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Issues, Challenges and Concerns of Scheduled Castes



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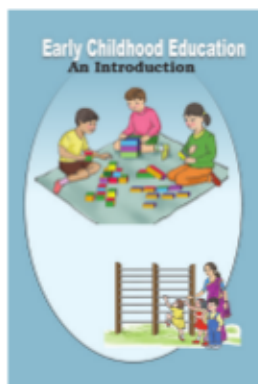
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Modules for Enhancement of Quality Education

Issues, Challenges and Concerns of
Scheduled Castes

A Training Package

विद्यया ऽ मृतमश्नुते



एन सी ई आर टी
NCERT

**राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING**

First Edition

May 2017 Jyeshtha 1939

PD 1T BS

© **National Council of
Educational Research and
Training, 2017**

Printed on 80 GSM paper

Published at the Publication Division
by the Secretary, National Council of
Educational Research and Training,
Sri Aurobindo Marg, New Delhi
110 016 and printed at Educational
Stores, S-5, Bullandshahar Road
Industrial Area, Site-I, Ghaziabad
(UP).

ISBN 978-93-5007-834-1

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FOREWORD

Providing equity and quality in education are the most effective means for the upliftment of the marginalised and excluded groups. NCERT, since its inception has been incessantly endeavouring to cater to the needs of marginalised through various academic programmes such as development of teaching-learning materials, training packages, handouts, modules etc. and capacity building of teachers, teacher educators and state functionaries. This publication is timely and important addition to the Government of India's efforts to realise India's human resource potential to its fullest in the education sector, with equity and inclusion.

With the enforcement of the 'Right of Children to Free and Compulsory Education Act 2009', education becomes a fundamental right for all children in the age group of 6 to 14 years. The values of equality, social justice, democracy and the creation of a just and humane society can be achieved only through provision of inclusive education for all. The increase in the access and enrolment rates shows substantial progress in respect of achieving the 'Education for All' goals. However, still the aspects of equity and quality in education remains unaccomplished due to the shortage of teachers and debatable quality of teaching-learning processes and learning outcomes etc.

There is a need to improve the classroom transaction processes with regard to socio-cultural context of the children. The modules of this training package try to inculcate innovative classroom practices based on the constructivist approach of teaching-learning process. The strategies suggested in this training package are an attempt towards facilitating equity and promoting quality education in our schools.

More than ever, as the world embarks for equity and quality in education, promoting education—particularly of the poorest and the most disadvantaged—by diversification of teaching practices for engaging the students effectively in the learning process according to their diverse needs, is the need of the hour. The training package is a step forward

in sensitising and providing insights to the varied problems related to imparting inclusive education.

The training package envisages capacity building of teacher educators and teachers working in the elementary schools in scheduled castes concentrated areas regarding various issues, challenges and concerns related with the quality education. It intends to facilitate the process of inclusion of children belonging to socially disadvantaged groups, specially scheduled castes in elementary schools and emphasises on a deeper understanding of their social fabric and culture. Teacher training programmes should be reoriented and aligned to inclusive education approaches in order to give teachers the pedagogical capacities necessary to make diversity work in the classroom. It is anticipated that this pioneering work will be one of many that the Department of Education of Groups with Special Needs (DEGSN) will bring out in future years and is likely to be a major contribution towards revamping the education sector for the marginalised. I hope that the sustained and coordinated efforts put in by the contributors in preparation of the training package will translate in ending persistent gaps in equity and promote quality when practised in the field.

HRUSHIKESH SENAPATY
Director

New Delhi
February 2017

National Council of Educational
Research and Training

ABOUT THE TRAINING PACKAGE

It is necessary to develop a clear understanding of the colossal problem faced by the educational system and educationists on account of the Indian Caste System, i.e., Caste system with “Untouchability” and the consequent severity of the disadvantages imposed on the Scheduled Castes (SCs) in India. This has permeated all spheres of life – material, psychological as well as cultural. In the material sphere, it has permeated occupations, economy, education, housing, residential conditions and facilities. In the psychological sphere, it has created fossilised, distorted, negative elite attitude towards the deprived and the disadvantaged classes, resulting in psychological stress in the people and children of the deprived and disadvantaged classes at every step, including the school and classroom. The type of education provided to these sections of children is quite conventional. Even after six decades of Independence focussed initiatives are still required to provide purposeful and meaningful education to these sections of children. Some children from these sections are still living in isolation. The needs of adolescent girls are another important concern. Education of these children should incorporate the socio-economic and cultural genius of these sections of people as it is a tool for their social, economic, political and cultural empowerment.

Many children from SCs are excluded from the school system due to various factors such as non-enrolment, high rates of dropouts and low rates of survivors at the end of primary schooling itself. This is obvious despite the Central and State Governments taking prominent initiatives for their educational development. Various provisions and facilities have impacted their education with an emphasis on increasing their enrolment, reducing their drop rate and bringing them at par with other children in terms of achievement under the *Right of Children to Free and Compulsory Education Act-2009*. To enhance the educational status of children from SCs, we as teachers have to make conscious efforts to adapt our teaching methods to match with their learning needs, learning styles and socio-culture context of children. This acquires additional input as several of them may be first generation school-goers and may not have educated parents or resources to cope up with the

curricular load. There is a need for better forms of interaction among teachers, children and community members in the school environment.

The Department of Education of Groups with Special Needs (DEGSN), NCERT, New Delhi has made specific efforts to develop a training package to sensitise and train master trainers of educational functionaries from *Sarva Shiksha Abhiyan*, State Council of Educational Research and Training (SCERTs)/ State Institute of Education (SIEs) and District Institute of Education and Training (DIETs) and other such agencies. The focus has been on the relevance of the educational problems, understanding challenges faced by teachers in educating children from Scheduled Castes in a healthy and bias-free environment.

This training package have been developed for enhancing the quality of education at elementary schools in the Scheduled Castes concentrated districts of different States/UTs. The modules have been developed in workshop mode. A series of workshops were organised viz., planning group meetings for, identification of issues and concerns to be reflected in the manual, development of materials on different issues, field try-out, review workshop for finalisation this training package. Feedback from the master trainers during training programmes conducted in different states/UTs were also incorporated in the final shape of different modules of the training package.

The training package contains six modules: Module-I, is on Policies, Programmes and Schemes for Educational Development of Children from Scheduled Castes. This module has elaborated the rationale of the programme, introduction of SCs, Constitutional provisions and policies, programmes, schemes for educational development of children from SCs. Module II is on quality improvement of education of the Scheduled Caste Children with specific reference to Socio-cultural issues and problems. This module refers to socio-cultural issues and problems related with education of children from Scheduled Castes and suggests ways and means to manage them. It has dealt in detail with the relationship of education with society, curriculum development as a process to fulfil its obligation towards society, school as a place to inculcate inequality and promote it, ways how to cope up with this problem and cultural capital as a resource of learning. Module III is on Equity, Equality and Non-discrimination of Children from Scheduled Castes in School emphasising on different forms of discrimination in

the classroom and its implications on education of children from Scheduled Castes. This module refers to various types of discrimination which are noticed in school environment and are practised knowingly or unknowingly. This module has elaborated upon affirmative action policies including schemes, concept of equality, equity and exclusion, equality and discrimination, caste based exclusion and spheres of discrimination such as classrooms, peer relations, school functions and games, facilities in schools as well as role of teacher in the school through creation of inclusive atmosphere and inclusive activities. Module IV is on Right to Education Act-2009 and Children from Scheduled Caste Communities. This module has tried to highlight those component of RTE Act-2009 which can facilitates access retention and completion of elementary education specifically for the children of disadvantages groups such as Scheduled Castes. Module V is on Teaching Pedagogy and Constructivism. This module has deliberated upon various pedagogical issues like discourse analysis with emphasis on linking teaching and the whole learning process with the knowledge, culture, language and developing communication skills in children, developing interpersonal skills, using critical pedagogy and developing critical thinking in students. All these are very crucial to the whole teaching-learning process. Module VI is on Gender Issues with Focus on Scheduled Castes girl students. There are several issues which have been raised by *NCF-2005* and have been elaborated in the 'National Focus Group on Gender' prepared by NCERT. This modules has tried to touch upon Constitutional provisions for girls and women, Directive principles of State policies and laws, important recommendations made by committees and commissions for girls education, international conventions and their recommendations, discrimination and stereotype in school and teacher's role. All this needs to be understood properly in the context of education of girls from Scheduled Castes.

The modules, in this training package, are flexible so that masters trainers may tailor a training session to the specific needs of the teachers and teachers-educators of their respective States/UTs. Readers are advised to go through each of these modules one by one and try to understand them as a whole and not in segments.

S.C. Chauhan
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ACKNOWLEDGEMENTS

The Department of Education of Groups with Special Needs (DEGSN) would like to extend heartfelt gratitude to everyone involved in the development of modules of this training package for enhancing quality of education of children belonging to Scheduled Castes (SCs). The DEGSN would like to thank the *Director* NCERT and *Joint Director* NCERT for providing the opportunity to begin and complete this endeavour. Special thanks are due, to the *Professor* Anupam Ahuja, *Head*, DEGSN for facilitating of the development of this training package and uninterrupted continuous support. Without her cooperation, the development of the training package would not have been possible.

The focus was on day-to-day challenges faced by the teachers dealing with educational problems of children belonging to SCs. The issues and concerns regarding improvement in the quality of education was given the prime importance in the modules of this training package. The contribution in the form of comments on the said document by Dr. Laxmidhar Behra, *Assistant Professor* and Dr. Eizabeth, *Assistant Professor*, RIE, Bhubaneswar, Shri Neelanjanbala, *Research Associate*, SCERT, Kolkata, West Bengal is acknowledged.

The draft training package was tried out through training programmes organised for the faculties of District Institutes of Education and Training (DIETs), SCERTs/SIEs and school functionaries of *Sarva Shiksha Abhiyan* of different States/UTs, teachers and teacher educators working in the SCs concentrated areas. The response of the children studying in elementary schools of these areas was also obtained. The Department acknowledges their valuable feedback and suggestions during tryout on each of the modules.

The Department is also thankful to the team members who engaged in content editing and vetting of the modules. Thanks are also due to Shri R.N. Bhardwaj, towards *Proof Reading* and *Editing*, and Shri Virendra Kumar Maurya for *Layout*. Special note of thanks and appreciation and gratitude are due to our colleagues, especially Dr. Vinay Kumar Singh, *Associate Professor* for his kind co-operation and encouragement at each step which helped in completion of this project.

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Educate her, as She will Spread the Light of Knowledge

MODULE 1

Policies, Programmes and Schemes for Educational Development of Children from Scheduled Castes

ABSTRACT

This module attempts to discuss the educational status, problems and issues related to the children from scheduled castes after independence. Through this module, the master trainers and teachers become empower to know about the implementation of various programmes, policies and schemes launched by the Government for educational development of children from scheduled castes. The module also highlights the reasons for educational backwardness, constitutional provisions, safe guards and positive discrimination to the empowerment of scheduled castes through educational upliftment of their children.

1. INTRODUCTION

Once we look back and review the progress of our country in various areas, we find that we have made substantial progress since independence but we still have not been able to achieve all our targets. In the field of education, various Committees and Commissions were constituted which did wider consultations, and made recommendations. On the basis of these recommendations, a *National Policy on Education* was formulated in 1986 and a Programme of Action was developed in 1992 which spelt out short term, medium term and long term measures to achieve the targets as spelt out in *National Policy on Education*. This was followed by various programmes and projects, both at the National and State levels and the progress made under them was considered. At the primary and elementary level, some of such programmes were District Primary Education Programme (DPEP), *Sarva Shiksha Abhiyan*, *Shiksha Karmi Yojana*, Bihar Education Project, *Lok Jumbish*, Non-formal Education Programme, Education Guarantee Scheme, *Kasturba Gandhi Balika Vidyalyaya* etc., which had their own advantages and specific objectives. Five year plans of the country have taken care of various achievements to set up further targets and allocate resources for the same. However, even today, the system has several challenges which need to be met though the enrolment of children in schools has gone up. Even though, the population of Scheduled Castes and Scheduled Tribes are represented in appropriate proportion, substantial number of children drop-out at upper primary level. The reasons for the same are well known and efforts are being made to give them opportunity to complete their education at least till the elementary level. The country also felt the need for making education a fundamental right and passed the RTE Act in 2009. It elaborated upon steps to be taken up to achieve the desired goal. We, as a country, are moving towards Universalisation of Secondary education but cannot overlook the existing problems of education at the elementary level.

2. RATIONALE OF THE MODULE

India, as a country, includes persons with different background viz., cultural, social, economic, linguistic and therefore, once we have decided to address the issue of Education For All, we need to focus our attention on all children including those belonging to socially disadvantaged groups (Scheduled Castes, Scheduled Tribes etc.). As per Census of India (2011), the total

population of Scheduled Castes at that time was 20.13 crore which was 16.6 per cent of the total population. The literacy rate of the total population and SC population was 74.04 per cent and 66.10 per cent respectively. As per Statistics of School Education (as on 30th September, 2009), the total enrolment in Classes I-VIII was 1,95,09,0845 while the enrolment of SC Children was 3,73,78,933. This constituted 19.16 per cent of the total population in Classes I-VIII. Another significant indicator is drop-out rate. As per this very document, the general drop-out rate at Classes VI to VIII was 42.39 per cent while the same for SC population for the same classes was 51.25 per cent. The higher drop-out rate in case of SC population is quite alarming and therefore, National Council of Educational Research and Training (NCERT) decided to prepare some self-learning material for teachers so that they consciously could address themselves to this problem.

The difference between the status of education of children from general population and SC population at the elementary education is still alarming. *The National Curriculum Framework* (2005) has categorically stated that, “The basic concern of education – to enable children to make sense of life and develop their potential, to define and pursue a purpose and recognise the right of others to do the same stand uncontested and valid even today. If anything, we need to reiterate the mutual interdependence of humans, and, as Tagore says, we achieve our greatest happiness when we realise ourselves through others. Equally, we need to reaffirm our commitment to the concept of equality, within the landscape of cultural and socio-economic diversity from which children enter into the portals of the school” (p. 2).

You will agree that the education system does not function in isolation from the society of which it is a part, hierarchies of caste, economic status and gender relations, cultural diversity as well as the uneven economic development that characterise Indian society also deeply influence access to education and participation of children in school (NCF- 2005, p. 9). Thus, it is found that children belonging to disadvantaged population including Scheduled Castes, Scheduled Tribes, rural poor and other such groups become very vulnerable. India, as a country, which has a wide range of diversity in terms of caste, creed, culture, socio-economic status, has to deal with global market forces, increased competitiveness, inadequate public funding for education, increased competitive

environment and high level of parental aspiration which puts a lot of stress on the learner. The 73rd, 74th and 86th Constitutional amendments are the landmark for Right to Free and Compulsory Education for the age group of 6-14 years, popularly known as RTE Act, 2009 which has provided increased opportunities to local community to participate in decision-making in education and school management. To quote from *NCF-2005*, opening the concept of knowledge to include new areas of knowledge and experience, inclusivity in selecting learning tasks, pedagogic practices that are to promoting participation, building self-compliance and critical awareness, and an openness to engaging with the community to explain and share curricular decisions are some of the ideas which have been addressed by the *National Curriculum Framework*. How to implement them is a real challenge. Some day when we decide to review the progress achieved against the parameters decided by the Framework, we would have to address them in totality. The pedagogic approach along with the total school management calls for orientation and training of all of us as teachers to ensure participation and learning by all. Diversity is not a limitation of our system rather it enriches the ethos of our classroom.

3. OBJECTIVES

The basic objective of this module is to create awareness and knowledge in its users (teachers, teacher-educators) about the rationale of the specific efforts made by NCERT to equip teachers with required competencies through self-learning material so that teachers become aware about their responsibilities to adopt proper strategies to teach all children in an appropriate environment and develop skills and knowledge to educate/teach children from scheduled castes in a more respectable, justified and dignified manner. After going through this module, teachers/users will be able to:

- understand the philosophy, rationale and aim of producing this material, have understanding about who constitute Scheduled Castes and appreciate its usefulness for educating children from scheduled castes.
- acquire knowledge about various provisions made in the Constitution of India and *National Policy on Education* about provisions, directions for education of children from scheduled castes.
- understand the present policy, programmes and schemes for education of scheduled castes.

- understand and appreciate present educational scenario vis-a-vis education of children from scheduled castes.

4. INTRODUCTION OF THE SCHEDULED CASTES

At times, we are confused and use different terminology to refer to Scheduled Castes. *Dalits*, *Harijan*, disadvantaged, socially disadvantaged, untouchables (forbidden connotation) are commonly used to refer to Scheduled Castes. Therefore, it is necessary for us to understand what are Scheduled Castes?

The term which “Scheduled Castes” designates an official rather than a sociological category, has its history in the caste system of the country. The term signifies certain constitutional and legal status conferred upon a number of castes or communities united by their position as untouchables in the hierarchical caste structure of traditional Hindu society (Jha and Jhingran, 2005).

