	Nil
provision for water facilities	Nil	Nil	Nil	Nil	Nil	Nil
and construction of ramps	Nil	Nil	Nil	Nil	Nil	Nil
etc for disabled children	Nil	Nil	Nil	Nil	Nil	Nil

Please also furnish copies of all related budget documents

Budget copies of SSA for the year 2002-03,2004-05,2005-06 are enclosed.

ii) Please also furnish a copy of the Education Department's School Buildings Rental Policy

Circular under no. EOP/2960 dt. 6.12.00 regarding Education department's School Building Rental Policy is Enclosed

Your's faithfully,

Research Officer / Dy. Project Officer  
S.S.A

## Annexure - 15

Municipal Corporation for Greater Mumbai  
Education Department

Chief  
Public Participation Unit,  
Office of Education Officer  
Hindu Colony, Dadar,  
Mumbai - 400 014.

No. PPC/315  
Date: 29-05-2007

To,  
Arun Kashyap  
Socio-Lego Information Centre  
CVOD Jain School,  
4th Floor, 84, Samuel Street,  
Dongri, Mumbai - 400 009.

Sub.: Right to Information Act 2005

Ref.: Your letter dated 24-04-2007

(i) The information in respect of school repairs for year 2003-2007 as per Office records is given in two parts. In first part there is information of year, school where repairs has been done and opinion in respect to repair and in second part yearwise expenditure made on the same.

(ii) If any guardian / student is willing to make any complaint in respect of toilet or similar other issues, he can make the complaint to the Administrative Officer (School) of the concerned Ward.

(iii) The School Inspection as required can be done for anytimes. All the Officers of Education Department can conduct the said inspection. The information in this respect is made in the work list of the Officers.

Sd/-,

Chief

Public Participation Unit  
Municipal Corporation for Greater  
Mumbai (Education)

## Annexure - 16

**BRIHANMUMBAI MAHANAGARPALIKA**  
**No. of**  
**LIST OF SCHOOLS FOR REPAIR WORKS UNDER DHANUKA COMMITTEE**  
**CITY**

Sr. No	Name of the School Year (2002-03) & (2003-04)	Remarks Completed
1.	Secondary School Bldg of Shahid Bhagat Singh Road, Colaba, A Ward	Completed
2.	Durgadevi Mun School, C Ward	Completed
3.	Gilder Lane Mun School, Mumbai Central, D Ward	Completed
4.	Tardeo Mun School, D Ward	Completed
5.	Mahalaxmi Mun School, D Ward	Completed
6.	Borabazar Mun School, A Ward	Completed
7.	Chandanwala Mun School, C Ward	Completed
8.	E.S. Palanwala Marg Mun School, E Ward	Completed
9.	Shankarrao Palav Marg Mun School, F/South Ward	Completed
10.	Prabhadevi Mun School, G/South Ward	Completed
11.	Jalbaugh Mun School, Peru Chawl, G/South Ward	Completed
12.	Haji Ismail Alhana Mun School, Antop Hill, Wadala, F/North Ward	Completed
13.	Ambedkar School, B.D.D. Chawl, Worli, G/South Ward	Completed
14.	Savitribai Phule School, Byculla, E Ward	Completed
15.	Khetwadi Mun School, D Ward	Completed
16.	Jagannath Shankarsheth Mun School, D Ward	Completed
17.	K.D. Gaikwad Mun School, F/North	Completed
18.	Telang Marg Mun School, F/North	Completed
19.	New Mahim Mun School, G/North	Completed
20.	Sitaram Mill Compound School, G/South	Completed
21.	Major repairs to Tadwach Mun School, F Ward	Completed
22.	Major repairs to D.R. Mun School, Dharmashala Rd, Off S.V.P. Rd., B Ward	Completed
23.	Major repairs to Imamwada Mun School, B Ward	Completed
24.	Major repairs to Balaram Mun Urdu School, D Ward	Completed
25.	Major repairs to Colaba Mun School, A Ward	Completed
26.	Major repairs to Sardar Nama Mun School, F/N	Completed
27.	Major repairs to S.V. Ghokale	Completed
28.	Repairs to grounds and sheds of Dharavi Mun School, G/N	Completed



Sr. No.	Name of the School Year (2002-03) & (2003-04)	Remarks
1.	Kamlanagar Mun. Primary School, 11/E Ward	Completed
2.	Gazdar Park Secondary School, 11/W Ward	Completed
3.	Nirmal Nagar Mun. School, 11/E Ward	Completed
4.	Bhagat Colony Mun. School, 11/E Ward	Completed
5.	Khardola Mun. School, 11/W Ward	Completed
6.	Rajashree Shahu Marg, K/E Marg	Completed
7.	Nityanand Marg School, K/E Ward	Completed
8.	Dakshit Marg Mun. School, K/E Ward	Completed
9.	Shahji Raje Marg School, K/E Ward	Completed
10.	Gandhigram Mun. School, K/W Ward	Completed
11.	K.E. Marg Mun. School, 11/E Ward	Completed
12.	Manokaji Mun. School, 11/W Ward	Completed
13.	Dr. S Radhakrishnan Marg Mun. School, K Ward	Completed
14.	Kama Road Mun. School, K/W Ward	Completed
15.	Khemagar School, Bandra (E), 11/E Ward	Completed
16.	Liberty Garden Mun. School, P/North	Completed
17.	R.P.F. Mun. School, R/South	Completed
18.	Sodawala Lane Mun. School, R/Central	Completed
19.	D.B. Marg Mun. School, R/North	Completed
33.	Repairs to Kalina Mun. School, Santacruz (E) in 11/E Ward	completed
34.	Repairs to Santacruz (E) Mun. School bldg. near V.N.Desai Hospital, in 11/E	Completed
35.	Water proofing to terrace at Prabhat Colony at Santacruz (E) in 11/E Ward Work	completed
36.	Repairs to Supari Tank Mun. School at Bandra (W) in 11/W Ward	completed
37.	Repairs to Santacruz (W) Mun. School bldg. at Santacruz (W) in 11/W Ward	completed
38.	Repairs to Hasnabad Mun. School in 11/W	Plaster work, carpentry & iron aluminum window Kadappa tiling work is in progress
39.	School at Khar (E) in 11/E Ward	completed
40.	Repairs to Shankarwadi Mun. School, Andheri (E) in K/E Ward	Mirror rectification work is in progress
41.	Repairs to Dawood baug Mun. School, Andheri (W), in K/W Ward Work	completed
42.	Repairs to Oshiwara Mun. School; No.11 at Oshiwara, Jogeshwari (W) in K/W Ward Work	completed

43.	Repairs to Versova Marathi Mun. School at Versova in K/W Ward Work	completed
44.	Repairs to Tata Compound Mun. School at Vileparle in K/W Work	completed
45.	Major structural and general repairs to Mithanagar Mun. School Bldg. at Goregaon (W)	Work completed. Rectification work is in progress
46.	Construction of Boy's toilet block and major structural and general repairs to S.R.P. Camp Mun. School at Goregaon (E)	Rectification work will be completed within 2-3 days. Final bill is to be paid.
47.	Major structural and general repairs to Pushpa Park Mun. School Bldg. at Malad (E)	Work completed
48.	Major structural and general repairs to Malvani No.7 Mun. School Bldg at Malad (W)	Work completed. Rectification work is in progress
49.	Construction of additional classrooms and major structural & general repairs to the Mun. School Bldg. at Erungle Village, Malad (W)	Work completed
50.	Major repairs to Gaikwad Nagar Mun. School at Malad (W) in P/N	Work completed
51.	Repairs to Charkop No.1 Mun. School at Kandivali (W)	Work completed.
52.	Major structural and general repairs to Charkop Mun. School at Sector No.4 , Kandavali (W)	Work completed
53.	Major structural and general repairs Bhabhai Naka Mun. School Bldg at Borivali (W)	Work completed
54.	Major structural and general repairs to Eksar Road Mun. School Bldg. at Borivali (W) in R/O Ward	Work completed
55.	Major structural and general repairs to Bharucha Mun. School Bldg. at Dahisar (E)	Work completed

### BRIHANMUMBAI MAHANAGARPALIKA

#### LIST OF SCHOOLS FOR REPAIR WORKS UNDER DHANUKA COMMITTEE EASTERN SUBS

Sr. No.	Name of the School Year (2002-03) & (2003-04)	Remarks
		Completed
1.	Swadeshi Mills Mun. School, L Ward	Completed
2.	Subhash Nagar, Chembur, M/W	Completed
3.	Chembur Naka Mun. School, M/W	Completed
4.	Tilak Nagar Mun. School, M/E	Completed
5.	Turbhe Mun. School No.2, M/E Ward	Completed
6.	Barve Nagar Mun. School No.2, N- Ward	Completed
7.	Tagore Nagar Mun. School, Vikhroli, S- Ward	Completed
8.	Kauamwar Mun. School, S- Ward	Completed
9.	Dockyard Mun. School, Kanjur Marg, S-Ward	Completed

