



# Right to instruction of Scheduled Tribe: An Indian point of view

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## Abstract

Education seeks to unfold the latent qualities of a person, thereby giving full development to the individual. As such, it has been described as the act or art of developing, or creating, cultivating the various physical intellectual, aesthetic and moral faculties of the individual. Scheduled Tribe has a history of social and economic deprivation, and the underlying causes of their educational marginalization are also strikingly distinct. About 87 percent of the main workers from these communities were engaged in primary sector activities. The literacy rate of Scheduled Tribes is around 47 percent, as against the national average of 74.04 percent. More than three-quarters of Scheduled Tribes women are non-literate. Not surprisingly, the cumulative effect has been that the proportion of Scheduled Tribes below the poverty line is substantially higher than the national average. The study intends to explore the state of education and the awareness of the disadvantaged groups towards right to education as a fundamental human right with special reference to Right to Education Act, 2010.

**Keywords:** Scheduled Tribe, Right to Education Act, 2010, marginalization.

## INTRODUCTION

Education is a fundamental human right and essential for the exercise of all other human rights. It promotes individual freedom and empowerment and yields important development benefits. Education is a powerful tool by which economically and socially marginalized adults and children can lift themselves out of poverty and participate fully as citizens. Yet millions of children and adults remain deprived of educational opportunities, many as a result of poverty. Education seeks to unfold the latent qualities of a person, thereby giving full development to the individual. As such, it has been described as the act or art of developing, or creating, or cultivating the various physical intellectual, aesthetic and moral faculties of the individual. In India, the total literacy rate is 65.38%. The male literacy rate is 75.85% and the female literacy rate is 54.16%. The literacy rate in West Bengal is 69.22 %, with the male literacy rate is 77.58% and the female literacy rate is 60.22%. The literacy rate of Scheduled Tribes in India is 59.17% for males and 34.76% for females (census of India, 2002). Scheduled Tribes (ST) are among the most socially and

educationally disadvantaged groups in India. Scheduled Tribes and mostly women of the two communities have different histories of social and economic deprivation, and the underlying causes of their educational marginalization are also strikingly distinct.

The study intends to explore the state of education and the awareness of the disadvantaged groups towards right to education as a fundamental human right with special reference to Right to Education Act 2010.

After reviewing the literature, it is noted that though different research works have been carried out on access to education or oppression of the caste and tribe and so on, the idea to study state of education, gender discrimination and more importantly the awareness about right to education as a fundamental human right is not addressed fully. This may be due to the fact that the Right to Education Act is quiet a new phenomenon and thus not has been addressed as it should.

The present study is analytical. It is constructed through the analysis of secondary data and history of the educational policies and act in India. Published work of

authors, documents of government policies, reports of Ministry of Human Resource Development, reports of United Nation, UNESCO and Census of India comprised the secondary data.

## REVIEW OF LITERATURE

The literature indicates that the term "education" has long been with mankind (Volio, 1979), but the notion of education as a fundamental human right is a relatively new concept (Huberman, 1979). Education became a matter of public concern and state responsibility only with the emergence of secular state. The right to education emerged rather belatedly in the history of civil liberties, despite its importance (Volio, 1979). However during the nineteenth century education got a place on the catalogue of human rights, which stated the duty of parents to provide education, their freedom to choose the education of their children within the limits established by law, and the duty of the state to guarantee that every child receives education by means of compulsory school attendance and legal regulation of school curricula.

A trend has emerged of not defining education as a "human right" anymore, but of rather calling it a "human need". India has the second largest education system in the world after China. Indeed, over a third of the population below 18 years, constituting 19 percent of the worlds' children, resides in India. Every third illiterate person in the world is an Indian. The number of girls not attending schools in the 6-11 age group in 1995 was about 42 million; of every 10 illiterates, seven are women; 91 of every 100 women among the 70 million indigenous people cannot read or write. The situation has not improved much since then. There are problems relating to drop - out rate, low levels of learning achievement and low participation of girls, indigenous people and other disadvantaged groups. An important instrument of progress namely education, has not been made available to scheduled tribe and scheduled caste either in full quantity or in quality. This has paved the way for an ever increasing commercialization of education, excluding the poor from access to education. For Scheduled Castes, access to education has been a focal point in their struggle for equity and social justice. Movements to abolish the caste system and end discrimination has always proposed education as the primary means to overcome caste oppression. Though education was not a critical demand among Scheduled Tribes, government policy focused on education as the main avenue by which to integrate them into 'mainstream' society.