The caste system is the backbone of traditional Indian social structure. Most castes originated as occupational groupings in the past. In ancient and medieval times and even in the last part of 20th Century, caste determined the occupational status and training given to members within a family unit. The *Shudras* occupied the lowest position in caste hierarchy and have traditionally been neglected throughout our long cultural history. The inequality of opportunities institutionalised by the caste system in the past, persisted for ages and consequently the scheduled castes continued to be disadvantaged as far as education was concerned. They have been victim of alienation, poverty, illiteracy, disease and all sorts of exploitations and superstitions. Although, since independence, a lot of effort has been made by central and state governments their, social, economic and educational condition is still alarming. Now a days, a particular term *dalit* is loosely used to mean as Scheduled Castes of India.

Definition of Scheduled Castes and the Notification:

The term “Scheduled Castes” is defined in Article 366 (24) of the Constitution of India, as under:

“Scheduled Castes means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purposes of this Constitution”.

As per this Article 341–

1. The President may with respect to any State or Union Territory and where it is a State after consultation with

the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be.

2. Parliament may, by law, include in or exclude from the list of Scheduled Castes specified in a notification issued under clause any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Q. Who are Scheduled Castes?

In our country, scheduled castes have suffered from various kinds of deprivations, biases and pre-conceived notions for a long time and have been exploited in terms of bounded labour, work in agriculture and as daily wagers. All scheduled castes have been recognised socially, economically weaker section of the society and therefore, the development and upliftment of SC population has been a serious concern of Government of India since Independence. Various provisions and safeguards have been made for Scheduled Castes and Scheduled Tribes children. For your convenience these have been described below. You should be able to appreciate their implications for education of children from scheduled castes. This will also make you aware of various aspects of education which need to be paid due attention while teaching children of this group.

Q. Why are they Scheduled Castes?

5. REASONS FOR EDUCATIONAL BACKWARDNESS OF SCHEDULED CASTES CHILDREN

The continuance of educational backwardness of scheduled castes is due to many factors. Certain factors are mentioned below:

Poverty

It has been a major obstacle in educational development of SCs. They are so poor and so much pre-occupied with their struggle for the basic necessities of physical life that, they fail to accept education as a basic need of human life (Aikara, 1996). The incidence of poverty amongst SCs still continues to be very high. This is primarily due to the fact that a large number of SCs who

are living below the poverty line are landless with no productive assets and with no access to sustainable employment and minimum wages (GOI, 2002). A large section of SC families, especially in rural areas, depend upon agriculture and other wage labour as major household occupation (Nambissan and Sedwal; 2002). Census 2001 shows that 45.6 per cent of SC population is agricultural labour as against 26.5 in case of general population. Even their level of economic development has been uneven in different states. Muralidharan (1997) found inability of parents to meet educational needs of their children in terms of books, notebooks, stationaries and so on is an important reason for discontinuation of children from schools. Opportunities to help SC families to increase their income and bringing greater stability is important for increasing participation of their children in schooling.

Physical and Social Segregation

Studies conducted by Nambissan (2002) and Jha and Jhingran (2002) show physical segregation of *dalit* habitations to upper caste habitation resulting in physical discrimination. The isolation of *dalits* is not limited to physical segregation alone. Physical segregation has its roots in socio-cultural segregation, based on rules of purity and pollution and reflected in the practice of untouchability. The Constitution of India (Article 17) states that, “Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law”. Still untouchability is practiced in subtle forms, especially in rural areas. The scheduled castes children are reported to be still feeling discriminated against others within the classroom situation. This gets expression mainly through indifferent negative attitudes by teachers and hostile peer group behaviour. Jha and Jhingran (2005) in their study found that, “At some places *dalit* children are unnecessarily beaten, abused and harassed by upper caste teachers. In some villages, the teacher asks lower caste children to do a number of personal tasks such as fetching firewood and if children do not oblige, physical punishment is meted out to them. Sheer neglect of *dalit* children by teachers by making them sit in the last row and excluding them from all activities is also common.... *Dalit* children also face hostile behaviour as children belonging to upper castes generally bully and don’t allow to mix as equals” (p. 129).

Lack of Easy Access to School

The availability of a school within a scheduled castes habitation (in rural area) appears to be one of the most important conditions for ensuring the enrolment of SC children. According to the *Seventh All India Educational Survey Data* (NCERT,) most of the SC children avail government schooling. The same report shows that more than 91.3 per cent rural SC children and 64.9 per cent urban SC children avail either government or local body managed schools. Thus, their habitation needs to be covered on priority basis under SSA. The access of school within their own habitations, therefore, assumes tremendous significance as far as their education is concerned. It does not necessarily mean that access only ensures regular attendance and retention of SC children. The regular functions of school infrastructure, teacher attitude may affect. *Sarva Shiksha Abhiyan* ensures opening of primary schools or education guarantee scheme centres in habitations within 0.5 km of distance. However, there is a large number of habitations in India which don't yet have a school. Many of these habitations are inhabited by the scheduled castes.

Inadequacy of Teachers and Teacher Preparation

A survey of teachers in low literacy districts noted the under-representation of SC/ST teachers and reported that the teachers come from more advantaged backgrounds than both the general population and their students (World Bank, 1997). Teacher-pupil ratios in schools attended by SC children have been much higher than those in other schools meant for upper caste villagers (NCERT, 2005).

Scheduled Castes have historically suffered social disadvantages and educational and economic deprivation arising out of the social context. Accordingly, special provisions have been enshrined in the Constitution for advancement of their interests.

6. CONSTITUTIONAL PROVISIONS

The Constitution of India has clearly stated in its Preamble that everyone has the right of equality of status and of opportunity. The Directive Principles of the State Policy further stress in Article 41 the right to work, to educate and to public assistance in certain cases including disablement. In addition to Article 45, the Constitution lays down that free, compulsory and universal primary education should be provided to all children up to 14 years of age. Article 46 of the Constitution of

India commits the State to promote educational and economic interests of Scheduled Castes, Scheduled Tribes and Weaker Sections. Thus, you will notice that all these Articles and their implementation aim at providing quality education to all including different disadvantaged groups. Even today, after more than 60 years of independence, India is struggling to fight against all kinds of biases of caste, religions, ideology, gender etc. Education can play a significant role to minimising and finally eliminating these differences by proving equality of access to quality education and opportunity.

Equality of opportunity means that every individual will receive suitable education at a pace and through methods suitable to her/him and therefore, children from the disadvantaged and socially discriminated groups also suffering specific challenges must be paid special attention.

Aldous Huxley has remarked, “if your aim is liberty and democracy, then you must teach people the art of being free and end of governing themselves.” In this context, after Independence, considering the magnitude of India, being acted as a democratic country, made several provisions under different articles for the fulfilment of Social Justice (equity) and equality for the sake of all disadvantaged groups in which Scheduled Castes are a major listed group. The Constitution has tried to minimise the discrimination and tried to put these groups at par with others.

Following are some major provisions according to the Constitution of India for all-round improvement of scheduled castes.

Article 14

The State shall not deny to any person equality before the law on the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 15

It refers to prohibition of discrimination on ground of religion, race, castes, sex or place of birth or any of them. This necessities that; (1) States should not discriminate against any citizen on any ground as mentioned in this Article. It also means that nothing shall, (2) on grounds only of region, caste, sex, place of birth or any one of them be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public

entertainments or (b) The use of wells, tanks, bathing *ghats*, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public, (3) nothing in this article or in clause (2) of article 29 shall prevent the State laws making any special provision for advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

This has implications for all of us as we have to treat all children equally and in case, a child from weaker section or socially disadvantaged group lags behind, special provisions and efforts have to be made to bring her/him at par with other children.

Article 16

1. There shall be equality of opportunity for all citizens in matters relating to employment or appointments to any office under the State.
2. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
3. Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment.
4. Nothing in this article shall prevent the State from making provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- 4A Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Relates to relaxation in Government jobs proportionately for SC/ST. This article has implications for reserving posts in various cadres for SCs and STs and does not have any direct implication for classroom or teaching related issues.

However, it is important to note that none of us hold a negative attitude or have pre-conceived notions about the competence and skill of those, who are appointed against reserved posts.

Article 17

Abolition of Untouchability: Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.

In fact, untouchability has already been abolished and its practice in any form is forbidden. It is an offence punishable in accordance with law and therefore, a teacher also should be aware of it. In this context, it may not be out of places to quote from position paper by National Focus Group on Problems of Scheduled Caste and Scheduled Tribe Children, 2007 brought out by NCERT.

Some Studies have noted that SC children do not encounter practices related to Untouchability in Schools (Jodhka, 2000, 2002; Shah 2000). However, others point out to varied forms of direct and subtle discriminations. Artis, E., C. Doobay and K. Lyons (2003) find that in village schools of Gujarat, SC children are forced to sit at the back, actively discouraged from participating in class and are subject to food and water taboos. Similar experiences exist for schools in North Karnataka..... (p.27).

Article 19 (1)

All citizens shall have the right;

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; and
- (f) to practise any profession, or to carry on any occupation, trade or business.

Article 23 (2)

Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Article 24

Prohibition of employment of children in factories, etc. No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Provided that nothing in this sub clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub clause (b) of clause (7); or such person is detained in accordance with the provisions of any law made by Parliament under sub clauses (a) and (b) of clause (7).

It is seen that children with poor socio-economic background from all communities including scheduled castes are employed as working children. Child labour is prohibited in any form. As per RTE (2009) Act, all children need to be enrolled in schools (on full time basis). Various provisions and facilities have been made for facilitating their education (with emphasis on increasing their enrolment, reducing their drop rate and bringing them at par with other children in terms of achievement. Teachers have to make conscious efforts to bring all children, including street children and working children, who are out-of-school, to the school. Some of these children might have grown in age and therefore, might feel uneasy to sit with younger children. This could also result in their developing a complex. Several National and State Level Organisations are in the process of developing bridge courses and learning material to help them to be placed in appropriate classes (as per their age) who either remained out of the system or dropped out due to various reasons. Studies have proved that if there is a mismatch between the curricular expectations and children's capabilities or the teaching style of teachers does not match with the learning style of students, there is a high probability of such students leaving studies in the middle. We as teachers have to make conscious efforts to adapt our teaching styles match with the learning styles and culture of children. In case of scheduled castes, this acquires additional importance as several of them may be first generation learners and may not have educated parents or resources to cope up with the curricular load.

Article 29 (2)

No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 45

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

Article 46

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

Article 330

1. Seats shall be reserved in the House of the People for:
 - (a) the Scheduled Castes;
 - (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and
 - (c) the Scheduled Tribes in the autonomous districts of Assam.
2. The number of seats reserved in any State or Union Territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union Territory in the House of the People as the population of the Scheduled Castes in the State or Union Territory or of the Scheduled Tribes in the State or Union Territory or part of the State or Union Territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union Territory.
3. Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State. In this article 332, the expression population means the population as ascertained at the last preceding Census of which the relevant figures have been published: Provided that the reference in this explanation to the last preceding Census of which the

relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 Census.

Article 332

1. Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya, in the Legislative Assembly of every State.
2. The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

Article 334

Reservation of seats and special representation to cease after forty years. Notwithstanding anything in the foregoing provisions of the part, the provisions of this Constitution relates to –

- (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States.

Article 335

Claims of Scheduled Castes and Scheduled Tribes to services and posts. The claims of the members of the scheduled castes and the scheduled tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

Article 338

1. There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes.
2. In this article, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also to the Anglo-Indian Community.

3. It shall be duty of the Commission:
 - (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards.
 - (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes.
 - (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State.
 - (d) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and
 - (e) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
4. The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.

7. POLICIES FOR EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES

India is a sovereign, secular and democratic republic. It is a country of many cultures, castes, religions, customs and traditions. Diversity is the way of life of Indian society. The colonial rule during the British period had impact upon equality of educational opportunities in India. One of the main features of the British Policy on education in India was its 'downward filtration theory'. McCauley's minutes (1835), the foundation of the British Policy on education in India, upheld the supremacy of English and concentrated on the education of the elite. The education of only the elite sections resulted in the denial of education of the poorer and lower sections including those from lower castes and thereby increasing

the inegalitarianism in education. However, the educational institutions were open to all without any restrictions. In Darwar case (1856) when an untouchable boy was refused admission on the ground of withdrawal of other caste children, the then Governor General as well as the Court of Directors of East India Company sharply criticised it by categorically ruling, “no untouchable child should be refused admission to schools maintained by the government even if it meant closure of the school” (Naik, 1975).

As has been mentioned earlier, the Constitution of India has made several provisions and amendments which are helpful for ensuring social equality and human rights. After Independence, three major Commissions were set up. While Radha Krishnan Education Commission (1948) dealt with the whole school education system, Mudaliar Commission focussed only on secondary education.

Kothari Commission, well known as third education commission (1964-66) emphasised on equalising educational opportunities in Chapter VI (p.108, para 6.01). It says, “One of the important social objectives of education is to equalise opportunities enabling the backward or under-privileged classes and individual to use education as a level for the improvement of their condition. Every society that values social justice and is anxious to improve the lot of the common man and cultivate all available talent must ensure progressive equality of opportunity to all sections of the population” (p.108; para 6.01; GOI). This is the only guarantee for the building up of an equalitarian and human society in which the exploitation of the weak will be minimised”.

The *National Policy on Education* (1986) was egalitarian and inclusionist in its approach. It laid special emphasis on the removal of disparities and to equalise educational opportunities by attending the specific needs of those who have been denied equality so far. The revised Policy Formulation and Programme of Action (POA, 1992) recommended schemes and programmes for educational development of SCs including other disadvantaged sections of the country.

The Revised Policy Formulation and Programme of Action (POA, 1992) envisaged a number of strategies accelerating the rate of enrolment and retention of SC communities including other socially disadvantaged sections. It discusses a number of schemes; existing and new both like (i) post-matric scholarship,

(ii) pre-matric scholarship of those engaged in unclean occupations, (iii) book banks, (iv) Boy's and girl's hostels, (vi) Coaching and allied schemes besides upgradation of merit of SC children and reservation in educational institutions.

The POA (1992) also emphasised on opening primary and upper primary schools in SCs habitations and hamlets; provision for non-formal and distance education centres; provision of adequate incentives in the form of uniforms, textbooks, stationary and mid-day meals and incentives to SCs parents to send their children particularly girls to schools. The other major recommendations include, provision of minimum level of learning with standard teaching-learning materials and monitoring of the SCs development programmes through single nodal agency (pp. 9-10); Govt. of India).

The *National Curriculum Framework* (2005) emphasised on addressing the disadvantages in education arising from inequalities of gender, caste, language, culture and religion, not only through policies and schemes but also through the design and selection of learning tasks and pedagogic practices, right from the period of early childhood (p. 5). The document also stresses upon addressing the social context of education arising out of hierarchies of caste, economic status, gender relations and cultural diversity; by the curriculum framework both in design and implementation (pp. 9-10).

Five Year Plans

Besides various Commissions and National Policy on Education, the Five Year Plans have been envisaging programmes under various sectors of development for the benefit of disadvantaged sections, including SCs. The First Plan (1951-56), Second Plan (1956-61) and Third Plan (1961-66) emphasised on economic development of these sections. The Fourth and Fifth Plans (1969-78) envisaged for increasing standard of living of the people through measures which also promote equality and social justice. The Sixth Plan (1980-85) launched Special Component Plan (SCP) for SCs to ensure that these groups receive their due share of funds/benefits from other developmental sectors. The Seventh Plan (1985-90) strengthened the SCP for SCs and provided substantial funds for SCs. Priority in the seventh plan was given to the educational development of SCs. The Eighth Plan (1992-97) aimed at intensifying the efforts to bridge the gap between disadvantaged sections including SCs and other sections of the society. The Ninth Plan (1997-2002) emphasised

on (i) social empowerment, (ii) economic empowerment, and (iii) social justice for the development of SCs.

The Tenth Five Year Plan (2002-2007) emphasised on empowering the marginalised sections including SCs for raising their social, economic and educational status. Some of the major approaches by the plan are:

- Due weightage and priority to programmes catering to educational and economic development of SCs for ensuring equitable distribution and growth with social justice.
- Prioritising fulfilment of basic needs including primary education.
- Special effective interventions to 'reach the unreached' and thus, fill the existing gaps between the status of the SCs and the general population, with a focus on SC women and the girl children.
- Special efforts to fulfill the commitment through Universalisation of Elementary Education (UEE) with a special focus on low literacy pockets and on the educationally backward SCs.
- Arresting problem of school dropouts and improving enrolment/retention rates by ensuring easy access and provision of adequate support facilities like hostels, creches and special incentives to poor students like scholarships, free books, free uniforms, transport charges besides compensation to families etc.
- Taking steps to ensure provision of quality education to equip the educationally backward SCs to enhance their employment prospects and competitive abilities and thus mitigate the problems of their marginalisation/deprivation.
- Emphasising on vocational education both at middle and high schools to enable them (SC children) to enhance technical and productive abilities.

The Working Group for Eleventh Five Year Plan made several specific provisions for free uniforms, footwear, funds for remedial teaching of SC/ST, opening of more adult literacy centres for predominating SC/ST inhabited areas, inclusive education to take care of SC/ST, to regulate fee structure of disadvantaged groups including fee for higher education, implementation of reservation policy, provision of special coaching for reserved category candidates for clearing SET or NET examination etc. The draft of Twelfth Five Year Plan focus on improving "the quality of school education", which means extensive and improved teachers training, upgrading

curriculum and enforcing of accountability in teacher's attendance. It has also stated that there is a need to expand capacity of secondary and higher secondary schools, which means that specific efforts will have to be made under RMSA to attain social and educational equity. The draft itself has the title "Faster, Sustainable and More Inclusive Growth: An Approach to the Twelfth Five Year Plan" (August, 2011).