10.	G.V. Mun. School, Mulund T- Ward	Completed
11.	I.B.S. Mun. School, Mulund (W)	Completed
12.	R.R.T. Mun. School, Mulund (W)	Completed
13.	S.L. Road Mun. School, Mulund (E)	Completed
14.	Mulund Colony Mun. School, Mulund (W)	Completed
15.	Mithanagar Road Mun. School, Mulund (W)	Completed
16.	R.C.F. School, M/W	Completed
17.	Repairs work of school bldg. and cost of addl. Classroom: at Mankhurd, M/E Ward	Completed
18.	Repair works of school bldg. at Kurla Bail Bazaar, D- Ward	Completed
19.	Sainath Nagar Mun. School No.1	Completed
20.	S.G. Barve Marg Mun. School, Kurla (W)	Completed
21.	Chunabhatti Mun. School, L- Ward	Completed
22.	Mohili Village Mun. School, L- Ward	Completed
23.	Govandi Station Mun. School No.2, M/E Ward	Completed
24.	Deonar Colony Mun. School, M/E Ward	Completed
25.	Chikalwadi Mun. School, M/E Ward	Completed
26.	Ghatla Mun. School No.1, M/E Ward	Completed
27.	Ghatla Hindi Mun. School No.2, M/W Ward	Completed
28.	Govandi Mun. School No.1, M/W Ward	Completed
29.	Marathi School, No.1 & Urdu Mun. School, Chemburnaka, M/W Ward	Completed
30.	Rajawadi Mun. School, Ghatkopar (E)	Completed
31.	Tamlepad Mun. School	Completed
32.	Repairs to Acharya Vinoba Bhave Mun. School, Kurla (W), L- Ward Entire	work completed
33.	Repairs to Ganesh Baug Mun. School, Kurla (W), L-Ward	Work completed
34.	Major repairs to Agarwadi Mun. School Bldg. Deonar in M/E Ward	Cleaning work is in progress
35.	Repairs to Chembur Camp Municipal School, M/W Ward	Work completed
36.	Repairs to Sahakar Nagar Mun. School, M/W Ward	Finishing items is in progress. Elect. Work is in progress. Only painting work of internal & external to be done
37.	Repairs to Moreshwar Patankar Marg Mun. Urdu School No.1, L Ward	Work completed
38.	Major repairs to Deonarpada Mun. School bldg. Deonar, M/E Ward	Finishing items is in progress. Internal and external painting work is in progress.
39.	Major repairs in Shahaji Nagar Mun. School, Cheeta Camp in M/E Ward	Internal plastering work is nearing completion. Finishing items externally, classroom plaster to be done & finally

40. Mjor repairs to Paspoli Mun. School, Powai in S-Ward  
 41. Repairs to Vikhroli Parksit School No.3, S- Ward  
 42. Repairs to Tilak Marg Mun. School in N-Ward  
 43. Repairs to Barve Nagar Municipal School No.3, 4 & 8, N-Ward  
 44. Repairs to Dandayal Uphadhay Municipal School, Mulund, T-Ward
- Painted. Lying of sewer drain in progress.  
 Civil work completed. Certain Elect. Work is pending.  
 The civil work is completed on site. Certain Elect works are pending.  
 Work completed  
 Civil work completed. Minor electrical work is in progress.  
 Work completed

## BRIHANMUMBAI MAHANAGARPALIKA

### Monthly Progress Reports of School Buildings (Under Dhanuka Committee) Summary

Month: May 2006

Sr. No.	Year	Expenditure	No. of Schools taken for repairs					Work completed	Remarks
<b>City/W.S/E.S/Total</b>									
1.	During 2002-2003	Rs. 6,92,00,000	13	19	19	51	51		
	During 2003-2004	Rs. 25,68,00,000							
2.	During 2004-	Rs. 21,71,00,000	08	13	12	33	33		

	<b>2005 (BE 39,00,00 ,000)</b>							
<b>3.</b>	<b>During 2005- 2006 (BE 31,00,00 ,000)</b>	<b>Rs. 20,30, 00,000</b>	<b>08</b>	<b>23</b>	<b>13</b>	<b>44</b>	<b>22</b>	<b>Work orders amount ing to Rs. 29.32 Cr.</b>
<b>4.</b>	<b>During 2006-07 (BE 48,90,00 ,000)</b>	<b>65 Lacs</b>						
	<b>Total</b>					<b>128</b>	<b>106</b>	

## Annexure - 17

### MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. SPLCELL / CC/15 DT. 11 Oct. 2004

Minutes of the Committee for Improvement of quality of education, held on 1.10.04 from 2.00 to 4.00 p.m at Gilder Tank Munl. Office.

The following members were present.

1. DR.[Mrs.] A.S.Karande,  
Dy.Municipal Commissioner[Education], Chairperson.
2. Smt. Dilbur Parakh, Chairperson, ASEEMA
3. Smt. Zarine D'Monte, Child Psychotherapist.
4. Smt. Corolyn Fernandes, Educational Officer, ASEEMA
5. Dr. Asha Bajpai, Reader, Tata Institute of Social Science
6. Dr. M.S.Rege, Managing Trustee, Balmohan Vidyamandir, Mumbai.
7. Shri B.R.F. Rehman, Education Officer
8. Shri Bhanudas Borale, Dy. Education Officer, Member Secretary.

At the outset minutes of the previous meeting were confirmed.

Thereafter a Power Point Presentation was made by Education Officer Shri B.R.F. Rehman. It was mentioned by him that the primary education is an obligatory duty of the Corporation as envisaged under section 61 [q] of the BMC Act. The presentation covered the hierarchical set-up of the Education Department, number of schools - languagewise, number of staff of the Education Department including the teachers, number of secondary schools and the history of starting of secondary education by the Corporation. It was further mentioned that the Corporation is running D.Ed. Colleges also, for Urdu and Hindi Media. The Education Department has Research and Statistical Section further armed with supportive services of various types. He also explained in details the functions the various officers and authorities of the Education Department. The various queries raised by Smt. D'Monte, Smt. Bajpai and Dr. Rege were replied by Shri Rehman, E.O. There was an active participation in the presentation by the members viz. Dr. Rege, Smt. D'Monte, Smt. Parakh and Smt. Bajpai. On referring to the issue raised by Smt. Dilbur Parakh about having conducive atmosphere in the municipal schools, Smt. D'Monte explained the psychological patterns of the school children touching to the psychological pattern of the children from weaker section of the society and the street children. She said that there is need to have emotional involvement of each mother of school child and that the children who are away from the such emotional touch may have to be taken care of. Keeping consistency with the discussion D.M.C.[Education] narrated in details the health check up system of the municipal school children and the private school children by the special medical and health section of the Corporation under Assistant Health Officer [Schools]. The Unit comprises of medical personnel and para medical staff for health check up in the schools. The children having minor ailments are referred to municipal dispensaries hereby or to the municipal hospitals.

Also the children having major health problems/ deformities are referred to the school clinics attached to the general hospitals where all kinds of health check up is carried out and medical treatment is given. In the event of any child requiring operation, he is operated in municipal hospital. All these facilities are provided free of cost. The referral system has been in existence for over half century. However, as per new policy of the State Government the municipal school children are also subjected to comprehensive check up as per guidelines of the Government. In case of any child, affected psychologically are also treated by the psychiatrist in the municipal hospitals free of cost. The children having vision deformities are provided with spectacles by the Corporation. Similarly, the children who are physically handicapped are provided with canes, shoes and supplements at the cost of the Corporation, from Poor Box Charity Fund. It was mentioned that even the Municipal Corporation has established special schools for the children who have been mentally challenged and that there is regular programme to train the teachers for the purpose, periodically.

Then E.O. explained the system of Scout and Guide in the municipal schools saying that such children are participating to tackle the situation in the social gatherings/ congregation like Mount Mary Fair and Ganpati Immersions, etc. As far as apprising the municipal school children of modern scientific techniques are concerned, the E.O. said that the organizations viz. Dhirubhai Ambani Foundation and Sterlite Foundation are involved and their help is sought in making available the computers and training programme. The E.O. said that it was worth mentioning that municipal secondary school at Bajaj Road, Kandivli has been doing an excellent job for Education of the school children, as a result of which the children have been showing remarkable performance in the SSC Board Exam. This pattern is setting an example before the other secondary schools. On the issue of adoption of municipal schools, Dy.M.C. [Education] informed that the existing policy of adoption of municipal schools is rather inadequate and the Municipal Commissioner has desired to revamp the policy to make it broader. The same is under study and would be finalized with the approval of various authorities as early as possible. Dr. Asha Bajpai was of opinion that the adopting agency should adopt the entire school and not a part or any individual class.

The E.O. brought to the notice of the Committee that the Corporation schools are participating in various competitions and that the municipal school children have bagged two Gold Medals and two Silver Medals in the wrestling at national level. He further explained the framing of Budget and the funds in the annual budget. Before ending his presentation he explained the important issues before the Department and the future plans. Smt. Parakh expressed her utmost satisfaction on the presentation.

The meeting was then concluded at 4.00 p.m.

After this meeting and before starting of the meeting of the Committee for Improvement of Infrastructure, all members of both the Committees visited the Audio Recording Studio where they listened to the songs sung by municipal school teachers and children propagating the tree plantation, etc.

Dy. Municipal Commissioner [Education]

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**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**NO. SPLCELL /CC/24 DT. 6.12.2004**

**Minutes of the Committee for Improvement of Education held on**  
**19.11.04 from 3.00 p.m. at Gilder Tank Muni. Office.**

The following members were present.