Huge regional disparities are a trait of any country of India's size and its observation in the educational panorama is not a surprise. At every level it seems the girls and women are neglected, we reach the tragic inference that our education system has treated the female species as untouchables and unapproachable (Iyer, 1987). Almost 113 million children, 60% of whom are girls have no access to education and at least 880

million adults are non-literate of whom majority are women (Khare, 1991).

Considering the poor quality of teaching and infrastructure, and the distance of these schools from the community and habitats of the Scheduled Tribes, it is hardly surprising that many families prefer not to send their children to ashram schools and the dropout rate is high among those who do (Sujatha, 2002). It is true that in spite of the availability of minimum educational facilities in the villages, the tribal families are unable to take advantage of these facilities because of educational and social deprivation of indigenous households (Bagai and Nundy, 2009). Poverty keeps the rural girls away from attending school; like rural areas women who indirectly contribute a lot to household income by doing household work, post harvest activities etc. According to the UN population division, India ranks 11 with greater child marriages due to negligence in education. The right to education is among the listed human rights whose status affects the realization of all other rights.

The Right to Education Act describes the modalities having the provision for free and compulsory education for children between 6 to 14 years under Article 21A of the Indian constitution. This Act makes education as fundamental right of every child enforceable by law. Even after five decades of planned economic development and all the rhetoric of the socialistic pattern of society, the economic status of these communities is pathetic. Tomasevski (1992), passionately recounting the difficulties in realizing her job as the UN Special Reporter on the Right to Education, stated that "the right to education defies classification either as a civil and political right or an economic, social and cultural one. It forms part of both Covenants and, indeed, all core human rights treaties.

## FACTORS AFFECTING DISPARITY IN EDUCATION

The factors impeding education among indigenous community can be categorized as institutional and non-institutional-

### Institutional factors

#### Quality of school provision

- a. Majority of schools in tribal areas beyond basic infrastructural facilities;
- b. Schools do not have teaching-learning materials;
- c. Lack of minimum sanitary provisions;
- d. Irregular supply of mid-day meals;
- e. Lack of communication facility;
- f. Untimely supply of study materials.

#### Language of instruction

- a. Medium of teaching, that is English being a foreign

**Table 1.** Educational disparity between ST/ SC and general population in India.

Year	Scheduled caste			Scheduled tribe			General		
	Male	Female	Persons	Male	Female	Persons	Male	Female	Persons
1961	16.96	3.29	10.27	13.83	3.16	8.53	40.40	15.35	28.30
1971	22.36	6.44	14.67	17.63	4.85	11.30	45.96	21.97	34.45
1981	31.12	10.93	21.38	24.52	8.04	16.35	56.38	29.76	43.57
1991	49.91	23.76	37.41	40.65	18.19	29.60	64.13	39.29	52.21
2001	66.64	41.90	54.69	59.17	34.76	47.10	75.26	53.67	64.84

language for indigenous children;  
b. Unable to fully comprehend classroom teaching and activities or understand the texts properly;

### Teacher related problems

- a. indigenous children's inability to establish a communication link with the teacher results low attendance and high dropout rates;
- b. Teacher absenteeism;
- c. Non-indigenous teachers having an attitude of indifference to tribal languages, traditions, cultures and lifestyles fail to perceive the human values ingrained in tribal folk cultures;
- d. No special training on tribal languages;
- e. Quite thin Relationship between teachers, students and tribal villagers;

### NON-INSTITUTIONAL FACTORS

#### Physical isolation and remoteness and Geographical barriers

- a. Most tribal habitations in forest and hilly areas;
- b. Poor accessibility and connectivity;
- c. Travelling a long distance every day to attend school becomes time factor;

#### Economic uncertainty

- a. Subsistence economy;
- b. High opportunity costs of tribal children;
- c. Unable to meet direct costs of schooling;
- d. Many benefits do not reach to the beneficiaries;

#### Socio-cultural discontinuity

- a. Education not given much priority, in a society dominated by struggle for survival, options are limited;
- b. Social customs, cultural ethos, lack of awareness of the value of formal education conflict and gap between the home and school;
- c. Gender bias;

### Difficulties at levels of policy, planning, implementation and administration

- a. Policies and programmes formulated for indigenous welfare not favorable in their environment, consequently, no worthwhile policy for indigenous education has been formed;
- b. Policies lack sensitivity to tribal problems and failed to understand indigenous social reality.

### INDIAN SCENARIO OF EDUCATION OF SCHEDULED TRIBE

Education has not yet been the priority of the tribal communities, and not an integral part of tribal culture. This has been a harsh reality despite 58 years of 'planned development' in the country. In their perception of life, education has failed to emerge as a part of their survival strategy. Since post independence in India the literacy level has been consistently down till date from the general population. Table 1 shows the educational disparity among the tribal population and the other communities.