8. PROGRAMMES FOR EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES

So far various programmes for SC children are concerned, they are of two types: one, those programmes which are for all children including those from Scheduled Castes and two, which are exclusively for Scheduled Castes children. There is another category of programmes of Ministry of Social Justice and Empowerment which have incorporated special provisions for Scheduled Castes.

Sarva Shiksha Abhiyan (SSA) and *Rashtriya Madhyamik Shiksha Abhiyan* (RMSA) are two major programmes of education of Ministry of Human Resource Development, Government of India. SSA is a flagship programme of universalisation of education which aimed at all children completing eight years of schooling by 2010. It also aimed at bridging all gender and social category gaps at both primary and elementary education levels by 2010 and universalise retention by 2010.

This calls for making educational provisions at secondary and higher secondary level also as universalisation of elementary education is likely to create a demand for education at the next level (secondary and higher secondary level) also. The Right to Free and Compulsory Education Act for 6–14 age group (2009) is another step to ensure that no child is left behind. This Act, also ensures greater participation by community through School Management Committees in education. The focus on "quality" during the Twelfth Five Year Plan and specific allocation under SCP (Special Component Plan) are likely to improve standard of education of children from Scheduled Castes. There exists a mechanism through which reviews are held continuously to ensure that the benefits of all the steps taken reach the target group.

9. SCHEMES FOR EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES

Besides the constitutional provisions, the role of various Five Year Plans has been underlined for the Nation's all-round

development of disadvantaged groups, in which special provisions for SCs have also been recommended. Some such provisions are:

- Opening of residential *Ashram*/schools
- Pre- and Post-matric scholarships
- Free textbooks and uniforms
- Hostels for girls and boys
- Book bank schemes
- Upgradation of merit of SC/ST students
- Remedial coaching schemes
- Grant-in-aid to voluntary organisations
- Social development programmes for SC girls belonging to low literacy areas.

A programme with a clear time frame, *Sarva Shiksha Abhiyan* (SSA) has also ensured educational development of SCs through different provisions. The basic emphasis has been given to cent percent enrolment, zero rejection and quality improvement of educational institutions. In this context, the *NCF-2005* has stressed on the specific curriculum context to suit socio-cultural milieu of SC children.

Considering different policies, plan and recommendations of committees and commissions, different schemes have been developed from time to time to endorse the Human Rights and constitutional provisions to resolve the educational problems of children from SCs communities. The major schemes like DPEP, *Lok Jumbish*, Operation Blackboard, Minimum Level of Learning and DPEP, SSA, RMSA, etc., are measures taken for enhancing the enrolment and quality of education. Some of the important measures taken under these programmes are as follows:

- Mid-day meal scheme
- Educational Guarantee Schemes and Alternative and Innovative Education
- Community Based Monitoring
- Interventions of Early Childhood Care and Education
- Anganwadi and Balwadi
- School and Teacher grant for all teachers
- Incentive and Remedial/Coaching Schemes
- Inservice Teacher Training, Orientation Programmes and Workshops
- Grant-in-aids
- Vocational education and training for skills development.

The Schemes and programmes for the welfare of Scheduled Castes of Ministry of Social Justice and Empowerment of

Government of India include Centrally sponsored Scheme of Pre-matric scholarships, Central scheme of Rajiv Gandhi Fellowship to pursue programmes of higher education, Centrally sponsored pilot scheme of *Pradhan Mantri Adarsh Gram Yojana* (PMAGY), Babu Jagjivan Ram *Chhatrawas Yojana*, Post-matric scholarship, Pre-matric scholarship for children of these engaged in unclean occupations, top class education for SC children, self-employment scheme for rehabilitation of manual scavengers, Scheduled Castes sub plan, National overseas scholarships, special educational development programmes for Scheduled Castes girls belonging to low literacy areas, upgradation of merits of SC children, free coaching for SC students, National Scheduled Castes Finance and Development Corporation (NSFDC). National Safai Karmacharis Finance and Development Corporation (NSKFDC) etc.

10. CONCLUSION

It may be summarised that educational progress of Scheduled Castes is inadequate. Millions of marginalised SCs are not provided the basic equality of education. There have been specific efforts by central, state governments and voluntary organisations for improving conditions of education of these sections who suffer inequalities in educational opportunities. Economic deprivation, cultural prejudices, social practices and lack of easy access to school, lack of provision of infrastructure, teachers and teaching-learning materials have contributed to the educational backwardness of SCs. Numerous schemes and programmes have been launched for their educational upliftment but the implementation aspect seems to be lacking.

As per RTE (2009) Act, all children need to be enrolled in schools (on full time basis). Various provisions and facilities have been made for facilitating their education (with emphasis on increasing their enrolment, reducing their drop out rate and bringing them at par with other children in terms of achievement). Teachers have to make conscious efforts to bring all children, including street children and working children, who are out-of-school, to the school. Some of these children might have grown in age and therefore, might feel uneasy to sit with younger children. This could also result in their developing an inferiority complex in them. Several national and state level organisations are in the process of developing bridge courses and learning material to help them to be placed in appropriate classes (as per their age) who either remained out of the system

or dropped-out due to various reasons. Studies have proved that if there is a mismatch between the curricular expectations and children's capabilities or the teaching style of teachers does not match with the learning style of students, there is a high probability of such students leaving studies in the middle. We as teachers, have to make conscious efforts to adapt our teaching styles match with the learning styles and culture of children. In case of scheduled castes, this acquires additional importance as several of them may be first generation learners and may not have educated parents or resources to cope up with the curricular load. The statement of M.C. Chhagla, one of the country's distinguished post-independence education ministers was that:

“We know the problems; we know the answers, or at any rate most of them. In many cases we also know how to implement. What is lacking is the moral courage to start implementations.”

Further, it is not enough to formulate policies and programmes only, but also to evolve strategies to neutralise the ideological, structural and familial impediments so that the educational facilities are fully utilised.

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MODULE 2

Quality Improvement of Education of the Scheduled Caste Children (Socio-cultural Issues and Problems)

ABSTRACT

After 68 years of Independence, too many of India's Citizens still lack the quality of education that will enable them to be free and Independent. Our earlier generations fought to end the injustice imposed by the British Raj. The freedom struggle as thought of by its leadership desired to remove inequalities based on sex, caste and creeds from the society in India. Education was thought of as an important tool for achieving it. We now need a second freedom movement that ensures equality of rights and opportunity for all citizens of India particularly for scheduled caste children who look for the access of getting education. In this context, a module has been constructed on quality improvement of education of scheduled caste children which discusses socio-cultural issues and problems. Therefore, this module deals with the educational policies, education and society, curriculum development, school and reproduction of inequality, cultural capital and learning.

1. INTRODUCTION

India's national goals and the social and economic objectives of the country's development have been enshrined in our Constitution. For achieving the constitutional objectives, successive Five Year Plans have aimed at ushering in transformation of Indian society from its traditional and agrarian pattern to a modern and industrial one. Such changes cannot be brought about by mere enactment of new legal and legislative measures. For this, generation of a desirable set of attitudes, skills and values among the people is perhaps more important. The system of education can be a major instrument for bringing about this transformation.

2. OBJECTIVES

- To create a situation of inclusion in real sense.
- To create requisite competencies among the teachers.
- To address the issues of cultural diversity of the children.
- To utilise the cultural capital of the diverse groups.
- To combat the issues of social reproduction of inequality in education.

3. EDUCATIONAL POLICIES

The central place which the *National Policy on Education* (NPE) 1986 (as revised in 1992) gave to the common core with other components that are flexible as an essential condition for building the national system of education, needs greater attention in the educational process. It lays stress on the removal of social barriers and education for women equality. It is also desired in the policy that awareness about tribal people should be generated through the educational process.

In the light of the importance of core areas, the study of social sciences must find its due representation at the stage of general education. Further, the NPE-1986 and POA-1992 was formulated after-reviewing the recommendations of the 1968 Education Policy and it had been felt that the educational process has lagged behind in transactions.

The NPE (1968) gave emphasis to promotion of national progress, a sense of common citizenship and culture, and to strengthen national integration. The stress was on the need for a radical reconstruction of the education system and to improve its quality at all stages. The policy gave much greater attention

to science and technology, cultivation of moral values and closer relation between education and life of the people.

In the *National Policy on Education 1986*, it is felt that the general formulations incorporated in the 1968 policy have not got translated into a detailed strategy for implementation. As a result, problems of access, quality, quantity, utility, etc., have assumed massive proportions. The *NPE-1986* states, “India’s political and social life is passing through a phase which poses the danger of erosion of long accepted values. The goals of secularism, socialism, democracy and professional ethics are coming under increasing strain.” It further states, “The coming generations should have the ability to internalise new ideas constantly and creatively. They may have to be inculcated with a strong commitment to human values and to social justice. All this implies better education”. It shows concern for the social aspects of the child’s environment. Some of the concerns expressed are, “To promote equality, it will be necessary to provide for equal opportunity to all not only in access, but also in the conditions for success. Awareness of the inherent equality of all will be created through core curriculum. The purpose is to remove prejudices and complexes transmitted through the social environment and the accident of birth”. Obviously, the reference here is to caste, sex, religion and the practice of untouchability in the society in India.

It appears that the policy framers felt that there is gap between education and cultural traditions. “The existing schism between formal system of education and the country’s rich and varied cultural traditions needs to be bridged. The pre-occupation with the modern technologies cannot be allowed to sever our new generations from the roots in the India’s history and culture. De-culturisation, de-humanisation and alienation must be avoided at all costs.”

The major goals and roles of education may be further elaborated seeing the same as a process of empowerment and of becoming (for the individual, which, for the same reason, also becomes) an instrument for social change.

- Q.1** How does educational policy identify de-humanising issues in school education?
- Q.2** What are the linkages between education and society regarding ideologies, traditions and values?

4. EDUCATION AND SOCIETY

Gore and Desai (1967), while discussing the analysis of the relationship between different segments of a social system, state the importance of ascertaining the specific function or functions performed by the system of education and the nature of functional or dysfunctional consequences that it may have for one or other aspect of larger system.

In 'Towards an Enlightened and Humane Society' (1990), an effort was made to assess the relationship between different segments of the society. It also highlighted some of the functional and dysfunctional aspects of the present-day education in the school.

"Present-day curriculum is full of content, of techno-informative data, much of it are neutral data, consisting of facts and figures, theories, inventions and laws, etc. Several of these facts are selected in and others are selected out. To that extent, there is an open curriculum, the latter having as much or more influence on the students as the former. While one merely informs, the other effectively forms opinions, mind-sets and values".

"To illustrate: In the presentation of the history of India's freedom struggle, facts are mentioned leading one to conclude that Independence was won without involvement of a large mass of the people of India, particularly of the common and deprived sections of society. Social studies lessons studiously avoid any reference to the inequalities and unfair treatment that the SC/ST and the minorities have been facing in free India. The student does not learn from the curriculum of the educational, social and economic disparities. Structures of the Government, of the Courts, etc., are given in great detail, but little provision for legal literacy, namely to appreciate one's rights and also of one's duties.

Till recently, modernisation (technological and industrial development) has been the goal of Indian society. Yogendra Singh (1998) observes: "The solution to the crisis of modernity, whether in the developing or the developed world lies in recognising the dual character of our cultural and existential moorings. It necessitates a recognition of cultural pluralism, strategy of consensus and reconciliation in human dealings based on dialogue and other means of communicative interactions. It also logically recognises the need for a meaningful space within the ideology of disenchantment for values of tradition".

5. CURRICULUM DEVELOPMENT

Education is a sub-system of society. M. Young (1971) observes that reality including educational reality is constructed through social interaction rather than merely given, but those in positions of power are able to determine largely what counts as the 'real' world, including what counts as education and educational problems. Curriculum is seen as the reflection of the dominant power structure in the society.

Taylor (1979) argues that fraternity, equality, social justice and promotion of individual identity are important for any curriculum. Lawton (1979) suggests that the curriculum should be looked at as a set of children's rights. He states, "In a pluralistic society, adults need to know a good deal in order to make choices. So it is very difficult to imagine a set of aims for education which would not include the promotion of personal autonomy. The argument here would be that if children are faced with the range of values and choices which, by definition a pluralistic society offers them, then they must have some means of rationally deciding among these choices. In order to make rational choices, they will need knowledge. The curriculum ought to provide them with that essential knowledge."

Everyone agrees that in our society, all people should be able to read and write. But what should they be able to read and write? Since the desire is for overall development in the society, the children should be provided with mathematical literacy, scientific literacy, social, cultural, legal and technological literacy. For these literacies, reading, writing, listening and speaking skills have to be developed. As a part of general education, the literacy should aim at utility rather than preparing for education in disciplines.

As we live in a social world, all pupils have a right to political, social and economic literacy. The children leaving schools at the age of seventeen or eighteen are generally ill-equipped to make choices of a most complex and bewildering kind necessary in our pluralistic society.

One significant issue in education is international understanding. In this context, Pike and Selby (1986) observe, "As we gallop towards the 21st century, we are witnessing a relatively advanced stage in the continuing and quickening transformation of the world from a collection of many lands and peoples to a system of many lands and peoples". They forcefully put the view that the curriculum must focus on encouraging students in embracing other cultural viewpoints, to seek

divergent solutions to problems and to envision alternative futures.

This issue of other cultural viewpoints is of great significance in the Indian context because of cultural diversity. It has been continuously and constantly emphasised in all the reports of the commissions and committees and has been important part of the educational policies. The fact that increasing value has been put on it in the country indicates that everything is not well and, therefore, needs special attention.

Any curriculum for school education in this country should encourage understanding and appreciation of the variety and diversity in the Indian society and perhaps more significantly the curriculum should address itself to social and cultural diversity, a wide variety in the geographical conditions and different traditions. A common curriculum in our society, therefore, must take notice of needs of scheduled caste and tribal children accordingly.

Q.1 What should be the main objectives while developing school curriculum?

6. SCHOOL AND REPRODUCTION OF INEQUALITY

Sociologists hold the view that education as other institutions of the society tend to reproduce social inequality in the society. Social scientists used to accept the idea that education promotes modernisation. The experiences from several developing countries indicate uneven, complex and contradictory social processes that are generated by modern education (Dube, 1988).

The role of formal education is considered to be prominent in the process of growing up as it is considered to be the means by which values and attitudes commensurate with modernisation, are internalised (Singh, 1973).

Rudolph and Rudolph (1967) feel that it is necessary to be sensitive to the complexity of factors and processes that link education with other social institutions. Further, education itself and its impact are likely to be shaped by the specific complex of socio-political, economic and cultural factors that prevail in any society.

Many theorists see education as an instrument of social reproduction. It is a means for inculcation or development of values, beliefs, attitudes and skills required for the functioning

of the society at large. Giroux (1983) describes how the process of social reproduction takes place:

1. "The distribution of power in a society is generally reflected by the interests of elites.
2. It is reflected in the knowledge that is legitimised and the ideology that becomes dominant in society.
3. Schools tend to be integrally linked with the dominant economic, political and cultural institutions which are controlled by the elites who successfully use the school system to reproduce and legitimate the existing structural features of society, including its production and social relations".

However, under certain situations as observed by Desai (1966) and later in a different context by Bachchus (1990), education provides an opportunity for development of modern ideas of the world. Education often extends beyond the narrow mechanical function of reproducing the type. For some, it provides for the opening of new possibilities, a greater belief in their own abilities, a willingness to act outside the traditional boundaries of conformity and also helps to modify or change their consciousness and interpretation of reality.

Chanana (1990) observes, "The parameters of a social paradigm which delimit women's role as well as the functions of formal education should be critically examined.....the content and process of education have to be evaluated since they tend to reinforce the traditional gender ideology and fail to generate change."

Velaskar (1990) states that schooling has brought about only a marginal dislocation of traditional structures of inequality. It has also created and strengthened new inequalities. The education system has functioned as a mediator of class, caste and gender inequalities. Regarding reproduction of social inequality, Velaskar concludes that it takes place through:

1. The denial of basic minimum facilities to the disadvantaged and depressed while actively promoting the expensive and exclusive interest of the minority of new and old dominant sections.
2. A curriculum rooted in technocratic rationality and one which places a value on high science directly serves the needs of an emergent, inequitable, capitalist economy. The curriculum also suits the capacity nurtured by the upper strata, thus giving them a head start in education. Mental labour is glorified while manual labour is disqualified.

3. Imposition of a dominant culture curriculum not only projects the knowledge, values, norms, linguistic styles, world views, and meanings of the middle and upper classes, but also projects them as being intrinsically superior and valuable as compared to the culture of subordinated groups.
4. There is segregation of children in schools of different quality on the basis of class and gender and through providing class, caste and gender-specific opportunities and experiences within education. Channeling actually takes place at the post-secondary level but schools function as preparatory areas”.

Velaskar suggests that there is need for much more research to assess how inequalities are actually realised through the process of school education. The operation of the hidden curriculum through which dominant images are accepted, resisted or rejected, need to be studied further. The dynamics of the reproduction of inequality through curriculum besides others will provide insights for the formulation and promotion of alternative ideologies and pedagogies.

Khullar (1990) observes, “Although there have been efforts to secularise education in India, religion enters from the back door. Textbooks written by State bodies have been noted to be biased in the representation of religions in India”.