1. DR. [Mrs.] A.S. Karande,  
Dy. Municipal Commissioner [Education], Chairperson.
2. Smt. Dilbur Parakh, Chairperson, ASEEMA
3. Dr. M.S. Rege, Managing Trustee, Balmohan Vidyamandir, Mumbai.
4. Shri B.R.F. Rehman, Education Officer
5. Shri Bhanudas Borale, Dy. Education Officer, Member Secretary.
6. Shri J.K. Vaze, O.S.D.

At the outset minutes of the previous meeting were confirmed.

Smt. Dilbur Parakh referred to the ensuing visits to municipal schools and private schools, viz. Balmohan Vidyamandir and requested that a time table be prepared, wardwise, for visits to the 48 schools to be developed as model schools by the Education Officer pursuant to the Bombay High Court Order. It was indicated by Dr. Karande that the beautification and vermiculture programmes will be seen to explore the possibility of implementing the same in all the municipal schools in a phased manner. She further mentioned that wardwise programme is being implemented by identifying at least two schools in each ward.

The members desired to visit some of these schools. D.M.C. [Education] mentioned that initially the visits of the Committee will be accompanied by Shri Borale, Dy. E.O. Further Shri Borale will identify officers from the department to accompany the visits. It was tentatively decided to begin the visit from G/N ward - being a central pace- especially from the "City of Los Angeles Municipal School". Dy. E.O will chalk out the programme including venue of meeting, and visits so as to cover all 48 schools identified for the sake of model school and will intimate it to Smt. Dilbur Parakh for information.

A revised list of the model schools was submitted by Special Cell under Education Department. Referring to the observation of Smt. Parakh that the list did not tally with that submitted to the High Court, D.M.C. [Education] desired Dy. E.O. to find out the exact reasons for deviation / modification and place the same in the next meeting in the following proforma.

PROPOSED LIST	REVISED LIST	JUSTIFICATION
1	2	3

Then, tentative date for visit to Balmohan Vidya Mandir was decided as under :

"Meeting Place : 2nd Dec. 2004 at 11.30 a.m. in the office of the Education Officer.

Arising out of discussion, Smt. Dilbur Parakh referred to the report of the Dhanuka Com. and the order of Justice A.P. Shah it was important for the Education Committee to visit the model schools to study the academic standards there. Considering the complexities the visit to the schools languagewise, D.M.C. [Education] suggested that the Committee may choose initially two visits, one in Zone II and 2nd in Zone- III on two different days, tentatively on 29th and 30th Nov., 04 respectively and may informally meet on 2.12.04 after the visit to Balmohan Vidyamandir in the chamber of D.M.C. [Education] at 3.00 p.m. for deliberation. It was also decided to get the report of visits and observations of the



Committee members.

The meeting then concluded at 4.45 pm.

Dy.Municipal Commissioner [Education]  
Chairperson

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. SPLCELL /CC/38 DT. 22.2.2005, 4/3/05

Minutes of the Committee for Improvement of Education held on 11.2.2005 at 5.00 p.m. at Balmohan Vidyamandir.

The following members were present.

- 1 Shri B.R.F. Rehman, Education Officer, MCGM.
- 2 Dr M.S.Rege, Managing Trustee, Balmohan Vidyamandir, Mumbai.
- 3 Smt. Dilbur Parakh, Chairpersons, ASEEMA
- 4 Dr. Asha Bajpai, Reader, TISS
- 5 Mrs. Corolyn Fernandes, ASEEMA
- 6 Shri Bhanudas Borale, Dy. Education Officer, Member Secretary
- 7 Shri C.B. Bugde, Dy.Ch. [P & D]Sub.
- 8 Smt. Geeta G. More Patil
- 9 Sri D.R. Palkar, Sr. Architect.
- 10 Shri J.K. Vaze, O.S.D.

At the outset minutes of the previous meeting were confirmed.

Shri Borale, Dy. E.O. [Spl.Cell] informed that the meeting is held specifically for formulating the norms for adoption of schools. He then requested Ch. CDO, Smt. Geeta More Patil to explain the norms prepared by the department. Smt. Morepatil read out the draft policy prepared by the Department. Shri Borale further informed the expectations of the administration concerning adoption of municipal school or part thereof:

Dr. M.S. Rege enquired as to what kind of help for improvement of education can be rendered. He then explained the concept of education and maintained that the on going training to the school teachers is necessary to keep them abreast of various developments. Therefore he stressed the need to arrange for training to the mun. school teachers. E.O. Shri Rehman agreed to the suggestion and said that training is also arranged by the department when there are certain changes in the pattern of education or inclusion of new kind of syllabus. Smt. Dilbur Parakh enquired whether the help by way of manpower from private organisation is accepted. Shri Rehman clarified that because of the directives from the Govt. to fulfil the backlog in the cadre of teachers from the backward classes, certain number of posts of teachers have fallen vacant. Undoubtedly, the administration has taken immediate steps to fulfil the backlog for which applications are already invited and that the recruitment process is going on. Until the backlog is filled in and manpower is made available, there is a need to seek the help from private organisation to make available the services of teachers. Dr. [Smt.] Bajpai suggested to identify the actual needs which can be put forth before the N.G.Os. appealing them to help so that shortcomings can be come over. E.O. agreed to the same and said that school wise requirements can be identified and further can be communicated to the N.G.Os. He quoted an example of mun. school at Bazar Road,

Bandra [West] which has been adopted by the NGO on similar lines. Smt. Morepatil informed that 52 schools in K/W ward have been adopted by the various N.G.Os. Dr.[Smt.] Bajpai suggested that the criteria, which may be prescribed, should be very easy to be followed and completed. E.O. said the prime criteria would be to ascertain that the concerned NGO is financially sound enough to run the school in the required manner. Other onerous restrictions can be removed. Smt. Dilbur Parakh suggested to have a monitoring team to oversee functioning of the adopted school. On further suggestion from Dr. [Smt.] Bajpai and E.O. Shri Rehman it was suggested to have a monitoring team as under.

1. Representative of NGO [adopting the school]
2. Representative of Parents' Association
3. Representative of students
4. Representative of teachers
5. A.O. [Schools] of the concerned ward

The Inspector and Superintendent as well as zonal Dy.E.O. will coordinate. Dr. {Smt.} Bajpai said that many times the officers are transferred and the successor is not aware of the decision of the monitoring committee. In order to avoid such situation, the officer on the committee may not be transferred as far as possible. In the event of mass transfers, etc. the successor officer will have to be made aware of the past decisions and progress by the officer so transferred. Smt. Parakh was of opinion that the NGO adopting the school also needs to be accounted for by the municipal administration. From this view point, she suggested that the work of NGO may be reviewed every year.

Dr. M.S. Rege said that whenever the teachers of private schools are engaged for imparting training to the municipal teacher, the mun. administration should pay honorarium to them. E.O. explained the existing system of training and maintained that some N.G.Os. are requested to defray the cost of training and this system is workable. Therefore, the payment of honorarium can be entrusted to some N.G.Os. coming forward.

The meeting then concluded with thanks to Dr.M.S.Rege, Managing Trustee, Balmohan Vidyamandir for cooperation.

[B.D.BORALE]  
DY.E.O. [SPECIAL CELL]  
& MEMBER SECRETARY

### MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. SPLCELL /CC/ 64 DT. 5.7.2005.

Minutes of the Meeting of the Committee for Improvement of Standard of Education on 14.6.2005 at 4.00 P.M. at Grant Road Office

- |   |                  |
|---|------------------|
| 1) Dr.(Smt) A.S.Karande, D.M.C.(Education), | Chairperson      |
| 2) Shri B.R.F. Rehman, Education Officer    | Member           |
| 3) Dr. Asha Bajpai, TISS                    | Member           |
| 4) Smt. Dilbur Parakh, ASEEMA               | Member           |
| 5) Smt. Corolyne Fernandes, ASEEMA          | Member           |
| 6) Shri Bhanudas Borale, Dy.E.O.(Spl.Cell)  | Member Secretary |
| 7) Smt. Poonam Lalwani, Life Trust          | Invitee          |

8) Shri J.K. Vaze, O.S.D.(C.C.)

9) Shri Bhimrao Gaikwad, Ch.C.D.O., E.O's Office

At the outset, D.M.C.(Education) informed that the meeting arranged on 29.4.2005 could not take place as no member of the Committee was present, some of whom being preoccupied and out of station. It was also informed that Mrs. Elizabeth Mehta of Mukangan, a project launched by Paragon Charitable Trust, in the field of education in collaboration with M.C.G.M. had made the presentation on the activities of their Trust and the work in the socio-economically weaker areas. Mrs. Mehta had also explained the innovative ideas adopted in the said project. Therefore, the minutes of the earlier meeting dated 11.2.2005 were read out and confirmed.