Lack of educational atmosphere and infrastructure at home as well as dependence on subsistence economy force their children out of schools at the primary and early secondary stages that time the boys are ready for odd jobs, and the girls for domestic chores for helping their working mothers. The Government Policy of protective discrimination and a string of

Development programmes have succeeded in giving some relief to the relatively better off section among the indigenous community but have failed to arrest the process of marginalization of the average tribal people who have been pushed to the fringe in all spheres of life-economic, social, educational, cultural and political. It has been widely acknowledged that the socio-economic condition in rural India has constrained the process of primary education and the social inequalities of caste, class and gender have been identified as the major causes of educational deprivation among children in India. The literacy rate for Scheduled Tribes is low at 47.10 % in India according to Census of India, 2002, which is well below the national average. Especially the female literacy rate among tribes (34.76% as per Census

of India, 2001) is strikingly low. High levels of absenteeism and alarming dropout rates characterize tribal areas. Though Right to Education Act 2010, has been accepted nationally and internationally, how much of these provisions are successful in enhancing educational facility still remains a question. Nearly 45.02% of tribal population falls in the age group of 0 to 14 years. Out of every six children in India, one child is a tribal child. According to 61st National Sample Survey, current attendance rates for children in the age group 5-14 years are 72.6% for Scheduled tribes in rural India. Similarly, the situation is also serious regarding school drop out of this socially under-privileged groups. Official data of educational progress of scheduled tribe is remarkable than past years if only seen in quantitative data but the qualitative data show a different picture. Though there has been considerable decline in drop-out rate of STs, much still needs to be done for uplift of these groups in upper primary and secondary education. The proportion of children out of school in remote tribal areas is usually higher than among tribal children living in non-tribal areas.

The main reasons for this are the limited educational infrastructure available in tribal areas because of their remoteness; indigenous hamlets being cut off from main villages or well-populated rural areas by geographic features; the difficulties faced by children living in smaller habitations in accessing existing formal schools; and so on. Other reasons for low school enrolment among Scheduled Tribe children include the reluctance of Scheduled Tribe families to educate their children - in addition to the high illiteracy among Scheduled Tribe parents; they may not value the education available, particularly in relation to its opportunity costs. Children are crucial family workers in the indigenous economy which includes agriculture as a main occupation, cattle grazing, labor on work sites, collecting firewood or other minor forest produce, stone quarrying, mining, and home-based work such as processing forest produce. Low levels of learning are found among indigenous children not only because of household factors and problems with the language of instruction where this is not their mother tongue, but to other school-related variables. The District Primary Education Program has shown that the achievement gap between tribal and non-tribal children can be narrowed by attention to classroom transactions and the school environment. The poor tribal child gets excluded in terms of getting support from home, family, peers and siblings. The parents in general have no check on the learning of the child. None of the family members ensure whether the child is regular at school, attendance, home work, class work, and learning at home. The parents seldom meet the teachers or go to the school in order to interact with the school staff in order to understand the performance of their child. The parents remain excluded and generally avoid interacting with the teachers as majority of them do not have minimum literacy to understand what is being taught in the school. Here begins the cycle of exclusion among the indigenous

children. This gradually snowballs to dropping out among the tribal children are to settle down with little education from the school as well as lower employment levels, and this process has been repeating from generation to generation resulting in the low levels of participation among the tribal children in education over the past six decades leading to exclusion from the main stream of development in the country.

Almost all the indigenous children are first generation learners, the first one in their entire generation to go to school and to receive education. They come to school without any orientation. Their home environment is both discouraging and non-facilitating to education. As there is no educational environment at home, their parents fail to provide any educational guidance to their children. This may lead to poor academic achievement and less healthy attitude towards life and society. Participating in schools and successfully completing the whole cycle with no one at home to support and to understand schooling processes is an uphill task for these little learners. They lack knowledge of time management, school finances and less likely to encounter a welcoming environment on school. Entering the school means for them that they are entering into an alien physical and social environment which they, their family and their peers have never experienced. They are faced with leaving a certain world in which they fit for an uncertain world where they know they do not fit in. In Fact, indigenous children find themselves 'on the margin of two cultures' and have to offer renegotiate relationship at school and at home to manage the tension between the two. As a result, they become the highest risk students for dropping out.

## **RIGHT TO EDUCATION ACT, 2010**

The Right of children to Free and Compulsory Education Act came into force from April 1, 2010. This is a historic day for the people of India as from this day the right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood. Any cost that prevents a child from accessing school will be borne by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. Children with disabilities will also be educated in the mainstream schools.

All private schools shall be required to enroll children from weaker sections and disadvantaged communities in their incoming class to the extent of 25% of their enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated

on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower).