“There have been some attempts to foster secularism through education, the level of policy and even curriculum formulation in India. This, however, remains an area riddled with antiquity. On the one hand, there are values that counter caste and communalism. On the other hand, caste and communalism are reasserted and reinforced through knowledge and interactional patterns institutionalised in the school. Textbooks written by State bodies and used in State-run schools continue to communicate these values.”

Beteille (1991) argues that school has emerged as a major institution for mediating relationship between the family and the new occupational system, and it also plays a major part in the reproduction of inequality.

Beteille further observes, “It is of course well known that schools differ vastly in their quality and much public animosity is directed against the elitist character of the Indian school system. But those who are most articulate in their criticism of the system take good care to select the best schools for the education of their own children. The moral implications of this contradiction, by no means unique to Indian society, are not

always clear. There is no doubt that the Indian school system leaves much to be desired, and a great deal can be done to expand the opportunities for better schooling in the interest of children who are now effectively denied such opportunity because their families are devoid of all resources.”

Social institution such as the family or the school reproduce themselves partly through the conscious actions of individuals who desire their continued existence. But besides these, there are social patterns whose reproduction is the unintended consequence of action directed at other ends.

- Q.1** How does reproduction of inequality take place through school education?
- Q.2** Identify reproduction of images of caste inequality in language textbooks?

7. CULTURAL CAPITAL AND LEARNING

Curriculum in India not only reproduces social inequality, the mechanism puts pupils in unequal conditions of educational competition. Curriculum becomes hostile for most children who are in rural and tribal areas or belong to lower social and economic categories. Though it advocates undifferentiated curricula for boys and girls but it takes care of the needs of boys ignoring the needs of girls. For example, sciences and mathematics are compulsory for both boys and girls. But, in our tradition, the roles that girls are made to play are not included in the curriculum, thus saving boys from doing those roles.

There is an unnecessary and undesirable curriculum load. Curriculum load can be seen in three different ways: (i) heavy weight of the school bag—heavier than what children can carry easily, (ii) large size of curriculum difficult to be covered in the available time in the school, and (iii) level of content—difficult to be understood by the children.

There is one more, and perhaps more important dimension of the curriculum i.e. the issue of Cultural Capital of the learners. This is of visible numerical minority and of the invisible numerical majority (the categories of the Scheduled Castes, Scheduled Tribes and Minorities). Visible numerical minority is of children belonging to middle and upper class urban families. The invisible numerical majority is of children from lower class urban areas and rural scheduled caste, tribal, coastal and hill areas.

Education should not be seen in a static model. Like society, education also must follow the model of dynamic equilibrium. There are pressures from new subjects and new areas to find place in curriculum for general education. For giving place to new areas, some of the old areas have to be dropped. The vested and the discipline interests find it difficult to leave the old content, thus adding new things, increasing the size of the curriculum. Therefore, all content included for studies must answer atleast three questions: (i) For whom it is needed? (ii) Why it is needed? and (iii) Will it serve the purpose of all or most of the children who have to receive it compulsorily? These questions need to be answered from the point of the socially disadvantaged groups.

Curriculum framework and approaches of education require some content areas to be included in the courses. Sometimes, it is difficult for the children to understand some of these things because of the diversity of Cultural Capital. Take the example of family being included in the primary classes. All children come to school with some notions of family, whether nuclear, joint or extended. They also come to school with a pre-learnt kinship terminology along with values and emotions attached to the relationships referred to by these terminologies. These also vary according to the caste and the community, the child belongs to. The child many times does not distinguish between cousins and brothers/sisters which the school makes them aware of. Thus, most children feel lost when they find that family in the books is different than what they have learnt at home. The diverse Cultural Capital makes it difficult for many children to understand what is family as transmitted through formal education.

In higher classes, similarly, the child finds description of social, cultural and physical environment different than their own environments. For understanding certain things, examples are given in the textbooks. If the examples are drawn from an environment different from the child's, the child tries to understand the example before making an effort to understand the content. Thus, they are unable to understand a lot that is included in their courses. This becomes a serious issue particularly for the children belonging to lower income groups and scheduled caste as the examples are generally drawn from upper caste, middle class urban environment.

Even the language of education (instruction) in schools does not take care of the needs of the children from weaker sections

of the society. The NFG Paper (2007) explains that not only the schools provided in the areas dominated by SC/ST population lack in infrastucture, the education itself follows the traditional Brahminical model bringing in hierarchy in the subject areas. Thus, justifying hierarchy as normal even in the field of knowledge. The language used in school is generally not of the disadvantaged children. Standard language generally means sanskritised language. Where the language of education is same, the vocabulary used is of upper caste, class groups, ignoring the vocabulary of lower caste class groups.

Q.1 Identify the examples from a school textbook which generally do not form part of the social and physical environment of the scheduled caste child?

8. TECHNICAL TERMS

Alienation: Broadly speaking, alienation denotes the estrangement of the individual from key aspects of his or her social existence. Alienation has been used to describe a wide variety of phenomena. These include any feeling of separation from, and discontent with society, feelings that there is moral breakdown in society, feelings of powerlessness, the impersonal, de-humanised nature of large scale and bureaucratic social organisations.

Cultural Capital: In the educational field, success is largely detailed by the extent to which individual has absorbed the dominant culture or how much Cultural Capital they have got. It means the sum total of knowledge, experiences, languages the individual has.

Cultural Reproduction: This term was introduced as seeing the function of the educational spleen to reproduce the culture of dominate classes, thus helping to ensure their continued dominance. As all living beings reproduce themselves, the societies also tend to reproduce themselves resisting changes in norms, values, mores and customs.

Culture: It is used as a collective noun for the symbolic and learned aspects of human society including language, custom and convention by which human behaviour can be distinguished from that of other primates. All knowledge and other aspects including material and non-material created by human beings are included in culture.

Dysfunction: A social activity or institution has dysfunctions when some of its consequences impede the working of another social institution or activity. Any particular activity may have dysfunction for one other activity.

Minority: Social minority is regarded as a political rather than a numerical concept. The groups which do not have proportionate share in social, economic and political power in a given society are considered minorities. They may be religious, linguistic or ethnic groups.

Paradigm: Scientists work within paradigms, which are general ways of seeing the world and which dictate what kind of scientific work should be done and what kind of theories are acceptable. It also denotes schools of thought in social analyses.

Pluralism: It asserts the desirability of diffusing widely among a variety of associations—religious, economic, professional, educational and cultural. Pluralism, in modern time, refers to social organisation, whether societies or smaller collectivities in which power is diffused among various groups and institutions.

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MODULE 3

Equity, Equality and Non-discrimination of Children from Scheduled Castes in School (Classroom Discrimination and its Implications)

ABSTRACT

This module provides an overview about constitutional and legal safeguards against discrimination and affirmative action for educational improvements of scheduled castes. Present module highlights the concepts of equity, equality, inclusion, exclusion on the castes-based and untouchability-based social exclusion and suggests measures for removing of existing different forms of discriminations and spheres of exclusion in classroom, seating arrangements, interaction, participation, school functions and games, peer relations, facilities etc. It also elaborates the teacher's role for effective implementation of equity, equality and non-discrimination in the classroom and creating inclusive educational atmosphere in the school. This module has also suggested for a one-day teacher's training workshop on non-discriminatory practices in classroom for changing of attitude towards children belonging to scheduled castes.

1. INTRODUCTION

Public services lay the groundwork for human capital accumulation like education, health, nutrition and well-being. They are public goods supplied by the state or state-supported/recognised public institutions that are intended to be accessible to people on an equitable basis.

There is a growing body of knowledge, which makes clear, though this equitable access is often far from the case. Where children from the scheduled castes group go to school with children from higher caste group, they often face subtle forms of discouragement and ostracism that make school a painful place. Studies have documented discrimination in various spheres within schools (inside school and classroom) taking the following forms: differential treatment by the teacher towards the SC students in providing academic support, differential access to participation in the classroom due to caste prejudices, not being accepted as friends by their peers because of their caste, discriminatory access to the playground, discrimination during mid-day meals and to drinking water, not allowed to take water themselves where 'running water' is not available in schools through taps (and hand pumps) and drinking water is 'stored' in earthen pots, jars or served in glasses.

Similarly, in the higher educational institutions, discrimination in various spheres takes the following forms: discriminatory attitude of the teachers towards students from the scheduled castes group in the classroom, for example, by identifying students by their 'reserved category' status in the classroom and not giving enough time for advice and counselling when requested by the students from this group. Colleges with boarding facilities are like home for students – the SCs students face humiliation and caste-based ragging in the hostels and they find themselves seated separately on the basis of caste in the hostel mess for food even.

When the exclusionary practices in educational institutions are widespread, they can easily become catalysts for the kinds of drop-out patterns that have been plaguing SC children. Moreover, they contribute to inequalities mastering basic skills; substantial differences exist in reading and arithmetic skills between children from different caste, ethnic and religious backgrounds in India. These differences persist even after controlling for current school enrolment, grade completion and parental socio-economic status. Such types of discrimination

have adverse consequences on the mental health of students. Suicides by college-level students are an outcome of discriminatory access to education, which needs to be addressed through legal framework and policies that promote non-discriminatory access to education. Such legal safeguards have been implemented by the State which will be discussed in the following sections. Further, in an effort to promote non-discriminatory access and help in the creation of an educational environment defined by equality of access and opportunity, as well as by trust and comfort for all children, a training module is developed by National Council of Educational Research and Training (NCERT) for public school teachers. This training module will address the aforementioned forms of discrimination of students from the scheduled caste groups which they face in the school, and it proposes strategies and solutions to eliminate these practices. The teacher training module should address both teachers' own caste prejudices and also propose various ways through which equitable treatment can be ensured in the everyday classrooms. As non-discrimination and equality are not concepts that once learned automatically get implemented in professional life, a training module for teachers on non-discrimination in schools should develop methods to counteract discrimination in everyday activities on continuous basis.

2. OBJECTIVES

This module has been proposed to achieve the following objectives:

1. To strengthen the ongoing process of creating an educational environment defined by equality of access and opportunity for all students.
2. To sensitise the teachers on issues of caste-based discrimination inside the classroom and school.
3. To create a fearless, barrier-free environment for equal participation and to cater to the diversified needs of the children.
4. To sensitise teachers on the need for affirmative action for children from the scheduled castes group.

3. THE BACKDROP

Caste-based discrimination as it is seen in Indian schools has its roots in the notion that each caste is supposed to be involved in a certain type of work, as stipulated by the concept of *Varna*

discussed in the *Manusmirti*. Historically, the aptitude for various kinds of jobs is decided by one's caste at birth, and not based on individual abilities. As a result of this, socio-religious injunction, many people continue to believe that it is the social, moral and religious duty of scheduled castes to serve the upper castes; hence they should make no attempts to gain equal rights and to climb up the social and economic ladder. Since education is considered one of the most effective ways to better a person's social and economic standing, scheduled castes (also called *Dalits*) are marginalised in the education sector, and they struggle to have non-discriminatory access to schools. To alleviate this problem, the Government of India has introduced a variety of different programmes and schemes—to provide and facilitate educational access for the scheduled castes group which would eventually allow them to gain employment in higher-level jobs.

3.1 Indian Constitution and Legal Safeguards against Discrimination

The Government's approach towards SCs and STs draws primarily from the provision in the Indian Constitution. The Constitution guarantees 'equality before the law' (Article 14) (overturning the customary rules of the caste system). Thus, the Constitution makes provisions to promote political, educational and economic interests of SCs and STs; protects them from social injustice and all forms of exploitation (Article 46); provides special measures through reservation in government services and seats in democratic political institutions (Articles 330 and 335). The Indian Constitution abolished the practice of untouchability and discriminations that arise out of untouchability (Article 17). It also provides for the establishment of a permanent body to investigate and monitor social and economic progress of SCs and STs annually and to set up a monitoring mechanism at the central and state levels. The Directive Principle contained in the Article 46 of the Constitution states that:

"The state shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from all social injustice and all forms of exploitation."

Though the Directive Principles of State Policy are not enforceable by any court of law, they are nonetheless fundamental in the governance of the country and delineate

the duties and obligations of the state to apply these principles while executing and amending laws (Article 37). The Directive Principles set before the state are the ideals for the social and economic democracy in the country.

3.1.1 Legal Safeguards

In accordance with the constitutional provisions, a number of measures have been initiated by the Government to provide protection against discrimination. The Government provided legal safeguards against discrimination to the SCs and STs. The legal safeguards include the enactment of the untouchability Offence Act, 1955, under which the practice of untouchability and discrimination in public places were treated as an offence. In 1976, the Act was reviewed in order to make it more stringent and effective and was designated as the Protection of Civil Rights (PCR) Act. The PCR Act provides penalties for refusing access to SCs to places of public use. Considering the fact that the normal provisions of the Indian Penal Code and the PCR Act were inadequate to provide safeguards to the SCs and STs against several crimes, an additional act was enacted in 1989 named of Scheduled Castes and the Schedules Tribes Prevention of Atrocities (POA) Act. The POA Act was specifically enacted to prevent atrocities against SCs and STs.

The University Grants Commission has, at the higher education level, taken steps to safeguard students from discrimination: it has enacted a regulation called 'The Promotion of Equity in Higher Educational Institutions Regulation', 2012. At the heart of this regulation are the objectives:

- To prohibit discrimination on the basis of caste, ethnicity, gender and disability.
- To provide a level-playing field by creating equal opportunity and by appointing anti-discrimination offences in institutions across the country.

University Grants Commission (UGC), Grievance Redressal Regulations, 2012 and All India Council for Technical Education, Establishment of Mechanism for Grievance Redressal Regulations, 2012 are further attempts by the State for redressal, and in the form of Ombudsman for redressal of grievance of students in case of violation of equality of rights.

3.1.2 School Education

At the school-level, the State has made education a Fundamental Right guaranteed by the Constitution. This has been done

through the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

The RTE Act not only makes education free and compulsory, but also promotes non-discriminatory school environment, including participation inside classrooms. These impact a wide range of discriminatory practices such as:

- Teachers announcing student's affiliation to a particular community, caste or tribe.
- Teachers discriminating among students at mid-day meals and sports facilities.

Administrative guidelines have been issued to all the states to establish systems to address discrimination complaints within 60 days of their being filed. Further, the *Sarva Shiksha Abhiyan* (SSA) framework with norms for planning interventions has been revised to correspond with the provisions of the RTE Act.

3.2 Affirmative Action Policies

The limitation of the legal provision is that it provides safeguards against discrimination at present, but lacks elements which are necessary for economic, educational and political empowerment of the excluded groups and to overcome the consequences of exclusion and discrimination of the past. Therefore, the Indian Government developed policies for economic and educational development of the SCs, STs and of late for Other Backward Classes (OBCs), and consequently their political representation in the governance of the country.

3.2.1 Population-based Representative Affirmative Action Policies for the State Sector

Under Affirmative Action policy for education, the provision relates to non-discrimination in educational institutions, equal representations and measures for education promotions. Article 15(4) in the Constitution states that: "Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the scheduled tribes". Article 29(2) provides protection for admission and against discrimination in any educational institution maintained by the State or receiving aid out of the State funds on grounds only of religion, race, caste, language or any of them. In pursuance of this provision, seats in State educational institutions (schools/ colleges/universities/research institutions) are reserved in

proportion to their population. These also include measures such as capacity-enhancement of SCs and STs students and giving them scholarships and financial assistance.

3.2.2 Targeted Schemes for the Scheduled Castes and Scheduled Tribes

Besides population-based representation which is the basis of affirmative action policy in employment, education and politics, the State has also developed various special schemes which exclusively focus on the SCs and STs or poorer groups to address the specific problems. The schemes for private entrepreneurs from the SC and ST social groups, schemes for scavenging community, including fellowship/scholarship are some of the examples of group and issue-focused affirmative action policies for SCs and STs.

3.2.3 General Policies with Preferential Measures Embedded into General Schemes

In addition to the population-based representation and targeted schemes of affirmative action policy discussed above, the State has also used general schemes (schemes developed for all, including the SCs and STs), to provide a fair share in the general schemes which are developed for all including the SCs and STs. These general schemes include various services related to employment, food security, health, education, forest, drinking water and other social needs provided by the Government directly or through Government approved agencies. Major portion of these general schemes fall under anti-poverty schemes and are targeted for the poor. The Government has laid down the guidelines that SCs and STs would receive fair share in the supply of these services, so that they also benefit equally. Thus, administrative guidelines for SCs and STs which mentioned fair share to them are embedded in the general guidelines. This is, in fact, an affirmative action policy in informal form which is intended to secure a fair share to the SCs and STs which otherwise may not accrue to them due to discriminatory working of non-market institutions.

3.2.4 Affirmative Action Policy for Private Sector

The affirmative action policies discussed above is confined to the Government sector and excludes the vast private sector. Thus, the State focus affirmative action policy excludes the employment and educational institutions run by the private sector. It is necessary to recognise that Government employment

accounts for a very small proportion of the total employment and therefore, affirmative action policy in State employment covers a small proportion of total employment. Since there is no affirmative action policy for private sector, the SCs and STs are exposed to the possible discrimination in hiring by the private sector. Same is the case in education sector. Recent estimate for higher education shows that about one-third students are enrolled in private education institutions. It is precisely because of this that SCs and STs demanded affirmative action policy for private sector in employment and education. Finally, in 2008, the Government had developed an affirmative action policy for the private sector. These policies include self-accepted codes which the three associations of industries (Associated Chamber of Commerce, Indian Chamber of Commerce and Federation of Indian Chamber of Commerce) have accepted under which the members promised to develop policies for 'four Es', namely to enhance employability, education, self-employment (private entrepreneurship) and employment of SC and ST social groups. The affirmative action policy for private sector is focussed on the capacity enhancement and promotion without any share and representation in private employment and private education institutions.