Then, Dr.(Smt.)Karande, D.M.C.(Education) introduced Smt. Poonam Lalwani of Life Trust and apprised the members in brief of their activities. Thereafter, Smt. Poonam Lalwani was requested to make the presentation on their activities. Smt. Poonam Lalwani then made a Power Point presentation and explained details of each chapter of the presentation. She said that the municipal schools are patronized by the children coming from economically weaker section, majority of whom staying in the Zopadpatti and like areas. Because, their parents have to earn the bread by daily working, the families face acute financial problems. Therefore, sometimes the children have to support their families by doing some petty jobs, etc. and thus the drop-out percentage keep on increasing. The Life Trust has first of all identified such problems so as to have elastic approach towards the education for the children from such group. In furtherance of the same, that Trust is exploring possibility of identifying corporate sector for financial and other help as well as providing some suitable training for future job/work for the children to support their families. Such petty jobs may lead to the orientation of job culture when they are out of their Sr. school. Because such children are deprived of recreational facilities during their daily life, the Trust has introduced concept "chill zone" for providing recreational facilities including the computers for them. In short, the Trust is emphasizing on applying changed pattern of education for the children from such group so that they complete their education. During the presentation Dr.(Smt.)Asha Bajpai, Smt. Dilbur Parakh and Smt. Corolyne Fernandes enquired with Smt. Lalwani on certain points which were explained by her. Dr. (Smt.) A.S. Karande, D.M.C.(Education) appreciated the presentation and appealed the members and Smt. Lalwani to keep interaction for the sake of improvement of standard of education in municipal schools.

The next subject on the Agenda was of 'Policy for Adoption of Schools' Education Officer Shri Rehman informed that the present policy on adoption of schools is being reviewed so as to cover the suggestions of the members of the committee made from time to time. Shri Borale, Dy.E.O. informed that as decided earlier, the letters were sent to all members of the committee inviting their suggestions. However, there has been no response to the same, though reminders were sent. D.M.C.(Education) then suggested all members to put forth any suggestion with regard to the policy. If at all they do not have any more suggestion, they may kindly send a letter to the effect. D.M.C.(Education) then advised the E.O. to take into consideration the suggestions of the members made in the earlier meetings and finalise the draft policy on adoption and place it before 16th July,2005. It was further indicated by D.M.C.(Education) that the Manual of Engineering Works is also under preparation by the Engineering Department in consultation with Shri Rahul Kadri, Member of the Infrastructure Committee and that we may hold a joint meeting of both the committees so as to deliberate and decide finally the policy on adoption of schools as well as Engineering Manual.

Then the meeting was over at 6.30 p.m.

(A.S. Karande),  
DM.C.(Education) & Chairperson

Copy to :-

MUNICIPAL CORPORATION OF GREATER MUMBAI  
NO. SPLCELL /CC/ 87 DT. 24.10. 05

Minutes of the Meeting of the Committee for Improvement of Education  
held on 21.10.05 at 5.00 P.M. at Gilder Tank Munl. Office.

The following members were present.

1	Dr.[Mrs.]A.S. Karande	D.M.C.[Education]	Chairperson
2	Smt. Carolyne Fernandes	Education Officer, ASEEMA.	Member
3	Smt. Geeta G. Morepatil	Project Coordinator	Invitee
4	Shri J.K. Vaze	O.S.D.	

As only one member viz. Smt. Carolyne Fernandes was present, the regular meeting could not take place. However, Chairperson Dr.[Mrs.] Karande apprised her of the contents of the letter dt. 20.10.05, received from Smt. Dilbar Parakh, giving comments on the suggestions made by Advocate Divan.

The Chairperson desired the action as follows:

1. Reporting progress to the Committees - The Chairperson directed Dy.E.O. [Spl.Cell] / E.O. to work out the modalities of reporting in consultation with City Engineer Shri Korlekar.  
Action by : Dy.E.O.[Special Cell] / E.O. /C.E.
2. Removal of broken and unusable furniture at Chimbai School.
3. Infestation of white ants and termite to old furniture and walls at Chimbai School.
4. Making available additional rooms to ASEEMA at Chimbai school:

Chairperson desired Dy.E.O.[Spl Cell] / E.O. to submit a detailed report on the same. She also directed that the furniture which is not required should be shifted to other school needing the same. As far as repairs to the broken furniture is concerned, DMC[Education] desired that this work could be attended to by Shri Charate, Sr.Supervisor [Physical Instruction]. As far as pest control service and anti-termite treatment is concerned DMC[Education] desired that the A.O.[Schools] H/West ward must consult the PCO of H/W ward and take immediate action.

ACTION: A.O.[Schools] H/W, SSPI, Dy.EO[Spl Cell] / E.O.

5. Inviting office bearers of the N.G.Os. in connection with finalising draft policy for adoption of schools.

DMC[Education] desired that Smt. Dilbar Parakh of ASEEMA will furnish the list of NGOs. fitting with the norms already discussed in the earlier meeting. Such N.G.Os. can be requested to make presentations in the next meeting of the Committee.

Action by : O.S.D.[CC] / Smt. Dilbar Parakh

6. Use of broken toys by the NGO running the school at Chimbai :

Smt. Fernandes quoted an incident in which one child was injured while playing with a broken toy in the school run by another NGO. She suggested that such incidents need to be averted by curbing use of broken materials. DMC[Education] desired Smt. More-Patil /Smt. Chopdekar, A.O.(Schools), H/West to visit and check the condition of the toys in the Toy Library established in Pali Chimbai School and submit report within 3 days to D.M.C.{Education}.

Action : Smt. More-Patil, CCDO.

D.M.C.[Education]  
Chairperson

Copy to

Municipal Corporation of Greater Mumbai  
Education Department

No.Spl.Cell/CC/115

Date -

Minutes of the meeting of the 'Committee for Improvement of Standard of Education' on 24.3.2006 at 5.00 p.m. at Grant Road Office.

- 1) Shri B. D. Borale - Dy.E.O.(Spl.Cell)/Member Secretary.
- 2) Smt. Geeta More Patil - Project Co-ordinator, (Invitee).
- 3) Smt. Dilbar Parakh - Member.
- 4) Smt. Lashakari - Door Step School - (Invitee).
- 5) Shri Shriram - Aakansha - (Invitee).
- 6) Shri J. K. Vaze - O.S.D.

As only 1 member of the committee was present, the meeting was conducted by Shri Borale, Dy.E.O.(Spl.Cell).

At the outset, the minutes of the earlier meeting dated 27.2.2006 were readout and confirmed. Then Shri Borale, Dy.E.O.(Spl.Cell) and Member Secretary introduced the representatives of the NGOs, namely Smt. Lashakari, Door Step School and Shri Shriram of Aakansha and requested them to make presentation on the activities and working of their organizations. First, Shri Shriram of Aakansha gave presentations. He said that his organizations is functioning which certain basic ideas and common set of objectives. He stressed the need on having the school bldgs. child friendly in terms of colour of the bldg. and environment. He suggested that the school children should be developed to asses the self estimate and bldg. of values. The pattern of extra - curriculars activities should lead in developing the learning skills and local communications. The parents should also be actively participated in the process. At the same time the students/teachers ratio needs to be observed. He then said that whatever the municipal schools are under-utilised, the bldg. should be made available to the NGOs in the field of Education, for which clear - cut policy should be defined and that the same should be liberal. Whenever the school premises are handed over to the NGOs, the local H.M's and other concerned officers should co-operate the NGOs and that there should be no interference. He further explained in details the working of his organization in details. He further explained in details the working of his organization

in details. He suggested that the NGOs occupying the municipal school premises should also be made accountable and that it would be proper to have audit for them. He expected that the audit should be done by reputable institutions like S.N.D.T. University etc. The audit process may be initially on pilot basis. As far as adoption policy is concerned the same should be very much transparent and based on certain parameters. Whichever the NGO meets the parameters prescribed by the Administration, it can be involved in the partership programme. He then suggested that whenever there is shortage of teachers, the college students can be engaged as volunteers and that the college students can be given certain basic training which will enable them to impart education to the school children. According to him this can be a solution to over come the need of teachers for which open approach will have to be adopted. He opined that after adopting the suggestions, collective results can be assessed in the course of time. His presentations was then over.

Smt. Lashkari of Door Step Schools then agreed with the suggestions made by Shri Shriram. She then appealed that the municipal administration need to have open approach in engaging the NGOs for education purpose. She emphasised the need on change in the partership programme whereby the Corporation should play a vital role. She said that many different strategies can be tried and that workable solution can be adopted. Smt. Dilubar Parakh intervening this point said that the workable solution should be as such that it can be replicated. She further said that the need of the school in a particular area should be allowed to be examined by the NGO and assessment made. Keeping consistency with this suggestions, Dy.Education Officer (Spl.Cell) suggested the Project Co-ordinator that the "Observation Book" can be signed by the concerned Head Master. He also suggested that the local committee comprising of the local municipal councillor, the representative of the NGO and concerned municipal officer can be set up to assess the performance of the NGO. Smt. Lashkari further said that the work of teachers may also be allowed to be evaluated by the NGOs as independent observer. She expected that the work under Sarva Shiksha Abhiyan also need to be evaluated properly. Then, Smt. Dilbar Parakh and Shri Shriram suggested to have parent's involvement in the said programme. Smt. Lashkari then suggested that the various NGOs can make the suggestions and that combination of different strategies can be tried for betterment of the programme.