RTE has been a part of the directive principles of the State Policy under Article 45 of the Constitution, which is part of Chapter 4 of the Constitution. And rights in Chapter 4 are not enforceable. For the first time in the history of India we have made this right enforceable by putting it in Chapter 3 of the Constitution as Article 21. This entitles children to have the right to education enforced as a fundamental right.

## **UNIVERSAL DECLARATION OF HUMAN RIGHTS AND POLICIES**

The universal declaration of human rights have envisaged the following right  
ARTICLE 26:

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.

After more than twenty years of armed conflict under the dictatorship of President Marcos, on the 26th of February, 1986, the People's Power Revolution finally forced the Marcos family to flee the Philippines. The Filipino people were left to rebuild their country, but they soon found that changing the corrupt and abusive structures that remained was an even more difficult challenge. Despite the new government's repeated assurances to protect human rights, serious violations were reported with disturbing regularity... perhaps the concept of human rights remained vague to many Filipinos, or most were unaware of their ability to assert these rights. A new generation of human rights activists needed to be educated. Only when people understood their rights could they stand up for them.

Education for Freedom was organized to promote human rights at every level of society, beginning with the Filipino youth. Human rights should be a part of not just the law, but everybody's lifestyle. By working to promote awareness, Education for Freedom hopes not only to respond to human rights violations, but to stop them from happening in the first place.

## **The right to education: Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (1966)**

### **Article 13**

1. 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 14**

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge,

undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

### **Article 28 of the Convention on the Rights of the Child (1989)**

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 co-operation 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.

### **Discrimination in education: definitions from the Convention against Discrimination in Education (1960)**

#### **Article 2**

- (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- (b) The establishment or maintenance for religious or linguistic reasons, of separate educational systems or

institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

#### **Article 4**

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

- (a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;
- (b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;
- (c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;
- (d) To provide training for the teaching profession without discrimination.

#### **DISCUSSION**

India has emerged as a global leader and a strong nation at the turn of this century. Education is the key to the task of nation building as well as to provide requisite knowledge and skills required for sustained growth of the economy and to ensure overall progress. The Scheduled Caste and Scheduled Tribe population have been discriminated against and confined to the lowest rungs of social and economic hierarchies. The awareness of Scheduled Tribe population is very low. The tribal families are mostly unaware of their right to education and thus fail to acquire the same. Moreover most of the children

are first generation learner and consequently they are not properly guided by their parents. To them going to school means getting enough food through the mid day meal program. Another important fact is that till date the scheduled tribes have not been brought into the main stream society to the extent to which the scheduled castes have already entered with the help of Dr. Ambedkar. The awareness among scheduled caste male is high and that of the female is also present more than the tribal population. The problem of lack of awareness on the part of the teaching staff is also an influencing factor in aggravating the situation. During the last six decades, the trend of upward mobility is noticed among Scheduled Castes and Scheduled Tribes because of special treatment given to them through reservations, provisions for various incentive schemes, opening of residential schools and more access to government jobs etc but certain minorities feel that they are deprived of such advantages and are lagging behind in all aspects of life as compared to the majority group Scheduled Tribe and Scheduled Caste in India have far more limited access to both educational and employment resources.

The qualitative gap between the educational availability to this majority and the dominant elite minority has been widening alarmingly over the last two decades. Thus there is no true equality of opportunity for them. From the given social system educational disparity is there. How or whether the different provisions and various measures have helped that section of the population is still questionable. The educational achievement of the indigenous group is still poor. But the empowerment scenario for this vulnerable group has not been achieved till date. Scheduled tribe in India have far more limited access to both educational and employment resources. For this group, the hardships associated with living in a 'low-income' developing nation and the deprivations associated with minority status are compounded by a patriarchal value system. Socioeconomic development is associated with an overall improvement in the standard of living of scheduled groups. Scheduled groups considered to be more developed exhibit less gender inequality in terms of access to both education and employment. The Government of India, since independence, has been formulating various policies and program for the development of the disadvantaged group. The endeavor is to ensure conditions in which the minorities are assured of their constitutional and legal rights, and educationally and economically they are at par with the national mainstream. During the last six decades, the trend of upward mobility noticed among Scheduled Tribes is because of special treatment given to them through reservations, provisions for various incentive schemes, opening of residential schools and more access to government jobs etc but certain minorities feel that they are deprived of such advantages and are lagging behind in all aspects of life as compared to the majority group. Indian governance at the Central as well as State level, has not, till now, addressed itself totally, comprehensively and consistently to measures which would bring

economic freedom, educational equality and true equality of opportunities to STs in an integrated and comprehensive manner. Developmental assistance has been and is usually sporadic, patchy, truncated and inadequate.

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