- Q1.** What are the Constitutional Provisions for educational empowerment of the Scheduled Castes?
- Q2.** What are the States legal safeguards to protect SCs from discrimination?

4. CONCEPTS OF EQUITY, EQUALITY AND EXCLUSION

4.1 Equity

Equity denotes a condition where everyone has access to resources and opportunities to realise one's potential with a particular attention to groups or categories of people who are historically marginalised (such as women, scheduled castes and scheduled tribes). Equity as a condition has therefore, two outcomes—equity as equality of opportunity and equity as equality of results (Varghese, 2011). The caste and ethnicity are important sources of disadvantage and discrimination in India. Therefore, Government of India has been formulating and implementing caste and ethnicity-based affirmative policies and actions to promote equity as described in the beginning of the module.

4.2 Equality and Non-discrimination

Equality and non-discrimination are the core principles of human rights law. The Universal Declaration of Human Rights (UDHR 1948) proclaims in Article 1 that ‘All human beings are born free and equal in dignity and rights,’ and Article 2 explains that in order to achieve this equality, the norm of non-discrimination must be upheld, ‘everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...’ legal obligations to end discrimination and ensure equality are central to all of the major human rights treaties adopted since UDHR.

The Constitution of India under Article 14 and 15 guarantees every citizen of India equality before law and prohibits discrimination on the grounds of religion, race, caste, sex, place of birth. However, empirical evidence indicates that discrimination on the basis of caste, creed and religion has not been completely eliminated. The forms of discrimination/untouchability are not practised openly as before but their forms have changed. In the education sector, for example, caste-based discrimination can be noticed. In school’s SC children are many times discriminated on grounds of caste, where they face discrimination by their teachers within the classroom, by peers in class and in school.

It is in school that the basic foundation years are moulded and identity-building also takes place. Thus, it is necessary that in school, especially children from the scheduled castes children should be treated equally like all other children in school and the teacher should take the responsibility for treating every child equally and practice non-discrimination.

- Q1.** What is equity?
- Q2.** What is equality?
- Q3.** What is non-discrimination?

4.3 CONCEPTS OF EXCLUSION

In social science literature, there is a general agreement on the core features of social exclusion (Buvinic, 2005). Social exclusion is defined as a social process that involves denial of equal rights and opportunities, which others enjoy, resulting in the inability of individuals from excluded groups to participate

in the basic political, economic and social functioning of the society that, in turn, results in high human poverty and deprivation among them. The concept of social exclusion is essentially a group concept. Amartya Sen (2000) has brought in more clarity to the general concept of social exclusion; he has drawn distinctions between ‘unfair exclusion’ and ‘unfair inclusion’. Sen’s concept of unfair exclusion implies that not all exclusions are unfair. Not all exclusions are social exclusion. Theoretically, it is reasonable to assume that only those exclusions that exclude people from having access and entitlement to certain social groups where such denial of access violates the recognised and accepted principles, rules, norms and practices of fairness can be considered as ‘unfair exclusion’. Similarly not all inclusions are unfair—only those inclusions that provide access and entitlement to persons from certain social groups but on different terms and conditions—different from that of the accepted principles, rules, norms and practices of fair inclusion (as well as different from those used for other persons) maybe unfair inclusion. Sen’s concept of unfair inclusion is similar to the concept of discrimination that is used in social science literature, particularly in the discipline of economics, as a form of market discrimination.

Two other dimensions involving the notion of exclusion need to be recognised— it involves ‘societal institutions’ of exclusion (which operate through inter-social relations), and it involves their ‘outcome’ in terms of deprivation. In order to understand the dimensions of exclusion, it is necessary to understand the societal inter-relations and institutions that are instrumental in bringing exclusion of certain groups into multiple spheres—civic, cultural, political and economic. Thus, insights into the societal processes (rules and customs governing social relations) are as important as the outcome in terms of deprivation for groups that face exclusion (Thorat, Haan and Sabharwal, 2014).

This concept of social exclusion clearly makes a distinction between group exclusion and exclusion of an individual. In ‘group exclusion’, all persons belonging to a particular social/cultural group are excluded, based on their group identity and not their individual attributes. Exclusion of an ‘individual’ is fundamentally different from exclusion of a ‘social group’. Individuals (both from excluded and from non-excluded groups) often get excluded from access to economic and social opportunities for various reasons specific to them (and not because of their group, social or cultural identity). Individuals,

for instance, may be excluded from employment owing to lack of requisite education and skills; individuals may face exclusion in access to education because of lack of requisite minimum qualification or merit or high education costs; individuals may get excluded from access to input and consumer markets because of lack of income and purchasing power. It is important to note that, conceptually speaking, exclusion of an individual has necessarily no connection with the social and cultural identity of a person. On the other hand, in the exclusion of a social group, variables associated with social and cultural identities such as caste, ethnicity, religion, gender, colour and race become important and result in exclusion of all persons belonging to specific social groups. Thus, the group characteristics of exclusion are based on social and cultural identities and not on individual attributes.

4.3.1 Caste-based Social Exclusion

In India, exclusion revolves round the social inter-relations and institutions that exclude, discriminate, isolate and deprive some groups on the basis of their group identity like their caste, ethnic and religious identity. Historically, the caste system has regulated the social, economic and political life of not only the Hindu society but also non-Hindu societies through a spill-over effect of the caste system (Thorat, Haan and Sabharwal, 2014).

Theoretical formulations by social scientists have recognised that in its essential form, caste as a system of social and economic governance or organisation is determined by certain customary rules and norms that are unique and distinct (Akerlof 1976; Ambedkar, 1936, 1987; Scoville 1991, 1996; Lal, 1988 as cited in Thorat and Sabharwal, 2015). The organisational scheme of the caste system is based on the division of people into social groups (or castes) in which the civil, cultural and economic rights of each individual caste are pre-determined or ascribed by birth and made hereditary. The assignment of civil, cultural and economic rights among castes is, however, unequal and hierarchical. The most important feature of the caste system, however, is that it provides for a regulatory mechanism to enforce social and economic organisation through the instruments of social ostracism (or social and economic penalties). The caste system is reinforced further with justification and support from philosophical elements in the Hindu religion (Ambedkar, 1936, 1987; Lal, 1988 as cited in Thorat and Newman, 2010).

The caste system has fundamental characteristics of fixed civil, cultural and economic rights for each caste with restrictions on change, which implies 'forced exclusion' of some castes from equal rights, which other castes enjoys. Exclusion and discrimination in civil, cultural, and particularly in economic spheres (such as occupation and labour employment) are internal to the system and a necessary outcome of its governing principles. In the market economy framework, restrictions would operate through denial of access to various markets such as land, labour, credit and services necessary for any economic activity. Labour being an integral part of the production process of any economic activity would obviously become a part of market discrimination. Exclusion of some castes would also cover other spheres such as education, health, housing and similar social needs. This implies that the caste system involves negation of not only equality and freedom, but also of basic human rights, particularly of the low caste/'untouchables' (scheduled castes or *Dalits*) and thereby impeding personal development.

4.3.2 Untouchability-based Social Exclusion

In the traditional scheme of the caste system, the untouchables who are at the bottom of the caste hierarchy suffered the most from unequal assignment and entitlement of rights. They were denied right to property, occupation (except so-called polluting occupations and manual labour), education, civil and cultural rights. It is necessary to recognise other channels through which untouchables faced denial of rights and entitlements. The graded inequality in rights implies that every caste except the caste located at the top of caste hierarchy, the *Brahmin* caste, suffered from exclusion in terms of denial of some rights, although the type of rights denied vary depending on the social location of the caste in the caste hierarchy (Ambedkar, 1987). Thus, like other lower castes, the untouchables also suffered from denial of certain rights. However, the untouchables also suffered from the notion of 'untouchability', which is unique to them (from which other castes do not suffer). On account of this unique stigma of untouchability, the untouchables are considered to be impure and polluting, and they have suffered from physical and social segregation and isolation. Physical and social isolation is unique to the caste system. The isolation and segregation lead to non-freedom and restriction on physical and social mobility resulting in denial of equal access in various spheres of society, culture and economy.

In this sense, the untouchable suffered from double denial, namely, denial of equal rights, which are clearly specified in the customary laws of the caste system and denial of rights owing to their untouchable status involving ‘forced non-association’ and lack of participation in various spheres of society, culture and economy. The lack of participation in the communal life of society resulting from the notion of untouchability is widespread in Indian society, in so far as it involves restrictions on physical and social mobility, which take various forms and dimensions (Thorat and Sabharwal, 2015).

- Q.1** What is meant by the terms *Unfair Inclusion and Unfair Exclusion*?
- Q.2** What is meant by *Group Exclusion*? Give an example of exclusion.
- Q.3** What is specific about Untouchability-based Social Exclusion in India?

5. SPHERES OF EXCLUSION

The following section will outline the various spheres in which children from the Scheduled Castes group encounter discrimination in schools. The observations presented in this section are based on the following studies: (a) The Probe Team Report on Basic Education in India, 1999; (b) Rekha Kaul’s study on Accessing Primary Education, 2001; (c) P.V. Abdulrahim’s report on the Education of Ex-untouchables (*Dalits*), 2009; and (d) Geetha Nambissan’s study on Exclusion and Discrimination in Schools, 2010.

Classroom

- (a) *Seating Arrangements*: The first sphere of exclusion is the classroom itself. Here lower caste children and Dalit students, in particular, are usually seated on the ground, while upper caste children are given chairs. Moreover lower caste students are generally told to sit at the back of the classroom, whereas students from other castes are allowed to sit up front (Nambissan, 2010).
- (b) *Teacher-student Interaction*: Some of the forms of discrimination observed between teacher-student interactions are as follows:
- During classroom teaching-learning process teachers keep on abusing SC children verbally.
 - Sometimes address them by their caste names.

- Maintain distance from SC children.
 - Do not give individual attention.
 - Not correcting homework/assignment of SC children.
 - Not giving moral and emotional support.
 - Not answering the questions.
 - Not asking questions to SC children.
- (c) *Classroom Participation:* Some of the forms of discrimination faced by SC students in classroom participation are as follows:
- Not appointed class monitor/leader.
 - Perform mental and physical task such as sweeping and other physical work.

School-wide Functions and Games

Some of the forms of discrimination faced by SC children during school functions and games are as follows:

- Non-participation in school functions and games.
- Non-involvement in serving and in distribution of community lunch.
- Denied access to lead in school ceremonies and assemblies.

Peer Relations (Student to Student)

In the school context upper caste children sometimes refuse to sit or play with SC children. In addition they won't visit the homes of *dalit* children and also don't invite them into their own homes. Sometimes peer address children by their caste names.

- Q.1** What discriminatory practices do *dalit* children face from their peers in the school context?
- Q.2** What types of discrimination do *dalit* children face from school teachers?

6. THE ROLE OF THE TEACHER

In the school context, the teacher should take up the following responsibilities in relation to children from the scheduled castes group:

1. The teacher should ensure that all children feel safe and accepted in the classroom.
2. The teacher should attempt to relate to the experiences of every child, regardless of caste status.
3. The teacher should come up with a non-discriminatory seating arrangement in the classroom.

4. The teacher should build up and raise all children's self-confidence regardless of caste.
5. The teacher should encourage team work between all students regardless of caste.
6. The teacher should carefully prepare all students for exams and athletic competitions.
7. The teacher should encourage interaction between all students (including SCs) and the community.

In view of the discriminatory practices against SC students in schools, the sensitisation of teachers to the harm of such mistreatment and exclusion becomes particularly important. It is hence necessary that all teachers not only be made aware of the ways discrimination may occur and also that they make a conscious effort to stop such behaviour. However, a teacher's role goes beyond mere regulation of personal behaviour. Teachers also have a responsibility to make SC students aware of their rights and encourage all students to express themselves freely and develop their skills.

Therefore, the following plan has been developed that aims to create in all Indian public school teachers a sense of common human dignity and respect, as well as a capacity for active change towards non-discrimination in the classroom.

Classroom Methods for the Provision of an Inclusive Educational Atmosphere

This part of the module will focus on solution – seeking strategies. Frequently workshops on non-discrimination fail to have long-term effects because they don't address the issue of change on a day-to-day basis. Hence, the workshop will conclude with a discussion and brainstorming sessions on solutions and anti-discriminatory manoeuvres that can be introduced into everyday life in the classroom.

This session could take on various formats depending on the preference of the trainer. One way would be to start with a presentation on various methods that have been previously identified and are listed above. Another option would be to begin by brainstorming and collecting ideas with the whole group first. In this scenario, the trainers would only make additions in the end in case they felt like something had been left out.

In-classroom practices counteracting discrimination include but are not necessarily limited to the following spheres of interaction:

“Dhaai Akshar Prem ke—Two and a Half Words of Love”

The new semester had started and it was already the third month. Students had started preparing for their first term exams. All teachers were concerned about the educational level of the students. Since I was the class teacher, I had dual responsibility of the students. The first concern was regarding my subject (geography) and secondly, as a class teacher. One day, other subject teachers complained about a particular student who had not been attending their classes on a regular basis, at that moment I did not take any immediate action. I did not have any prior clue about these allegations bestowed upon this particular student, yet I assured the other subject teachers that I would look into the matter myself. From that day onwards, I started to keep an eye on that student (Tej Singh) and his whereabouts. He would be present in my classes on a regular basis.

One day I found him loitering in the school grounds while other subject classes were going on in the classroom. I called him and in strict words asked him why he was not attending his classes and was outside? Instead of answering my question, with a lot of hatred and apprehension in his eyes, he looked at me and spitted angrily on the ground and left. I then realised that there must be some particular reason behind his anger and frustration.

Next day I spoke to his friends and started enquiring about him. I even visited his house and found out that he was an orphan child since his parents had expired and he was living with his elder brother and sister-in-law (*bhabhi*). He could neither afford textbooks on various subjects nor could he afford exercise copies/notebooks on different subjects to do his homework which the subject teachers expected from him. Every day he came to class with a single notebook. Each subject teacher expected him to do his homework in separate notebooks, but Tej Singh could not afford to buy separate copies for various subjects. Whenever he asked for money to buy notebooks or textbooks he was abused and his sister-in-law refused to give him money. His mental condition was such that he was about to leave school very shortly.

I affectionately explained to him and made him understand that he should continue with his studies. Later, I helped him to get textbooks, notebooks and stationary from the school. Constantly I kept appreciating and encouraging him for his work and studies and that gave him confidence and courage and he developed a keen interest in his studies. The result was that he completed his graduation with first division marks and presently he is a teacher as well as the principal of a school.

Inclusive Seating Arrangements

Studies have reported that children from the marginalised communities mostly sit in the very back row of the classroom. This means that they may have a harder time listening and participating in lessons and maybe easily overlooked by the teacher. Hence, a more inclusive classroom atmosphere could be created by designing alternative seating arrangements.

- A u-shaped seating arrangement with the teacher's desk at its centre would give all students equal vision of and access to the teacher.
- Alternatively a hexagon with the teacher's desk constituting one of the sides would be another option for an egalitarian seating arrangement.
- Teachers could also think of additional inclusive seating arrangements that integrate math symbols into the classroom. This will make the environment non-discriminatory and teaching-learning process more fun for the students.

Teacher-students Relations

- In order to address the issue of implementation of anti-discriminatory practices in the classroom and make sure that the insights gained in the previous exercises weigh in on future classroom behaviour, the teachers participating in the workshop should compile a common list of mandatory rules and practices for the classroom. This list will then serve as a guiding document for all student-teacher relations and should be an every teacher's constant companion.

Based on the aforementioned background studies on the forms of discrimination still faced by the children from the scheduled castes group in school, such a list should include but not be limited to the following practices:

1. Before starting, the class can take an Oath of Respect which could include promises like – Respect differences, Equal Opportunity to all, Caring for All, No Hierarchy etc. This could be written on a chart paper and posted on the wall as a reminder. Children and teacher can make this promise everyday before starting the class.
2. All children should either be seated at equal distance from the teacher or be part of a rotating seating arrangement through which every child receives the opportunity to sit up front on a regular basis.
3. Teachers should take care to encourage all children to ask questions about the covered material.
4. Teachers should make sure to check every child's homework.

5. Teachers should provide constructive criticism to all students. Criticism should be expressed respectfully and consideration for children's insecurities without abusive language or public embarrassment.
6. Teachers should ensure that friendly interaction between children from different castes and differing religious and ethnic backgrounds take place.
7. Teachers should draw up a schedule for lunch duty. The teacher in-charge should ensure equal treatment of *Dalit* children in the serving process, both with regards to quantity and to the manner in which the children are treated.

The above list is by no means exhaustive, but merely mentions a number of ways that should definitely be included in the guiding document for ensuring a non-discriminatory environment in the classroom. For the purpose of training, the teachers should develop this document through a brainstorming exercise, as personally developed ideas tend to have more power over people's behaviour than rules imposed from the outside.