## 2. Submission of report to the Hon. High Court.

Dy.Education Officer (Spl.Cell) then informed that the draft report to be submitted to the High Court has been prepared by Advocate Shri Divan, who is a member on the Infrastructure Committee and that a copy of the same has been handed over to Dr. (Smt.) Asha Bajpai for correction/amendment. He also informed that Dr.(Smt) Bajpai has also prepared a report and that the same needs to be placed before the next meeting, so as to finalise the same, in consultation with Advocate Shri Divan.

The meeting was then over at 6.30 p.m.

Dy. E. O. (Spl.Cell)  
Member Secretary.

**Minutes of the meeting of the "Committee for Improvement of Standard of Education" on 20.04.2006 at 5.00p.m. at Grant Road Office.**

- |                           |                                      |
|---------------------------|--------------------------------------|
| 1) Shri Rahman            | - E.O.i/c. Member                    |
| 2) Shri B.D.Borale        | - Dy.E.O.(Spl.Cell)/Member Secretary |
| 3) Smt. Dilbur Parakh     | - Aseema -Member                     |
| 4) Smt. Carolyn Fernandes | - Aseema - Member                    |
| 5) Smt.Geeta More Patil   | - Project Co-ordinator               |
| 6) Shri Sardar Khan       | - Awami /Invitee                     |
| 7) Smt. Rao               | - Sujaya Foundation/Invitee          |
| 8) DR.Khakhate            | - Mesko/Invitee                      |

The members requested Shri Rahman Education Officer to chair the meeting. Accordingly, he conducted the business of the meeting.

In the beginning the minutes of the earlier meeting were confirmed.

Then Smt. Geeta More Patil, Project Co-ordinator requested Dr. Khatkhate, of MESCO to express opinion on running of the schools.

Dr.Khatkhate handed over a short write up on working of their organization and narrated salient features. Then he said that as far as his organization is concerned shortage of teachers in the secondary school is acutely experienced. He observed that if the Head Master is absent for some reason or the other no body takes the responsibility in the respective school. He noted his observation that after 7th or 8th standard there is considerable percentages of drop outs. Therefore, he underlined the need of strengthening the measures to prevent dropouts including seeking the help of the NGOs in the field. He suggested to have a person in second command next to the Head master to take up the responsibility of the school in case of absence of the Head Master. He also suggested to appoint the teachers adequately.

While agreeing the suggestions of MESCO, the representative of Sujaya Foundation made presentation on their activities. He said that his organization is functioning with certain basic ideas and common set of objectives. The pattern of extra curricular activities adopted by the organizations lead in developing skills. Extra classes are taken for the scholarship as well as SSC students and the results of SSC students are also good in the last year. They are taking extra curricular activities like candle making, soap making etc. Dr.Khatkhate (MESKO) said that the organization is trying to open the Junior college, Computer I.T.Classes in the near future. Considering their activities in the field of education he suggested that the rooms should be allotted free of cost to such organizations.

Referring to the said suggestion, Education Officer suggested that there should be committee comprising of A.O.Schools, Project Coordinator/CDO and zonal Dy.E.O. and this local committee will have coordination with concerned NGO to facilitate in strengthening Educational activities and to sort out the petty issues. He also informed that the permission has already been given A.O.(S) of each ward to visit such schools where the NGOs are involved.

The meeting was then over.

Member Secretary  
Dy.E.O.(Spl.Cell)

Chairman

## MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. SPLCELL /CC/31 DT. DEC.2004

31-1-2005

Minutes of the Jt. Meeting of the Committees for Improvement of Education and Improvement of Infrastructure held on 8.12.04 at 5 p.m. at Gilder Tank Munl. Office.

The following members were present.

- 1 DR.[Mrs.]A.S.Karande,  
Dy.Municipal Commissioner[Education], Chairperson.
- 2 Smt. Zarine D'Monte, Child Psychotherapist.
- 3 Smt. Corolyn Fernandes, Educational Officer, ASEEMA
- 4 Dr. M.S.Rege, Managing Trustee, Balmohan Vidyamandir, Mumbai.
- 5 Shri Shyam Divan, Advocate
- 6 Shri Rahul Kadri, Architect
- 7 Shri L.P.Charles, Dy.C.E.[P&D][Sub]
- 8 Shri Bhanudas Borale, Dy. Education Officer, Member Secretary.
- 9 Shri J.K.Vaze, O.S.D.

At the outset Dy. Municipal Commissioner welcome the members and requested to confirm minutes of the last meeting held on 19th Nov. 04. The one were confirmed.

D.M.C.[Education] informed that the joint meeting is arranged for detailed deliberations on the scheme for adoption of municipal schools and read out the existing booklet together with copy of application appended to it. While briefing on the scheme of adoption, D.M.C.[Education] said that sometimes the agencies having funds come forward for running the schools. There are some organisations which opt for adopting certain activities / parts of the schools i.e. a library, garden, teaching aids, running Balwadis, providing computer lab, etc. and said that the donations hitherto were in kinds and not by way of money. She also clarified the concept under Sarva Shiksha Abhiyan. D.M.C.[Education] then informed that the Corporation expects the NGOs. adopting schools to run school activities on the lines of the Corporation. i.e. even if there are less no. of students in a class, the same is run. She then appealed the members to contribute their views for revision of the policy.

Shri Kadri was of opinion that the adoption policy should be clear in terms complete adoption and partly adoption defining the details. Shri Divan then said that the adoption policy should be transparent and flexible so as to have larger acceptability by the individuals / organisations and Corporate sector.

The following points were suggested by Shri Shyam Divan while framing the new scheme of adoption.

- 1] Scope of educational responsibility of MCGM
- 2] How you reader can help - e.g. can you adopt one child / one class / school / meals / etc ?
- 3] Citizens - MCGM Partnership for uplifting education in Mumbai - making presentations to various private companies, etc.
- 4] Tax benefit

Policy be based on the following principles.



**Simplicity :** Simple steps for making contribution / donations Costing should be given  
- minimum criteria be - Facility for payments through Credit card, cheques, cash, etc.

**Possibility of keeping Charity Boxes at each schools - fixed -**

**Accountability :** Donor to know how his donation has been utilized - certification to donor -

**Transparency :** How and how much donations / funds MCGM is receiving - what are BMC needs for next one year, etc. Such targets should be fixed.

**Specific :** Adoption / donation school, class, etc.

**General :** donation

library, computer lab, blackboard, books, gardens, facility for counseling, services of specialized teachers, etc.

Shri Rahul Kadri suggested the following points for being taken into account for framing the policy.

A] General Contribution

B] School Specific

Operating Cost

-Complete

-Special activities

-Supplement teaching

Capital Cost

-Complete New

-complete repair

-Upgrade part

- donate loose items

Dr. M.S. Rege said that some private schools may extend academic help which may also be covered in the scheme for adoption. He further said that there can be exchange of views by arranging the joint discussions with the teachers of private schools. Besides, there can be appraisal of new academic trends and new techniques adopted in the field of education. While going for such scheme perhaps the Corporation can think of making monetary help available for payment of honorarium to the expert teachers from schools other than MCGM schools.

Smt. Fernandes said that there should be criteria prescribed for admission procedures, monitor student - teacher ratio, classrooms, etc. She also said that for legitimate observance of the criteria the responsibility will lie on the NGO adopting the schools and the entire cost shall be borne by the concerned NGO.

Smt. D'Monte said that the adoption concept should be very clear. There should also be an element for sharing responsibility as far as the school activities are concerned.

Shri Divan then enquired about finalization of norms for construction and the repairs. He was of opinion that equally there is a need to develop system of maintenance. He further enquired about requisitioning the services of outside professional consultants for supervision over the works. Shri Kadri then suggested that the norms with regard to the space, classrooms, toilets, windows and specifications for furniture, etc. should be finalized.

Shri Charles then presented the photographs of the repairs to the school buildings. He also assured that the norms for classrooms and toilets will soon be ready and that they will be placed in the next meeting. Dy.C.E.[P&D] and D.M.C.[Education] then informed the meeting that the training of the site engineers has already been undertaken by engaging the

experts as suggested by Shri Kadri. D.M.C.[Education] also assured to submit the proposal for requisite budget provision in the Budget estimates for 2005-06 for payment of charges to the external experts by 9.12.04 for approval of the higher authorities.

The meeting then concluded at 7.30 p.m.

D.M..C.[Education]

### MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. SPLCELL /CC/ 79 DT. 21.9.04

Minutes of the Joint Meeting of the Committees for Improvement of Education and Improvement of Infrastructure held on 16.09.05 at 5.00 p.m. at Gilder Tank Munl. Office.

The following members were present.

1	Dr.[Mrs.]A.S.Karande	D.M.C.[Education]	Chairperson
2	Shri B.R.F. Rehman	E.O.	Member
3	Shri S.S.Korlekar	C.E.	"
4	Smt. Dilbur Parakh	ASEEMA	"
5	Shri Rahul Kadri	Architect	"
6	Adv. Shri Shyam Divan		"
7	Smt. Zarine D'Monte	ASEEMA	"
8	Shri B.D.Borale	Dy.E.O.[Spl Cell]	Member Secretary
9	Shri V.K.Deshpande	Dy.C.E.[BC]City	Invitee
10	Shri A.S.Shrotri	Dy.C.E.[BC]ES	"
11	Shri A.S.Kale	Dy.C.E.[P&D] City	"
12	Shri R.V.Panchal	M.A. i/c	"
13	Shri P.K.Nadgauda	EE[BC]	"
14	Smt. Geeta G. Morepatil	Project Coordinator	"
15	Shri Durgesh Palkar	Sr. Architect[Sp Cell]	"
16	Smt. Lalita Gupta	Sr. Architect	"
17	Shri M R P Singh	S.E.[Sp Cell]	"
18	Shri J.K.Vaze	O.S.D	

At the outset, DMC[Education] said that due to heavy rainfall on 26.7.05, and subsequently and because she was busy in disaster management activities, the meeting, though planned, could not take place in the month of August, 05.

Then DMC[Education] referred to the issue of damages caused to mun. school buildings and premises during the recent flood. It was indicated that due to the damages, the survey will have to be carried out and the work of repairs will need to have reprioritised, depending upon the needs. Dy.C.E. [BC] ES Shri Shrotri suggested that a list of the schools needing immediate repairs because of the flood may be made available by the EO. The E.O. said that a meeting was held on 15.9.05 to assess the damages and that a fresh list has been kept ready which will be made available to CE. Smt. Dilbur Parakh then referred to the complaint from an organisation complaining about inferior quality of repairs work at the school at Grant Road. DMC[Education] informed that a complaint from 'Door Step School' was received about repairs at Jagannath Shankarshet School and that the same was discussed

in the internal meeting of the officers with DMC[Education] and that the E.E. concerned has been instructed to inspect the work and take penal action against the contractor. At this stage Shri Rahul Kadri underlined the need of engaging the specialized contractor for repairs purposes and appoint outside experts to supervise the ongoing repair works so that such complaints can be avoided in future. He further requested to make available the list of contractors, their speciality if any, the man power employed by them with the qualifications of the personnel and experience preferably in the field of repairs before the next meeting. It was agreed by the CE to forward the list of contractors of Shri Kadri immediately. The CE also explained the existing procedure of categorizing the contractors and method for selection. On query, DMC[Education] informed that the new norms as contemplated can be implemented from the next budget year. Shri Kadri thereupon suggested that the final bills in respect of ongoing repair works should be passed only after the clearance from the panel of consultants. This panel, after selection, would visit the repair sites alongwith Corporation Engineering Staff for checking the quality of works. CE agreed with this. CE further informed that as per existing practice the vigilance section is informed to inspect each and every work and upon getting the suitable certificate from the Vigilance only, the bills are finally passed for payment. Shri Kadri enquired whether the report of Vigilance Cell is a technical report. CE said that it is a technical report. Shri Shyam Divan raised a doubt about the expertise of the Vigilance Cell and Engineering staff as the works carried out so far are found to be far from the expected quality, as observed during the visits of the Committee Members to the schools. He referred to the last visit [2.7.05] to municipal schools at Khedgalli, Prabhadevi and said that this building needing repairs is not yet taken for repairs. Shri Shyam Divan insisted to note his displeasure for very slow pace of progress/ activities with regard to the engineering works by the CE and his staff. The CE and his staff then explained the procedures of the department and informed that the school under discussion is now included in the next batch and the tenders are ready. Shri Kadri then reiterated to engage outside experts and consult them for deciding criteria / pre qualifications of the contractors. CE agreed with this and said that on deciding the criteria, and that expression of interest will be invited. It was also agreed that the criteria will be shown to Shri Kadri before invitation of expression of interest. Shri Kadri then said that the site engineers do not have adequate knowledge regarding repairs as observed by the Committee during the visit to the schools under repairs. Therefore, the outside experts are required to be consulted even before drawing the estimates and invitation of tenders. Dy.C.E.[BC] City assured that the next year's budget can be finalized in consultation with the consultants.

DMC[Education] then said that one of the associated problems is about maintenance of the school buildings. A.E.[M] of each ward should maintain the buildings. However, due to existing procedure, sometimes non availability of man power and material, the work of maintenance is not done promptly. Therefore, there can be private agency for day to day maintenance and house keeping and that the ex C.E. had prepared a proposal to the effect. DMC[Education] suggested the present CE to look into the present stage of the proposal. EO then informed that one private agency had approached him offering to carry out maintenance and cleanliness by engaging their own man power and machinery. He also informed that the demonstration will be arranged shortly and that cost factor will be examined. CE thereupon informed that he too has examined this kind of offer but the cost involved is exorbitantly high. For head office building the agency had worked out the amount of Rs. 90 lakhs p.a. Therefore, economically, this offer may not be viable. Shri Kadri then said that there could be Rs. 1.50 to Rs. 2.00 per sq. foot including the material. Yet, the proposal can be further examined by floating tenders so that there can be competitive rates.

Shri Divan then desired to know the specific progress achieved from September, 04 to Sept. 05. Shri Shrotri, Dy.C.E.[BC]ES said that the specifications of tiles have been changed. Also, the wooden doors to the W.Cs. and store rooms have been replaced by new kind of material. DMC[Education] informed the fund flow for repairs has been improved. The toilets in the schools are made user friendly. DMC[Education] then directed Sr. Architect Shri Palkar to take out the list of the various improvements with regard to the repairs to the schools. Shri Divan then maintained that he did not see any specific achievement and said that in the past he has suggested to make one person responsible for reporting progress to the Committee, especially on manuals, consultancy, experts, different type of buildings, etc. He then suggested that he would be preparing the synopsis of the various decisions taken in the meeting of the Committee which can be circulated for discussion / suggestion. This will help in assessing the progress from the specified persons. He desired that the progress report should be in a form of format. He also suggested to furnish the list of schools under repairs so that the visits can be paid by the Committee members. DMC[Education] then instructed Shri Borale, Dy.E.O. and Shri Palkar to see Shri Divan tentatively by next Saturday i.e. 24.9.05. Shri Divan then said that repairs to the school at Gokhale Road should be taken in hand, and if it is not possible a note to the effect should be handed over by the administration to him giving reasons. Upon explaining the difficulties about the funds and procedures, DMC[Education] assured to take up this matter with C.A. and Addl. M.C. so as to sort out the issue enabling C.E. to take up the repairs in hand on urgent basis. Shri Kadri suggested to make available the list of complaints not attended by the A.E.[Main.] of the respective wards. E.O. agreed to call for the list from all wards and make available the same. D.M.C.(Education) also informed that due to heavy rains and floods in suburbs, the beautification and vermiculture pits at many schools was adversely affected.

**Adoption of Schools :-** The draft policy prepared by Smt. Dilbur Parakh and others was taken up for discussion when CE being member was present and that other engineering officers were allowed leave. Smt. Dilbur Parakh maintained that the NGOs. involvement and private partnership is necessary for better maintenance of the school buildings and running of the schools. D.M.C.[Education] said that various factors such as qualified staff, financial stability of the organisation to sustain the activity, local Committee for monitoring the activity and wages to the teachers as well as non-teaching staff employed are required to be considered before allowing any organisation to run the school. DMC[Education] said that the local elected members need to be taken on the Committee supervising the functions as also the Group Leaders and Committee Chairpersons will have to be involved in this process. Further, the unions representing the teachers of the Corporation will have to be taken into confidence and their suggestions are taken into consideration to avoid labour problems. The E.O. then informed that any private school attracts recognition from the Education Department before which they are required to comply with prescribed requirements. The requirements also demand that the staff should be qualified and that the wages to the teachers should be on par with Corporation staff. DMC[Education] then maintained there should be a guarantee from the N.G.O. / Corporate house to shoulder the financial responsibility of running of the school on sustainable basis because backing out by any organisation suddenly will lead in disturbing the Educational facility to local children. In any case the school should run continuously without interruption and hurdle. From this view point the NGO opting for the purpose should give the statement of accounts for last five years to enable the administration to examine their financial capability of running the school. Besides, the reservation to the backward classes in the employment will be imperative as directed by the State Government. After discussion on all these points, Shri Divan suggested

that the rules for adoption of schools should not be so rigid so as to discourage the enthusiastic, dedicated NGOs. Smt. Parakh suggested to identify at least two schools per zone which may not pose much complications. Then E.O. informed that any school started accordingly will have to get recognition from the Education Deptt. by fulfilling the prescribed requirements. Shri Divan then suggested Smt. Dilbur Parakh to explore the possibility of having such NGOs which will be able to fulfill the requirements. From this view point, D.M.C.(Education) and Shri Divan opined that the educational institutions presently running the school can be contacted. D.M.C. (Education) then suggested that ASEEMA may take the initiative for this new venture with municipal school at Chimbai, Bandra (West) where Aseema is already actively supporting some of the activities. D.M.C.(Education) then requested Smt. Parakh to reconsider the draft policy considering the discussions and the suggestions and prepare the modalities.

At the end, it was decided to circulate the Agenda of the Meeting at least 3 days in advance for subsequent meetings.

Meetings was then over at 8.00 p.m,

D.M.C.(Education)  
Chairperson.

## Annexure - 18

### 1. FOREWORD

The Education Department (established in 1907) of the Municipal Corporation of Greater Mumbai (MCGM) is responsible for 1,177 schools in Mumbai. Education in these schools is imparted through eight different languages so that underprivileged children of different communities can avail of education. Recognizing the right of every child for education the principal goal of the Education Department is to encourage underprivileged children through various programmes and projects to enroll in a school for education at least up to primary level.