Peer Relations

- *Buddy System*: One way to make sure that children from all castes truly interact with each other on a daily basis would be to introduce a so-called buddy system. According to this system, the teacher pairs up students who have varying academic and other-curricular strengths and are from different caste backgrounds. These pairs or 'buddies' are then required to arrange a mandatory meeting or 'buddy session' once or twice a week, where they help each other with home-work or engage in athletic activities together.
- For example, a teacher could pair up a lower caste student who is very strong in Mathematics but weak in English with an upper caste child whose academic preferences are reversed.

***Pratibha Ki Pehchaan:* Acknowledgement of a True Talent**

There was a *Dalit* boy who was a first generation learner in his family. He kept failing continuously in all his exams in high school and his teachers had lost hope that he would never be successful in passing his higher secondary exams. At home, even his parents thought on similar lines. In the day time, instead of attending his classes he would be playing football in the grounds and in the evening, he

Alternatively one could also pair up a student who does very well in physical and creative activities but is weak in academics with someone who excels in that area but does not feel comfortable in activities requiring physical or creative input. In all pairings, the teacher would have to pay attention to pupil's individual abilities and caste backgrounds and pick buddies accordingly.

- A system like this could result in the development of friendships across caste and religious boundaries that is unlikely to take place otherwise. It would also help both buddies to excel in all aspects of the school curriculum. Most importantly, however, one-on-one contact like this might eliminate some of the stereotypes children from high and low castes have about each other and cause them to see each other as human beings and individuals.
- The teacher could establish mandatory sessions of common play/talking time at the beginning of breaks. The teacher could put a different student in-charge each time and ask

would be selling peanuts in front of a cinema hall. Thus, the crucial question was, when would he then study? His situation was such that he was not ready to change his daily routine even after his father and teachers kept asking him to refrain from what he was doing at that time and concentrate on his studies.

The good and positive thing about him was that he was a very good footballer, and based on this talent, he had started taking part in national level football matches and competitions. This talent was neither recognised nor nurtured by either his teachers or his family members. They were of the opinion that he should first concentrate on his studies and forthcoming board exams, and then only he would be able to succeed in life.

One of his teachers had faith in his talent. He would be able to win the confidence of his parents and other teachers only if he managed to clear his board exams successfully. That particular teacher started guiding and coaching him on those subjects in which he was weak and lacked knowledge. But he never stopped the boy from playing football. At the end, the student successfully cleared the board exams and due to his talent in football he acquired a job in State Bank of India, under the sports quota. Continuous encouragement and favourable opportunities helped him become a national level football player. He participated in various national and international level matches and competitions.

her/him to think of a game everyone could play together. This will allow everyone a chance to take charge, as well as for students to mingle and lose their fear of physical contact.

- The teacher should introduce a weekly reflection hour, in which students think about and share their own prejudices and the ways in which they may have previously discriminated against fellow students. For this exercise, students should sit in a circle and be able to look at each other. During the conversation, the teacher needs to ensure a peaceful environment and insist on polite language. Once a student is done sharing, she/he should be encouraged to apologise to the students she/he may have intentionally or unintentionally insulted or hurt. It is not sufficient to conduct such an exercise once. Rather this, reflection hour should be a regular occurrence, preferably on a weekly basis to ensure that children gradually become aware and keep thinking about their discrimination and their own behaviour.
- Teachers should assign random seating by lottery and repeat the process every couple of months so children are forced to get to know and to engage in contact with everyone in the class.
- In order to help upper caste children understand how it feels to be discriminated against the teacher could play a number of games with students that help make students aware of the evils of discrimination. A number of suggestions are included in Appendix-III.

7. ONE-DAY TEACHER TRAINING WORKSHOP FOR THE PROMOTION OF NON-DISCRIMINATORY PRACTICES IN THE CLASSROOM

The aim of this workshop is to create awareness in school teachers of what constitutes discriminatory behaviour in the classroom. We hope that this awareness will form the basis for increased reflection on matters of discrimination and ultimately lead to the implementation of day-to-day counteractive classroom practices and exercises, as we believe that discrimination is an issue that has to be tackled continuously and a new every day.

Reflection Questions for Students

1. What have the previous exercises taught you about your own discriminatory attitudes?
2. What have you learned about the effects of discriminatory behaviour on the victims through the previous activities?

Participants

In order to successfully execute the outlined module, the following set up is desirable.

1. Not more than 15:20 teachers/participants should be in a training group at one time.
2. At least 2:3 trainers/facilitators for each group of participants.
3. A big space should be provided that allows for small group work, as well as for large group discussion and exercises.
4. Pens, markers, flash cards and poster paper should be provided.

Outreach

In order to guarantee that teachers implement recommendations in the offered module, participation should be ensured in one of two ways.

1. One option would be to make the module mandatory for all teachers by state law. This route would require strong support from the Government both in terms of issuing and implementing the module.
2. Another way of ensuring teacher participation in the module would be to provide incentives. For example, it could be made to fulfil a requirement in teacher's education or be prompted as an additional job qualification.

Part I

The teacher training module on discrimination in the classroom will feature an introductory session on Human Rights concepts and guidelines to inspire teachers to begin thinking of students; teachers and everyone else as forming a common humanity, discourage categorisation in terms of caste or religion and promote mutual respect:

- (a) As a first step towards achieving this goal, the Universal Declaration of Human Rights should be reviewed. As the entire document is very long and it would be too time consuming to go through every article one by one, attention should particularly be paid to articles 1, 2, 4 and 5, which deal with issues of a universal human dignity and equality.
- (b) Since, education at the public school level primarily concerns children, the UN Declaration of the Rights of the Child should also be reviewed with particular emphasis on articles 6, 7, 9, 10. (See Appendix IV)
- (c) After the review of the above articles the module, trainer

should stress once more the universal applicability of the aforementioned notions regardless of people and especially children's religious background, caste membership, ethnicity, regional belonging, abilities etc.

- (d) In an effort to relate these issues to the Indian context the trainers might consider mentioning and/or quoting a number of prominent Indian figures who have specifically stressed the special value of children in society and their entitlement to a happy fulfilling life. Example:

'If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children' (Mahatma Gandhi).

1. What does the Universal Declaration of Human Rights state about common human dignity and equality and what articles are significant in this context?
2. Which articles from the UN Declaration on the Rights of the Child are particularly important in the school context?

Part II

After this general introduction on the Human Rights Framework, an effort should also be made to confront teachers with their own prejudices and discriminatory behaviours. In order to do this, two different methodologies can be employed.

- (a) First of all, the training session should start out with an association exercise, with the aim of revealing ingrained and unquestioned assumptions and discriminatory attitudes with regards to marginalised communities. One possible approach is described below:

The trainers will write various terms on to the board, such as: 'last row,' 'prefect,' 'school cook', etc. Then the teachers, or in this case the participants, will be asked to tell the trainer and everyone else in the workshop what kinds of people, things or situations they associate with the various words and phrases presented to them. Their associations will be noted down in columns under the respective terms. Such an exercise is likely to make explicit some inherent prejudices and assumptions about class hierarchies, student's roles, as well as their intellectual capabilities.

Throughout this exercise, the trainer should note down any potentially or explicitly discriminatory attitudes that may be inherent in these statements. Afterwards when everyone has had their turn to talk, the trainer should present his own observations to the teachers and facilitate a discussion, in which he addresses the various stereotypes that have become apparent in the previous exercise. Over the course of such a discussion, it may become obvious that certain assumptions really are unconscious ones and that many teachers don't understand the harmful consequences and effects of their behaviour. On the other hand, trainers could also discover the opposite that some teachers are very much aware of their own discriminatory behaviour and feel that it is justified on the basis of religion, tradition etc.

In this case, it would be important to convey that personal beliefs of this kind don't have a place in the classroom. Therefore, the session should be concluded with a discussion on the Constitutional significance on the right to education, the abolishment of untouchability and a repetition of the right of the child and the concept of common human dignity.

A list of words that could potentially be used by the trainers in this exercise can be found in Appendix-I.

- (b) The second exercise will confront discriminatory behaviour in a more direct manner, in order to lead up to a discussion about possible solutions.

The trainers will divide the teachers into small workshop groups and give each group some flash cards and markers. They will be asked to brainstorm on classroom situations in which they may have demonstrated discriminatory behaviour in the past and write it down on a flash card. After collecting as many as possible of these scenarios, they will then be asked to think of ways to correct and counteract these habitual behaviours and how to enact them in the classroom. For example, one type of discriminatory behaviour could be 'seating lower caste students in the last row,' while a potential method of addressing this problem would be 'to come up with alternative, more inclusive seating arrangements' (for further details refer to Appendix-II).

Reflection Questions for Teachers

1. What have the previous exercises and discussions taught you about your own discriminatory attitudes?
2. What have you learned about the effects of discriminatory behaviour through the previous activities?
3. What have you learned about possible solutions to the problem of caste-based discrimination in the classroom?

Part III

Wrap-up Discussion

As a concluding exercise, the trainers should initiate a final reflection round. In this round, everyone will be encouraged to share the insights they gained about their own behaviour, about Human Rights and about effective approaches to anti-discrimination, as well as the doubts that remain and the criticisms participants wish to voice regarding the approach taken in the workshop.

This round will ultimately serve as a learning tool for both the teachers participating in the workshop, as well as for the trainers. Based on the feedback trainers will get an idea of what approaches are effective and which ones are not. These insights can then be incorporated into future session.

8. CONCLUSION

The module outlined above aims to elucidate some of the most pressing issues related to the education of children from the scheduled castes group today. It hopes to give an overview of the main forms of discrimination experienced by these students and provides some insight into the reasons behind discrimination of scheduled castes in school.

In order to counteract such discriminatory practices, the authors regard it as crucial that training initiatives don't merely prescribe behavioural rules and issue prohibitions, but attempt to address deeply ingrained attitudes towards social hierarchies. Hence, the teacher-training module begins and ends with a discussion format that stresses the values of participation, mutual respect and collective solution-seeking. It also encourages participants to think for themselves by developing their own methods to address discrimination and tries to promote empathy by introducing exercises that forces teachers and upper caste students to put themselves in the shoes of those

who get discriminated. There are positive examples that indicate mixed peer groups formed in educational institutions and social mobility of children from Scheduled castes and Schedule tribes to other social groups once the prejudice is addressed and knowledge on the value of diversity communicated to students. By addressing teachers' own prejudices and by presenting small alterations that can be made part of the everyday school life, the authors of this module wish to foster an environment in which the issue of non-discrimination is always present and always promoted. Ultimately, we hope that this will lead to incremental change in attitudes that will continue to grow over generations.

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APPENDIX I

Potential list of words to be used by trainers in fostering teachers' awareness of their own Prejudices and Discriminatory Behaviours:

- Intelligent/Talented
- Weaker Students
- Water Pot
- Last Row
- Food
- Serving Food
- Broom
- Study
- Class Officers
- Wisdom
- Impure

APPENDIX II

Exercises for Teachers on issues of Discrimination

Action Point 1: Potential Reasons for Learning and Adjustment Difficulties for SC Children

Ask teachers to prepare a list featuring the main reasons for learning and adjustment difficulties among SC children in schools. For example such a list could look like this:

Reason 1:	Reason 4:
Reason 2:	Reason 5:
Reason 3:	etc.

Potential reasons could include lack of confidence, fear of bullying, poor economic status, hesitation to approach upper caste classmates, irregularity of attendance for domestic reasons, language barriers, stress etc.

It is likely that for most SC students several of the aforementioned reasons will apply simultaneously. As a result, it becomes increasingly difficult for them to adjust and thus to make academic progress.

Action Point 2: What are the main obstacles SC children are experiencing in terms of adjustment and learning in the classroom?

Ask teachers to make a list featuring the main obstacles SC children are experiencing in terms of adjustment and learning in the classroom. For example, such a list could look like:

Reason 1:	Reason 4:
Reason 2:	Reason 5:
Reason 3:	etc.

Potential reasons could include problems with reading and writing due to lack of attention from previous teachers, lack of support from parents with regards to school work, distraction of domestic work, exclusion from extra-curricular activities.

APPENDIX III

Ideas for in-class activities fostering student's reflection on their own Prejudices and Discriminatory Attitudes

1. Colour Groups

The Colour Groups game teaches kids how discrimination feels, based on circumstances out of their control. Divided into three random groups, each group's assigned a colour on which treatment is based: One gets royal treatment, one gets treated the same as always and one is ostracised. For example, the first group receives a special treat on their lunch tray, while the second gets the regular meal and the third group has to eat at a table by themselves and clean up everyone else's tables at the end of lunch. Afterward, the groups sit together and discuss whether it was fair that one group got preferential treatment; if one group deserved less; and how it made them feel when their friends got more/less than they did.

2. Mask your Difference

In this exercise, each child receives a paper plate with eyeholes and a napkin to drape over their head. The children cover their faces with the masks, put the napkin over their hair and walk around the room looking at each other silently. After decorating the masks, they again walk around without speaking. When the exercise is complete, the children discuss the difference between the two experiences, exploring what it felt like when everyone looked the same; if anyone felt special or unique; if it was it boring to look exactly alike. They can compare how it felt when they saw everyone's unique mask and how it was different from the first round. The goal of this exercise is to open up a discussion about differences in human culture: What makes us the same? What makes us different? How does difference feel?

3. The Privilege Line/ The Discrimination Line

All children will be asked to stand in one straight line. Then the teacher will pose a number of questions to the group that can be answered with yes or no. These questions will relate to issues of economic and

social discrimination. For example, one of the questions could be: 'Have you ever been prevented from drinking water from the common water source?' or 'Have you ever been overlooked by a teacher when wanting to ask a question about the home work?' etc. Every time a child answers a question with 'yes' he/she must take one step forward, while everyone who answers 'no' must remain where they are. Slowly vast discrepancies will emerge with some children moving further and further away from the line, while others very rarely have to take a step forward.

After about 15-20 questions, the game should be ended. A discussion should then follow about people's observations and the implications of these observations. For example, the students who had to take many steps should be asked about their feelings about the matter and about the reasons they believe to lie behind their obvious disadvantage. Similarly those children who hardly moved at all should be questioned about their feelings and why they think others are faced with so many more disadvantages?

Hopefully this game will instill in upper caste children an awareness of their own privilege and create a feeling of empathy. However, the game needs to be executed carefully and sensitively so as not to hurt any one's feelings.

APPENDIX IV

In this section, the Universal Declaration of Human Rights Articles 1, 2, 4 and 5 may be listed down and UN Declaration of the Rights of the Child Articles 6, 7, 9 and 10 may be attached for ready reference and for reading and understanding of the issues.

Universal Declaration of Human Rights

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2 : Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty.

Article 4 : No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

UN Declaration of the Rights of the Child

Article 6: The child, for the full and harmonious development of

his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Article 7: The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Article 9: The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Article 10: The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

MODULE 4

Right to Education Act, 2009 and Children from Scheduled Caste Communities

ABSTRACT

The Scheduled Castes are one of the socially and educationally backward communities of India. The Right to Education Act, 2009 is one of the major steps of Government of India towards ensuring educational participation of children of all population groups in an effort to make India hundred per cent literate. This module has tried to highlight those components of RTE Act, 2009 which can facilitate access, retention and completion of elementary education, specifically for the children of disadvantaged groups such as Scheduled Castes. The module focuses on challenges in the education of the children of scheduled castes. The module also concentrates on how RTE Act, 2009 fixes the responsibility of the each stakeholder in ensuring educational participation of all children including those of disadvantaged groups specially children from scheduled castes.

1. INTRODUCTION

The development of any nation depends on its educational system and it is proved that education is the key to human progress and social change. Education is a powerful tool for the empowerment of individuals. It helps in developing confidence in individuals and community as a whole, about their own capacities, inherent strengths to shape their lives.

Since Independence, India has made impressive progress in terms of growth of educational institutions at different levels, physical access to schooling for children, and diversification of educational programmes. Around 18 crore children are taught by almost 57 lakh teachers in more than 12 lakh primary and upper primary schools across the length and breadth of the country.

The Government of India's various programmes and schemes, such as, the Operation Blackboard, Bihar Education Project, *Lok Jumbish*, District Primary Education Programme, and the last of these being the *Sarva Shiksha Abhiyan* (SSA), have led to over 98 per cent of our children estimated to have access to primary schooling within one kilometre of their habitation, and almost 92 per cent to an upper primary school within three kilometre of their habitation. Gross enrolment ratios have increased significantly across all social categories, drop-out rates at primary level have declined and transition from primary to upper primary stage has improved. The Mid-day Meal (MDM) programme which originated in Tamil Nadu in 1982, is currently implemented in most states of the country. The research studies have observed that the mid-day meal scheme had an immense positive impact in terms of higher enrolment and attendance levels (Dreze and Goyal, 2003).

This massive expansion of education, in terms of physical access has, however, by and large, not been reinforced by adequate curricular inventions, including teaching-learning materials, training designs, assessment system and classroom practices, or even suitable infrastructure. Physical expansion has also not adequately addressed the problem of social access. An alarming 46 per cent children, largely girls and SC/ST children drop-out before completing the elementary stage of education. The country's expectations in respect of overall coverage, equitable distribution and quality of education have largely not been fulfilled.

If we look back into the history of India, education was never in reach of its entire people. Unequal access to education

has been rampant in India. This is because our social system is stratified into manifold layers based on class, caste, gender and religion. Unequal social, economic and power equations, which persist, deeply influence children's access to education and their participation in the learning process. This is evident in the disparities in education access and attainment between different social and economic groups. Thus children, particularly girls, belonging to SC, ST and Muslim minority communities, and children with disabilities, especially those from poor families, are educationally most vulnerable.