Substantial efforts are being made by the MCGM in the field of primary education through the allocation of a budget of over 640 crores. However inspite of all its efforts it can not fulfil all the needs of all the schools. It needs financial and other support form the NGOs, business and industrial houses etc. for the provision of better infrastructure and quality education. Since the past fifteen years the MCGM has tried to involve the private sector and the voluntary agencies in the development of schools through a School Adoption Programme. Several companies, NGOs, etc. have come forth extending support through the provision of infrastructure, furniture, laboratory, library books, uniform, text books, scholarship, computers etc. and through the organization of summer camp, balwadis, co-curricular activities, etc. While these efforts have resulted in improving the state of primary education in Mumbai city, an enhanced public-private partnership programme would help to ensure that the MCGM schools would have all the facilities that an ideal school should have.

Shri S.S.Shinde, Deputy Municipal Commissioner, (Education) of the MCGM has taken a lead in the matter and established the Public-Private Partnership Cell (PPPC) on November 6, 2006. The PPPC will oversee all the initiatives by the private sector agencies working in partnership with the MCGM are facilitated in their efforts. Three type of programmes have been visualised by the PPPC as given below.

1. The School Adoption Programme.
2. The School Partnership Programme.
3. The School Support Programme:

The three types of programme would make it possible for private sector agency to support the MCGM schools in a manner suitable to it. Details about each type of programme are given further. It is expected that the PPPC will facilitate the achievement of excellence in the MCGM schools and the all round development of the underprivileged School children.

### 2. Introduction

The MCGM is shouldering the obligatory duty of Primary Education in Greater Mumbai. Mumbai has the largest number of schools in various languages, which have provided access education to many underprivileged children in the city.

#### OVERVIEW OF MCGM PRIMARY SCHOOLS (01.04.2006)

The Education Department of the MCGM is also conducting 18 schools/classes for

mentally challenged children. Apart from the above, various projects and schemes of the

Language	Schools	Pupils	Teachers	Sp. Teachers	Teacher and Student Ratio
Marathi	446	1,45,986	5,243	421	27.84
Hindi	235	1,17,055	2,736	152	42.78
Gujarati	106	13,413	572	16	23.44
Urdu	205	1,02,599	2,226	76	46.09
Tamil	48	14,136	403	17	35.07
Telugu	45	6,103	189	10	32.29
Kannad	45	5,494	132	12	41.62
English	47	20,132	243	11	81.83
<b>Total</b>	<b>1,177</b>	<b>4,24,918</b>	<b>11,747</b>	<b>715</b>	<b>36.17</b>

### SECONDARY SCHOOLS

Sr. No.		SCHOOLS	PUPILS	TEACHERS	SP. TEACHERS
1	Secondary B.M.C.	49	53,938	1,754	

### PRIVATE PRIMARY SCHOOLS

Sr. No.		SCHOOLS	PUPILS	TEACHERS	SP. TEACHERS
1	AIDED	403	2,07,480	3,786	-
2	UNAIDED	574	2,48,821	5343	-
3	TRAINING COLLAGE	03	-	-	-
4	M. R.	9	777	78	1
	<b>TOTAL</b>	<b>989</b>	<b>4,57,078</b>	<b>9,207</b>	

state Government and Central Government are also conducted in Municipal Schools.

### 3. Objectives and Tenets of the School Adoption Program

#### Objectives

The School Adoption Program is an experiment that has been introduced under the leadership of Shri S.S. Shinde. It is proposed to evaluate it from time to time to gauge its success. The principal objective of this Program is

**"To ensure that all actions taken by the BMC, its staff and private agencies are in the best interests of the beneficiaries of the school, that is, its students."**

*A policy or program will be implemented only if it can be provide that the policy or program will benefit its students.*

The sub-objectives of the School Adoption Program shall be:

- 1 To ensure that all school children are able to read and write in their medium of

instruction.

- 2 To provide a strong academic foundation for all school children
- 3 To nurture an enthusiasm for learning amongst all school children
- 4 To provide education that is relevant and meaningful and encourages children to stretch their creative abilities.
- 5 To reduce the drop-out rate.
- 6 To improve attendance.
- 7 To provide support for extra-curricular activities that promote the all-round development of children.
- 8 To utilize the available resources of the community to positively impact the child's learning experience.
- 9 To achieve the National Goal of Universalization of Education

#### Tenets of the School Adoption Programme:

Complete school adoption means to take care of the school's operational and academic responsibility including the building structure.

The chief tenets of the adoption programme are as follow:

1. The NGO will take complete operational and academic responsibility of the school for a period of five years to ten years.
2. Additional resources to be brought in by the NGO may include:

<i>Academic Responsibility</i>	<i>Operational Responsibility</i>
<ul style="list-style-type: none"> <li>● <i>To observe the progress of the students from Std. I to VII by observing reports of different tests.</i></li> <li>● <i>To train the teachers from the point of view of getting acquainted with new techniques the methods of teaching</i></li> <li>● <i>Developing / setting up of maths lab, science lab, languages lab etc.</i></li> <li>● <i>Upgradation of libraries for students and teachers.</i></li> <li>● <i>Bringing awareness of importance of studies in parents from the point of view of controlling drop out rate.</i></li> <li>● <i>Arranging different activities related to the syllabus for making joyful learning.</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Identifying / suggesting / assisting in building repairs, painting, etc.</i></li> <li>● <i>Assisting in documentation / computerization of information, data entries in registers, etc</i></li> <li>● <i>Providing mini buses or transport facilities for the students remote areas.</i></li> </ul>

- Provision of furniture
- Provision of teaching aids / audio-visual aids
- Development of school laboratories
- Development of school libraries
- Development of computer laboratories
- Establishment of pre primary classes e.g. Balwadi classes
- Provision of student enrichment activities (vocational, music, audio-visual etc.)



- Conducting special classes for needy students
  - Provision of teachers for special subjects and extra-curricular activities
  - Provision of social workers
  - Provision of counseling facilities
  - Provision of mid-day meals
  - Provision of medical check-ups
  - Creation and maintenance of playground and garden
  - Provision of uniforms, shoes, notebooks, etc. as required
  - Provision of water filters
  - Maintenance of school infrastructure by undertaking housekeeping and minor repairs
  - Any other activity deemed worthy of inclusion in the Adoption Programme as decided by the School Management Committee of that school
2. A School Management Committee to be appointed, comprising of:
- 1 The Head Master
  - 2 A representative of the NGO
  - 3 A representative of Parent Teacher Association (PTA)

The School Management Committee will meet as and when necessary and at least once a month and will be authorized to take decisions with respect to the following issues:

- (i) Admission
- (ii) Appointment of support staff
- (iii) Time-table
- (iv) Extra curricular activities including organizing excursions and field trips, annual day, sports day, etc.
- (v) Issues relating to school housekeeping and minor repairs
- (vi) Charging nominal fees for special services provided such as for Computer classes, bus service, etc.
- (vii) Any other charge necessary for the conduct of the school programs.

4 The BMC shall make a financial allocation to the school in the same manner as it is doing so at present, that is to say,

BMC will ensure that the current level of expenditure being incurred on the school (relating to housekeeping expenses, repair expenses, etc.) will be continued at par with other schools and the School Management Committee will take all decisions involving such expenditure

- The BMC will send this amount to the School Management Committee at the commencement of the concerned academic year
- The NGO will contribute extra resources as and when deemed necessary.

**Memorandum of Understanding (MOU) for the School Adoption Programme**

The BMC to allot the (name) Municipal School to (name of NGO/Corporate) for a period of five/ten years.

The BMC retains the full ownership over the school and allotment is only for the

purpose enumerated hereunder

- (Name of NGO) will provide furniture
- (Name of NGO) will provide teaching aids/audio-visual aids
- (Name of NGO) will develop the science laboratory
- (Name of NGO) will develop the school library
- (Name of NGO) will develop the computer laboratory
- (Name of NGO) will establish pre-primary classes e.g. Balwadi classes
- (Name of NGO) will provide student enrichment activities (vocational, music, art)
- (Name of NGO) will conduct special classes for needy students
- (Name of NGO) will provide class teachers
- (Name of NGO) will provide teachers for special subjects and extra-curricular activities
- (Name of NGO) will provide social workers
- (Name of NGO) will appoint helpers and other support staff
- (Name of NGO) will provide counseling facilities
- (Name of NGO) will provide mid-day meals
- (Name of NGO) will provide periodic medical check-ups
- (Name of NGO) will create and maintain the playground and garden
- (Name of NGO) will provide sports equipment
- (Name of NGO) will provide uniforms, shoes, notebooks etc as required
- (Name of NGO) will provide water filters
- (Name of NGO) will maintain the school infrastructure and undertake housekeeping and minor repairs
- (Name of NGO) will organize a Parent-Teacher Association and ensure regular functioning of this association
- (Name of NGO) will follow the school curriculum as prescribed by the BMC
- (Name of NGO) will conduct any activity as decided by the Local Managing Committee of the school