2. OBJECTIVES

- To highlight the component of RTE Act 2009 related to education of children from Scheduled Castes.
- To emphasise the responsibility of each stake holders for effective implementation of RTE Act 2009.

3. PRIVATE AND GOVERNMENT SCHOOLS

Even as the education system seeks to reach out to every child by widening access and providing school infrastructure and teachers, the issue of quality presents daunting challenges. Indian education system is known for its inequitable character – there are high fee charging schools catering to the rich and privileged and ordinary government schools with extremely insufficient facilities to which the masses of people living in rural areas and urban slums send their children. There is a range of government and private schools between these extremes. Time has come to make a decisive intervention to change this situation so that all children irrespective of their religion, caste, class, gender and location get an education of comparable quality.

4. RIGHT TO EDUCATION (RTE) ACT, 2009

In August 2009, Parliament passed the historic Right of Children to Free and Compulsory Education (RTE) Act, 2009. The new law must be seen from the perspective of children. It provides a legal framework that entitles all children between the ages of 6-14 years to an education of reasonable quality, based on principles of equity and non-discrimination. It provides for children's right to free and compulsory admission, and completion of elementary education. More importantly, it provides for the child's right to education that is free from fear, stress and anxiety. There are several provisions in the Act, for example, provisions prohibiting corporal punishment, detention

and expulsion. The most important aspect, however, is to ensure that the teaching-learning process is free from stress and anxiety (Sec.29), with obvious implications for curricular reform. Testing and school grading systems need to be reviewed to motivate children to deepen and widen their learning. The RTE Act also lays down the responsibilities of teachers. Teacher accountability systems would need to ensure that children are learning and that their right to learning in an environment that is free from stress and anxiety is not violated.

- The right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
- It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. ‘Free’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- It makes provisions for a non-admitted child to be admitted to an age-appropriate class.
- It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- It lays down the norms and standards relating to, *inter alia*. Pupil Teacher Ratios (PTRs), buildings and infrastructure, school working days, teacher working hours.
- It provides for rational deployment of teachers by ensuring that the specified pupil-teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is practically no urban-rural imbalance in teacher postings. It also prohibits deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and Parliament, and disaster relief.
- It provides for appointment of appropriately trained teachers, i.e., teachers with the requisite training and academic qualifications.

- For children in 6-14 age group, it prohibits (i) physical punishment and mental harassment; (ii) screening procedures and for admission; (iii) capitation fees; (iv) private tuition by teachers; and (v) running of schools without recognition,

It provides for the following penalties:

For charging capitation fee: fine up to 10 times the capitation fee charged;

For resorting to screening during admission: ₹ 25,000 for first contraventions; ₹ 50,000 for each subsequent contravention; and

For running a school without recognition; fine upto ₹ 1,00,000, and in case of continuing contravention ₹ 10,000 for each day during which the contravention continues.

- It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child-friendly and child-centred learning.
- It provides for protection and monitoring of the child's right to free and compulsory education and redressal of grievances by the National and State Commissions for Protection of Child Rights, which shall have the powers of a civil court.

(For detail, please see Appendix I on page 82)

5. SCHEDULED CASTES AND THEIR EDUCATIONAL SCENARIO

The Scheduled Castes, one of the socially disadvantaged groups, constitute around 16.6 per cent of the total Indian population with marked State and Regional variations in terms of their proportions. They have been subjected to oppressions, under the feudal caste system, due to their low ritual and social status in the traditional social hierarchy. And hence, their children have historically been excluded from the formal education system.

It would be observed from the table that the general literacy rose by 8.66 per cent during the decade from 2001 to 2011 as it rose from 65.38 per cent in 2001 to 74.04 per cent in 2011 with male literacy being 82.14 per cent and female literacy being 65.46 per cent. Significantly, there has been marked improvement in the literacy rate of the Scheduled Castes. The rate of increase of literacy among the SCs was

11.41 per cent as compared to 8.66 per cent increase in overall literacy as the literacy of the SCs increased from 54.69 per cent in 2001 to 66.10 per cent in 2011. There is, however, still a wide gap of 7.94 per cent in the overall literacy rate of the country as a whole and the literacy rate of SCs. The gap between the male literacy of the general population and SC population is 6.94 per cent whereas it is 8.96 per cent in the case of female literacy.

Table : Literacy rate in SC Population

Census	Total Literacy Rate (in Percentage)			Literacy Rate of SCs (in Percentage)		
	Male	Female	Total	Male	Female	Total
1961	40.40	15.34	28.31	16.96	3.29	10.27
1971	39.45	18.69	29.54	22.36	6.44	14.67
1981	46.29	24.82	36.25	31.12	10.93	21.38
1991	64.13	39.29	52.21	49.91	23.76	37.41
2001	75.85	54.16	65.38	66.64	41.90	54.69
2011	82.14	65.46	74.04	75.20	56.50	66.10

Source: Relevant Census reports Registrar Government of India.

One more important fact worth mentioning is that there was 52.84 per cent increase in the literacy rate for SC males which rose from 22.36 per cent in 1971 to 75.20 per cent in 2011 but the rise in the female literacy during this period was 50.06 per cent only as it was 6.44 per cent in 1971 and 56.50 per cent in 2011.

The above trends in the literacy rates of SC population indicate that much more efforts are required for their educational development. Special attention is needed for increasing the female literacy rate of SC population since increase in their literacy is low as compared to the increase in male literacy.

6. OBSERVATIONS IN POSITION PAPER OF NATIONAL FOCUS GROUP ON PROBLEMS OF SC AND ST CHILDREN (2007)

The Position Paper of National Focus Group on Problems of Scheduled Caste and Scheduled Tribe children has pointed out that the post-independent India witnessed a massive state supported expansion and democratisation of schooling and institution of positive discrimination policies to facilitate access, education has successfully served, albeit to varying extents and with marked regional variations, as a key instrument of change

and emancipation for the SC. It has brought them self-respect and socio-economic advance, raised political consciousness and empowered their identity struggles. However, educational disparities between the SC, and the rest of the population, in terms of quantity, quality, teaching-learning process and learning outcome, have been far from eliminated. The inequalities reflect the fact that theirs has scarcely been an equal integration into dominant society. Rather, in a society characterised by growing polarisation, their inclusion has been governed by relations and processes of exploitation, discrimination, displacement and oppression. Global economic forces have brought about greater number of large sections of SCs who experience marginalisation by development processes. Poverty, unemployment and ill-health are disproportionately located among them. Vast numbers of the Scheduled Castes have been unable to escape stigmatised occupations and social existence.

Further, the Position Paper has stated observations on the basis of exploration into the field reality of schooling of SC and ST children which entailed a critical overview of basic educational provisions as well as issues related to structure, content and process of the schooling. It was found that historical inequality in diffusion has been mitigated to a great extent, but unequal provision continues to be fundamental educational deterrent. Quality of mass education has declined to an abysmal level. Current policy changes have led to a rapid decline in teaching-learning conditions and have exacerbated the already grim situation in neglected regions and remote areas. The cut in public spending on education has proved most damaging. It has adversely affected state provisioning of schools and teachers and encouraged in its place the most substandard and commercially oriented private effort or spectacular but unsustainable innovations. Ironically, as India stakes claim as frontrunner in the world knowledge economy, her underprivileged children suffer the consequences of grossly inferior basic education. Several dimensions of educational inequality are conspicuous by their presence in schools for the SC and ST and signify the decline and dilution in educational quality. Diffusion is as yet inadequate in many parts, leading to situations whereby 'social' accessibility persists as a problem for the SC child and the absence of even a poorly functional school remains a disadvantage imposed on a remotely-located SC/ST child. Inferior learning opportunity is actualised in the poor quality of infrastructure, an inadequate and demotivated

teaching staff, inadequacy of teaching transaction and in the provision of teaching-learning material (TLM).

7. OBSERVATIONS OF SOME RESEARCH STUDIES OF CHILDREN FROM SCHEDULED CASTES

In examining the extent of discrimination against Scheduled Caste children in schools, Throat (2002) compares data on untouchability in several states in 1971 and 1996. He finds that while the practice of untouchability is much less severe and the practice of making Scheduled Caste children sit separately from other students had practically disappeared in his sample schools, discriminatory treatment persists in milder forms. The examples he found in the mid-1990s, for instance, were the lack of friendship between Scheduled Caste and non-Scheduled Caste students, and subtle differences in the treatment of SC and non-SC students by teachers.

Economic pressures force a large number of Scheduled Caste children to leave school at an early age. However, this is not the only reason that children leave. Memories of humiliation can also play an important role in the decision to leave, albeit a less visible one (National Commission on Scheduled Castes and Scheduled Tribes, 1998).

The poor quality of education is another critical factor that leads to lower retention. Research has found that the majority of students from Scheduled Caste and Scheduled Tribe communities study in government schools that are badly-equipped in terms of the number of teachers, infrastructure and school environment. Discrimination against under-privileged groups is endemic, and takes numerous forms (PROBE, 1999).

Issues of self-worth, dignity and livelihoods that school education has failed to address or even acknowledge also arise for Scheduled Caste communities. While SC students have much greater access to elementary education than ST children, they frequently encounter overt and covert acts of discrimination, prejudice and rejection from teachers and fellow students. Commonly reported instances of cruel treatment include being told to sit separately from other students, being called 'untouchable' or stupid, being beaten and caned for presumed infractions and so on (Dreze and Gazoler, 1997).

A study of Jha and Jingran (2002), with an all India sample has lent ample credence to the assertion that poverty and caste act as fundamental deterrents to education.

Kaul's (2001, taken from Sedwal, M. and Kamat, S. 2008) paper highlights the need for a fresh approach to study the extent and forms of discrimination against SC and ST children. In her study, she found that many Scheduled Caste children were scared to talk about the unequal treatment meted out to them, such as verbal abuse, physical punishment or avoiding touch, by some of the upper caste teachers in their schools.

In her study of 12 schools in two districts of Rajasthan and Madhya Pradesh, Subramanian (2005) also found that primary school teachers freely expressed opinions about the 'in educability' of SCs and STs. Such biased views, she reports, were expressed less by middle and secondary school teachers in the same districts.

According to the National Focus Group Paper, 2007, a highly inadequate teaching force has been a most critical element of unequal provisioning. Teacher-pupil ratios in schools frequented by SC/ST have been much higher than those in other schools meant for higher caste villagers.

The problem of insufficient number of teachers has been compounded by the problem of unmotivated teachers, which is reflected in the phenomenon of teacher absenteeism. Teachers for SC and ST children primarily belong to non-SC or non-tribal backgrounds. They are highly irregular in attending since they live outside the villages. This is a common feature in schools located in remote areas.

Leclercq (2003) noted that in the Education Guaranteed Scheme (EGS) schools in SC and ST dominated district of Madhya Pradesh, multi-grade teaching was generalised. The quantity of teaching was problematically low and quality was equally a key deficiency.

The objective of the Baskaran's study was to find out the impact of mid-day meal scheme on enrolment of primary school students belonging to scheduled caste and, understand how it is related to their drop-out rates. His study was undertaken in the taluka of Thiruvallur of the M.G.R. district. The results of the study showed that introduction of mid-day meal scheme was one of the important factors for improving enrolment of scheduled caste students in schools of Thiruvallur taluka; the dropouts were below 10 per cent; good nutrition helped them

to learn what the teacher teaches in the classroom; most of the parents informed that because of mid-day meal scheme, they send their children to the school.

Ramchandran, (2004) reported that “Teachers in India are predominantly upper caste and bring their own understandings of the legitimacy of caste relations into the classroom. *Dalit* children are expected to run errands and are assigned menial tasks such as sweeping and cleaning the classrooms. Higher rates of teacher absenteeism were reported when children were mainly from *dalit* and tribal communities” (Kabeer, 2006).

8. CHAPTER-WISE IMPLICATIONS OF RTE ACT UPON THE EDUCATION OF CHILDREN FROM SCHEDULED CASTES

In the light of the above background including the observations from the various research studies, we have tried to examine the implications of RTE Act, 2009 on the education of children of Scheduled Castes.

Chapter 1

- “Child belonging to disadvantaged group” means a child belonging to the scheduled caste, the scheduled tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification.
- “Child belonging to weaker section” means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification.

Chapter 2

- The children of scheduled caste communities along with other children of the age of 6 to 14 years have a right to compulsory education in a neighbourhood school till completion of elementary education. Having a Right means that it is not a welfare measure for them and no one is obliging them by admitting in the school.
- Free education i.e., to say no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary

education – poverty being invariably the reason for children of scheduled caste not affording education.

- The children of scheduled caste, for various reasons discontinue their schooling. However, as per this Act, a child above six years of age who has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age. Further, in such cases, they have a right to receive special training and if required, he/she is entitled for free education till completion of elementary education even after fourteen years.
- In many areas, particularly in remote areas and in predominantly scheduled caste inhabited villages, there may be only primary level schools.
- Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education. For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate. Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school.

Chapter 3

Duties of Appropriate Government, Local Authority and Parents

- For carrying out the provision of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed a school, where it is not so established, within a period of three years from the commencement of this Act.
- Develop and enforce standards for training of teachers; ensure availability of a neighbourhood school as specified in section 6; Ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevent from pursuing and completing elementary education on any grounds; Provide infrastructure including school building, teaching staff and learning equipment. Ensure and monitor admission,

attendance and completion of elementary education by every child. Ensure good quality elementary education conforming to the standards and norms specified in the Schedule.

- Ensure timely prescribing of curriculum and courses of study for elementary education. Ensure admission of children of migrant families; monitor functioning of schools within its jurisdiction; decide the academic calendar.
- It shall be the duty of every parent or guardian to admit or cause to be admitted her or his child or ward, as the case may be, to an elementary education in the neighbourhood school.
- The appropriate Government may make necessary arrangement for providing free pre-school education for such children.

Chapter 4

The responsibilities of Schools and Teachers

- For the purposes of this Act, a school may admit in Class I to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.
- No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure. If any school or person receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged and if subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupee for the first contraventions and fifty thousand rupee for each subsequent contraventions.
- For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate or on the basis of such other document, as may be prescribed but no child shall be admitted in a school shall be held back in any class or expelled from school till the completion of elementary education. No child shall be subjected to physical punishment or mental

harassment, otherwise the teacher shall be liable to disciplinary action under the service rules applicable to such person.

- In the school Management Committee, the proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section.
- Duties of teachers include maintaining regularity and punctuality in attending schools, conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29; complete entire curriculum within the specified time; assess the learning ability of each child and accordingly supplement additional instructions, if any, as required.
- Hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child.
- A teacher committing default in performance of duties specified as above shall be liable to disciplinary action under the service rules applicable to him or her.
- The appropriate Government/local government shall ensure that the Pupil-teacher Ratio and to maintain it no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose except for decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be. No teacher shall engage himself or herself in private tuition or private teaching activity.

Chapter 5

- Curriculum and Completion of Elementary Education.
- The academic authority, while laying down the curriculum and the evaluation procedure shall take into consideration.
- All-round development of the child, building up child's knowledge, potentially and talent.
- Learning through activities, discovery and exploration in a child-friendly and child-centred manner.
- Making the child free of fear, trauma and anxiety and helping the child to express views freely.
- Comprehensive and continuous evaluation of child's

understanding of knowledge and his or her ability to apply the same.

The October 2012 amendment of RTE Act has further clarified the role of schools in the context of children of weaker sections as well as of disadvantaged groups such as Scheduled Castes (Please see the Appendix II on page 95).

1. What specific provisions have been made for the access to education for children of Scheduled Castes?
2. How is this Act going to help in retaining the Children of Scheduled Castes?
3. What measures have been given in RTE Act for improving the quality of education for children of Scheduled Castes?

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APPENDIX I

रजिस्ट्री सं. डी. एल.—(एन)04/0007/2003—09

REGISTERED NO. DL—(N)04/0007/2003—09



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 39]

नई दिल्ली, बृहस्पतिवार, अगस्त 27, 2009/भाद्र 5, 1931

No. 39]

NEW DELHI, THURSDAY, AUGUST 27, 2009 / BHADRA 5, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 27th August, 2009/Bhadra 5, 1931(Saka)

The following Act of Parliament received the assent of the President on the 26th August, 2009, and is hereby published for general information:—

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

No. 35 OF 2009

[26th August, 2009.]

An Act to provide for free and compulsory education to all children of the age of six to fourteen years.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(b) "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school;

(c) "child" means a male or female child of the age of six to fourteen years;

(d) "child belonging to disadvantaged group" means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

(e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

(f) "elementary education" means the education from first class to eighth class;

(g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;

(h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;

(i) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005;

4 of 2006.

(j) "notification" means a notification published in the Official Gazette;

(k) "parent" means either the natural or step or adoptive father or mother of a child;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Schedule" means the Schedule annexed to this Act;

(n) "school" means any recognised school imparting elementary education and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

(o) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method;

(p) "specified category", in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate Government;

(g) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005.

4 of 2006.

CHAPTER II

RIGHT TO FREE AND COMPULSORY EDUCATION

3. (1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.

Right of child to free and compulsory education.

(2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education:

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

1 of 1996.