In order to perform the activities mentioned above, (Name of NGO) will constitute a school Management Committee consisting of the Head Master / all Head Masters in the building, a representative of (Name of NGO) and a representative of the Parent-Teacher Association. The Local Managing Committee will be authorized to take decisions in aspect to the following matters:

- 1 Admissions
- 2 Appointment of teachers, social workers, helpers and other support staff
- 3 Time-table
- 4 Extra curricular activities including organizing excursions and field trips, annual day, sports day, etc.
- 5 The BMC should ensure that the students of the school will be invited to participate in all the inter-school activities
- 6 The NGO will submit an annual report to the BMC's Education Officer giving

details of all the activities undertaken at all the school in that academic year. The financial statement will be audited by the BMC auditor

- 7 An agreement or 'Memorandum of Understanding' (MOU) be entered into between the BMC and the NGO regarding the School Adoption Programme.
- 8 Either party may terminate this agreement if:
  - Violation of any terms and condition of the Agreement occurs
  - The Private party is functioning in a manner deemed detrimental to the interests of the students
  - Either party can only terminate the agreement by giving an advance notice of three months
- 9 After a period of five to ten years, the NGO has the option of renewing the agreement for a further of five to ten years, subject to the BMC's approval.
- 10 The NGO shall be allowed to display a sign board on the adopted school building, measuring not more than 1 metre by 0.5 metre, indicating that that school has been adopted by that NGO
- 11 Under the School Adoption Program, an NGO can only claim adoption of the school if it fulfill all of the requirements noted above. An organization cannot claim partial adoption status. If an organization fails to satisfy all of the requirements noted above it will forfeit the privilege of displaying its sign board at the school the NGO may either fulfill all the provisions of the partnership program or be asked to vacate the school premises.

#### Objectives and Tenets of the School Partnership Programme

The School partnership programme means the contribution from trusts or corporates for upgradation of BMC primary school through joint efforts

Recognizing that an organization due to lack of resources and staff, may be unable to adopt a school, a simultaneous partnership programme will be implemented. Such a programme should facilitate the contributions from NGOs, corporates and individuals that were unable to contribute under the previous adoption scheme. It is important to note that the partnership programme welcomes and encourages contributions from individuals, trusts, corporates and the availability of such a formal programme should increase the involvement of a community's citizens, ultimately benefiting that community's underprivileged children.

The following are the basic tenets of the Partnership Programme:

- 1 An organization or individual is said to be in the Partnership Programme only if the concerned party contributes through any of the following ways.
  - Provision of furniture
  - Provision of teaching aids / audio-visual aids
  - Development of school laboratories
  - Development of school libraries
  - Development of computer laboratories
  - Establishment of pre primary classes e.g. Balwadi classes
  - Provision of student enrichment activities (vocational, music, audio-visual etc.)
  - Conducting special classes for needy students
  - Provision of teachers for special subjects and extra-curricular activities

- Provision of social workers
  - Provision of counseling facilities
  - Provision of mid-day meals
  - Provision of medical check-ups
  - Creation and maintenance of playground and garden
  - Provision of uniforms, shoes, notebooks, etc. as required
  - Provision of water filters
  - Maintenance of school infrastructure by undertaking housekeeping and minor repairs
  - Any other activity deemed worthy of inclusion in the Partnership Programme, decided by the Local Management Committee of that school
2. A School Management Committee to be appointed, comprising of:
- 1 The Head Master
  - 2 A representative of the NGO
  - 3 A representative of Parent Teacher Association (PTA)
  - 4 Issues relating to school house-keeping and minor repairs
  - 5 Charging nominal fees for special services such as bus service, computer classes, etc.

The BMC will ensure that the current level of expenditure being incurred on the school (relating to housekeeping expenses, repair expenses, etc.) will be continued at par with other schools and the Local Managing Committee will take all decisions involving such expenditure

- The BMC will send this amount to the Local Management Committee at the commencement of the concerned academic year
- (Name of NGO) will contribute extra resources, as and when deemed necessary (Name of NGO) will submit an annual report to the BMC's Education Officer entailing the activities undertaken at each adopted school in that academic year.

Either party may terminate the agreement if

- Violation of any terms and conditions of the agreement occurs
- The private party is functioning in a manner deemed detrimental to the interests of the students
- Either party can only terminate the agreement by giving an advance notice of three months

After a period of five/ten years. (Name of NGO) has the option of renewing the agreement for a further of five to ten years, subject to the BMC's approval. The material donated by the NGO shall be under the ownership of BMC School.

(Name of NGO) be allowed to display a sign on the adopted school building, measuring not more than 1 metre by 0.5 metre, indicating that that school has been adopted by (Name of NGO)

DATE:

Name of BMC Representative  
Signature of BMC Representative

Name of NGO Representative  
Signature of NGO Representative

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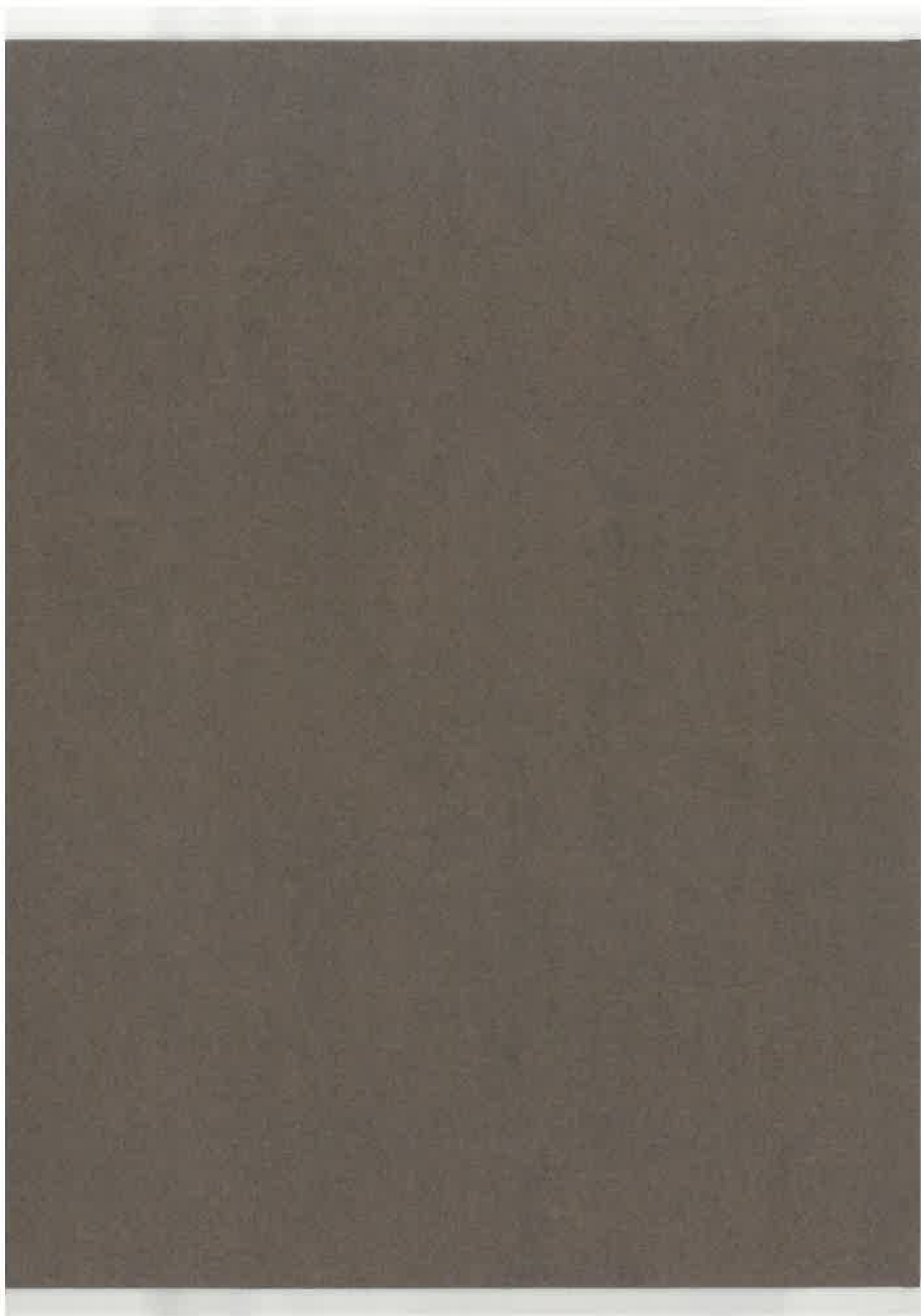
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The Indian People's Tribunal on Environment and Human Rights (IPT) was formed on June 5, 1993 to conduct fair and credible investigations focusing on issues concerning human rights and environmental justice. Positioned as an alternative People's Court that gives voice to the struggles of grass-roots organizations and affected communities, IPT conducts investigations on issues concerning human rights and environmental justice.

The Indian People's Tribunal on Right to Education was primarily conducted by means of a public hearing in Mumbai on 1st & 2nd July 2006. The intention was to provide a platform for members of the public as well as government officials to share their experience with municipal schools in Mumbai. In addition to the public hearing, the Tribunal has used the findings from research conducted by the Secretariat in 71 slum habitations across Mumbai.



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