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

Special provisions for children not admitted to, or who have not completed, elementary education.

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

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

5. (1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

Right of transfer to other school.

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

CHAPTER III

DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

6. For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

Duty of appropriate Government and local authority to establish school.

Sharing of
financial and
other
responsibilities.

7. (1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

(3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.

(4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

(5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) The Central Government shall—

(a) develop a framework of national curriculum with the help of academic authority specified under section 29;

(b) develop and enforce standards for training of teachers;

(c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

Duties of
appropriate
Government.

8. The appropriate Government shall—

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

Explanation.—The term "compulsory education" means obligation of the appropriate Government to—

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in section 4;

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(h) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers.

9. Every local authority shall—

Duties of local authority.

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;

(e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;

(f) provide infrastructure including school building, teaching staff and learning material;

(g) provide special training facility specified in section 4;

(h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(i) ensure timely prescribing of curriculum and courses of study for elementary education;

(j) provide training facility for teachers;

(k) ensure admission of children of migrant families;

(l) monitor functioning of schools within its jurisdiction; and

(m) decide the academic calendar.

10. It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

Duty of parents and guardian.

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

Appropriate Government to provide for pre-school education.

CHAPTER IV

RESPONSIBILITIES OF SCHOOLS AND TEACHERS

12. (1) For the purposes of this Act, a school,—

Extent of school's responsibility for free and compulsory education.

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.;

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the

neighbourhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

No capitation fee and screening procedure for admission

13. (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

(2) Any school or person, if in contravention of the provisions of sub-section (1),—

(a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;

(b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.

Proof of age for admission.

14. (1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis of such other document, as may be prescribed.

(2) No child shall be denied admission in a school for lack of age proof.

6 of 1886

No denial of admission.

15. A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

Prohibition of holding back and expulsion.

16. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

Prohibition of physical punishment and mental harassment to child.

17. (1) No child shall be subjected to physical punishment or mental harassment.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

No School to be established without obtaining certificate of recognition.

18. (1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.

(2) The authority prescribed under sub-section (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.

(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted:

Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as may be prescribed.

(4) With effect from the date of withdrawal of the recognition under sub-section (3), no such school shall continue to function.

(5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

19. (1) No school shall be established, or recognised, under section 18, unless it fulfils the norms and standards specified in the Schedule.

Norms and standards for school.

(2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement.

(3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof.

(4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function.

(5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

20. The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.

Power to amend Schedule.

21. (1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

School Management Committee.

Provided that at least three-fourth of members of such Committee shall be parents or guardians:

Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

Provided also that fifty per cent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:—

(a) monitor the working of the school;

(b) prepare and recommend school development plan;

(c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and

(d) perform such other functions as may be prescribed.

22. (1) Every School Management Committee, constituted under sub-section (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.

School Development Plan.

(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.

Qualifications for appointment and terms and conditions of service of teachers.

23. (1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.

Duties of teachers and redressal of grievances.

24. (1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely:—

- (a) maintain regularity and punctuality in attending school;
- (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;
- (c) complete entire curriculum within the specified time;
- (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;
- (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and
- (f) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her:

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

Pupil-Teacher Ratio.

25. (1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

Filling up vacancies of teachers

26. The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in a school under its control shall not exceed ten per cent. of the total sanctioned strength.

Prohibition of deployment of teachers for non-educational purposes.

27. No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

Prohibition of private tuition by teacher.

28. No teacher shall engage himself or herself in private tuition or private teaching activity.

CHAPTER V

CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

29. (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.

Curriculum and evaluation procedure

(2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:—

- (a) conformity with the values enshrined in the Constitution;
- (b) all round development of the child;
- (c) building up child's knowledge, potentiality and talent;
- (d) development of physical and mental abilities to the fullest extent;
- (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
- (f) medium of instructions shall, as far as practicable, be in child's mother tongue;
- (g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
- (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

30. (1) No child shall be required to pass any Board examination till completion of elementary education.

Examination and completion certificate.

(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

CHAPTER VI

PROTECTION OF RIGHT OF CHILDREN

31. (1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:—

Monitoring of child's right to education.

- (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- (b) inquire into complaints relating to child's right to free and compulsory education; and
- (c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

32. (1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

Redressal of grievances.

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

4 of 2006.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.

(4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

Constitution
of National
Advisory
Council.

33. (1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed.

Constitution of
State Advisory
Council.

34. (1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the State Advisory Council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.

CHAPTER VII

MISCELLANEOUS

Power to issue
directions.

35. (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the School Management Committee regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the School Management Committee regarding implementation of the provisions of this Act.

Previous
sanction for
prosecution.

36. No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be instituted except with the previous sanction of an officer authorised in this behalf, by the appropriate Government, by notification.

Protection of
action taken in
good faith.

37. No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the School Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

Power of
appropriate
Government
to make rules.

38. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this 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) the manner of giving special training and the time-limit thereof, under first proviso to section 4;

(b) the area or limits for establishment of a neighbourhood school, under section 6;

(c) the manner of maintenance of records of children up to the age of fourteen years, under clause (d) of section 9;

(d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;

(e) any other document for determining the age of child under sub-section (1) of section 14;

(f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;

(g) the authority, the form and manner of making application for certificate of recognition, under sub-section (1) of section 18;

(h) the form, the period, the manner and the conditions for issuing certificate of recognition, under sub-section (2) of section 18;

(i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;

(j) the other functions to be performed by School Management Committee under clause (d) of sub-section (2) of section 21;

(k) the manner of preparing School Development Plan under sub-section (1) of section 22;

(l) the salary and allowances payable to, and the terms and conditions of service of, teacher, under sub-section (3) of section 23;

(m) the duties to be performed by the teacher under clause (f) of sub-section (1) of section 24;

(n) the manner of redressing grievances of teachers under sub-section (3) of section 24;

(o) the form and manner of awarding certificate for completion of elementary education under sub-section (2) of section 30;

(p) the authority, the manner of its constitution and the terms and conditions therefor, under sub-section (3) of section 31;

(q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;

(r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34.

(3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made; before the State Legislatures.

THE SCHEDULE
(See sections 19 and 25)

NORMS AND STANDARDS FOR A SCHOOL

Sl. No.	Item	Norms and Standards	
1.	Number of teachers:		
	(a) For first class to fifth class	Admitted children	Number of teachers
		Up to Sixty	Two
		Between sixty-one to ninety	Three
		Between Ninety-one to one hundred and twenty	Four
		Between One hundred and twenty-one to two hundred	Five
		Above One hundred and fifty children	Five plus one Head-teacher
		Above Two hundred children	Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty.
	(b) For sixth class to eighth class	(1) At least one teacher per class so that there shall be at least one teacher each for— (i) Science and Mathematics; (ii) Social Studies; (iii) Languages. (2) At least one teacher for every thirty-five children. (3) Where admission of children is above one hundred— (i) a full time head-teacher; (ii) part time instructors for— (A) Art Education; (B) Health and Physical Education; (C) Work Education.	
2.	Building	All-weather building consisting of— (i) at least one class-room for every teacher and an office-cum-store-cum-Head teacher's room; (ii) barrier-free access; (iii) separate toilets for boys and girls; (iv) safe and adequate drinking water facility to all children; (v) a kitchen where mid-day meal is cooked in the school; (vi) Playground;	

Sl. No.	Item	Norms and Standards
		(vii) arrangements for securing the school building by boundary wall or fencing.
3.	Minimum number of working days/instructional hours in an academic year	(i) two hundred working days for first class to fifth class; (ii) two hundred and twenty working days for sixth class to eighth class; (iii) eight hundred instructional hours per academic year for first class to fifth class; (iv) one thousand instructional hours per academic year for sixth class to eighth class.
4.	Minimum number of working hours per week for the teacher	forty-five teaching including preparation hours.
5.	Teaching learning equipment	Shall be provided to each class as required.
6.	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
7.	Play material, games and sports equipment	Shall be provided to each class as required.

T.K. VISWANATHAN,
Secretary to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVT. OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2009.

GMGIPMRND—3843GI—29-08-2009.

APPENDIX II

F. No. 1-15/2010 EE4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

Shastri Bhawan, New Delhi
Dated: 26th October 2012

Subject : Guidelines under section 35 (1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 for implementation of clause (c) of sections 8 & 9 of the RTE Act.

Clause (c) of sections 8 & 9 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 casts a duty on the appropriate Government and local authority to ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any ground. In order to enable State Governments and school managements to fulfill their responsibilities for creating a non-discriminatory school environment, following guidelines are issued for implementation of clause (c) of section 8 & 9 of the RTE Act:

"1 Every school referred to in clause (n) of section 2 of the RTE Act shall take appropriate measures to:

- a) Safeguard the interests of the child belonging to weaker section and disadvantaged group.
- b) Eliminate discrimination or harassment of a child belonging to disadvantaged group or weaker section in schools by prohibiting it and by providing for preventive and protective measures to facilitate its eradication.
- c) promote equality for children belonging to weaker section and disadvantaged group.

2 A school shall not discriminate a child belonging to the weaker section or disadvantaged group, allow or condone any constituent of the school to discriminate such a child or a group of such children, and take the following measures, namely:-

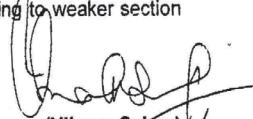
- (a) The school shall not discriminate against a child belonging to weaker section and disadvantaged group in admission or-

- (i) by breach of the policy of reservation in admissions as may be applicable;
 - (ii) in the way in which an application is processed;
 - (iii) by denying or limiting access to any benefit arising from such enrolment provided by the school;
 - (iv) by treating unfavorably in any way in connection with the child's enrolment to a specific standard of class or area of study, training or instruction.
- (b) The school shall prohibit all persons and authorities of the school from harassing or victimizing any child belong to weaker section and disadvantaged group
- (i) by announcing, verbally or otherwise, in the class, the names of the community or castes or tribes of the students;
 - (ii) by labeling such students as reserved category in the class;
 - (iii) by passing derogatory remarks indicating social, economic or other background as reason of under-performance in the class;
 - (iv) by allotting differential time to such students to meet teacher as compared to other students;
 - (v) by treating them separately in utilizing the sports and other facilities.
- (c) The school shall ensure that no child belonging to weaker section or disadvantaged group is discriminated against by segregating such children from others in playground or canteen or any provision of Mid Day Meal, or any other amenities provided by the school including toilets and drinking water facilities, and ensure that -
- (i) regular activities of such children are not disrupted or disturbed by any of its decision;
 - (ii) such children do not experience financial extortion or forceful expenditure;
 - (iii) all such children are allowed to participate in cultural programmes, sports events, and other activities organized by the school;
- 3 The school shall prescribe the procedures and mechanism to deal with and decide any complaint or discrimination made or submitted by any child belonging to the weaker section or the disadvantaged group, and it shall be obligatory on the

part of the school to decide such complaints within a maximum period of 60 days from the date of receipt or submission of such complaint.

4 The schools shall take steps to engage with the educational fraternity, the community and the public at large, and raise public awareness on the importance of equality and overcoming discrimination and harassment against children belonging to weaker section and disadvantaged group in schools. The school shall make public all measures taken by it for elimination of discrimination against and harassment of children belonging to weaker section and disadvantaged group."

3 The State Government and local authorities are requested to take appropriate steps for ensuring that all schools adhere to the aforementioned Guidelines for preventing discrimination in schools in respect of children belonging to weaker section and disadvantaged groups.



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MODULE 5

Pedagogy and Constructivism

Education and Children from Scheduled Castes

ABSTRACT

It is evident that a large number of poor people belong to weaker sections of society and among them the SC/STs make a large heap of total population. Further, this social exclusion creates/generates more havoc and play vital role in enhancing capability deprivation in them. Therefore, the main focus of today's education should be to reduce this vicious circle of poverty among this section of Indian society and nurture their capabilities to full extent. For it, the modern teachers, trainers equally require to train them through timely equipped pedagogical mechanism which have shaped by great sociologists and pedagogues like Paulo Friere, Vygotsky, Piaget and Bruner. This chapter makes an attempt in this direction to engross systematically on these pedagogical approaches from discourse analysis to critical pedagogy including constructivism. These pedagogical approaches can orient, deliver and implement the real mission of welfare of mankind particularly to SC population. In this context, this chapter is divided into two parts. First part describes general concept of teaching pedagogy and second part focuses on constructivism and critical thinking.

1. INTRODUCTION

A large number of poor people belong to weaker sections of society, particularly Scheduled Castes and Scheduled Tribes who cannot improve their quality of life despite various social welfare programmes of Indian government. Low income is an important cause of poor living. Poverty must be seemed in terms of poor living, rather than just as lowness of incomes.

The idea of poverty as simply shortage of income which is of course, very ancient has changed over the time and now a days considered as capability deprivations. Income must be prominent means for a good life without deprivation, but it is not the only influence on lives we can lead. Education can bring changes in the quality of life. It makes a person capable. Therefore, education should be given in such a manner which should remove capability deprivation.

Q.1 What is Poverty?

Q.2 How it can be removed?

This is possible through ability of a person. Every person has ability including SC and ST. It is necessary to awaken the ability among those who feel capability deprivation. A teacher can also do such a role through interaction and participation among students. Students should feel freedom in interaction. If our paramount interest is in the lives that people can lead – the freedom they have to lead minimally decent lives. This one learns through education. We must look at impoverished lives. Adam Smith (1776) defines adversaries in terms of their effects on the freedom to live non-impoverished (such as ability to appear in public without shame) work of a sweeper, shoemaker make him low in society. This is an issue. One should feel proud of his work. This is a service of mankind. They have distinct capabilities and functioning that we have reason to value.

Social exclusion is directly linked to capability poverty. This is related to the importance of taking part in the life of the community. The individual incapability to 'social life' reflects one's inability to interact freely with others. It is an important deprivation in itself (like being low caste or under-nourished or homeless) and has implication to some type of social exclusion. Being excluded from social relations can lead to other deprivation, e.g., education and employment etc. Therefore, seeing poverty as the lack of freedom is certainly valuable things.

There are a number of provisions for material help to get education and employment. But, the advantages are taken by self-conscious groups who are elites of SC and ST population. There is a need to make every one conscious and competitive person in her/his life on the basis of her/his ability so that she/he can get rid-off dependency of any kind. In this context, a teacher who is facilitator and a student as gainer both should be accountable for their work and facilities. This is possible through discourse analysis to develop critical thinking in a classroom situation among teacher-student interactions. In this context, we would like to discuss here Teaching Pedagogy followed by Constructivism through Discourse Analysis and Critical Thinking in this module.

2. OBJECTIVES

The aim of the present module is to train the elementary teachers working in SC/ST dominated pockets of the country by imparting knowledge, skills and deep understanding about those sections of society who are facing exclusion by the society for their own vested interest since ages. In turn, they will adapt the teaching pedagogies, as well as classroom interactive strategies to nurture the right kind of attitude, interest and spirit to learn. Only a teacher can work as ice-breaker to shed all the fears and phobias from the young children's mind which do not find adequate social space due to socio-economic or cultural discrepancies. In this reference, the following objectives have been laid down keeping in mind the elementary education in Scheduled Caste and Scheduled Tribe dominated areas:

1. To understand the meaning, nature and importance of pedagogy in reference to elementary education in scheduled caste and scheduled tribe dominated areas.
2. To analyse the current pedagogical practices observed in elementary education in scheduled caste and scheduled tribe concentrated areas.
3. To acquaint the trainees about constructivist's approach of pedagogy as an effective tool of content delivery without biases in elementary education.
4. To specify the role of some new/innovative pedagogical practices for enhancing cohesion and inclusion in elementary education.

5. To evolve human-friendly approaches (Humanistic approach) in pedagogy at elementary education in Scheduled Caste and Scheduled Tribe concentrated areas.

Keeping in view of the above objectives, the present module is divided into two parts. Part-I explains the concept of Pedagogy followed by the description of present profile (scenario) of elementary education in SC/ST concentrated areas. Part-II focuses on Discourse Analysis and Critical Thinking, constructivism as pedagogical approaches and interpersonal skills etc.

PART I

HISTORICITY OF PEDAGOGY

1.1 ETYMOLOGICAL CONCEPT OF PEDAGOGY

The word 'Pedagogy' is originated from Greek word *Paidagogo* or *Paidagogos* which has its equivalent English words as:

<i>Paidos</i>	=	Child
<i>Ago</i>	=	Lead

Thus, literally it communicates '*To Lead the child*'.

Looking into the nature of education, the society always appear with a big dilemma by considering education with schooling. Education is a deliberate process of drawing out learning. In a nutshell, to educate is to set out. To create and to sustain informed, hopeful and respectful environment where learning can flourish. Many discussions of Pedagogy make the mistake of seeing it as primarily about teaching. Pedagogy needs to be explored through the thinking and practice of those educators who look to accompany learners; care for and about them; and bring learning into life. Teaching is just one aspect of their practice. A common way of approaching pedagogy is as the art and science (and may be even craft) of teaching. As we will see, viewing pedagogy in this way both fails to honour the historical experience, and to connect crucial areas of theory and practice thus, pedagogy is the art of content delivery in classroom context. It focuses upon sequential development of individual's mental processes such as to recall, recognise, analyse, reflect,

apply, create, understand and evaluate one's scaffold. Hence, sometimes this term is confused with Piagetian Cognitivism (1936).

1.2 HISTORICAL UPSURGE OF THE TERM PEDAGOGY

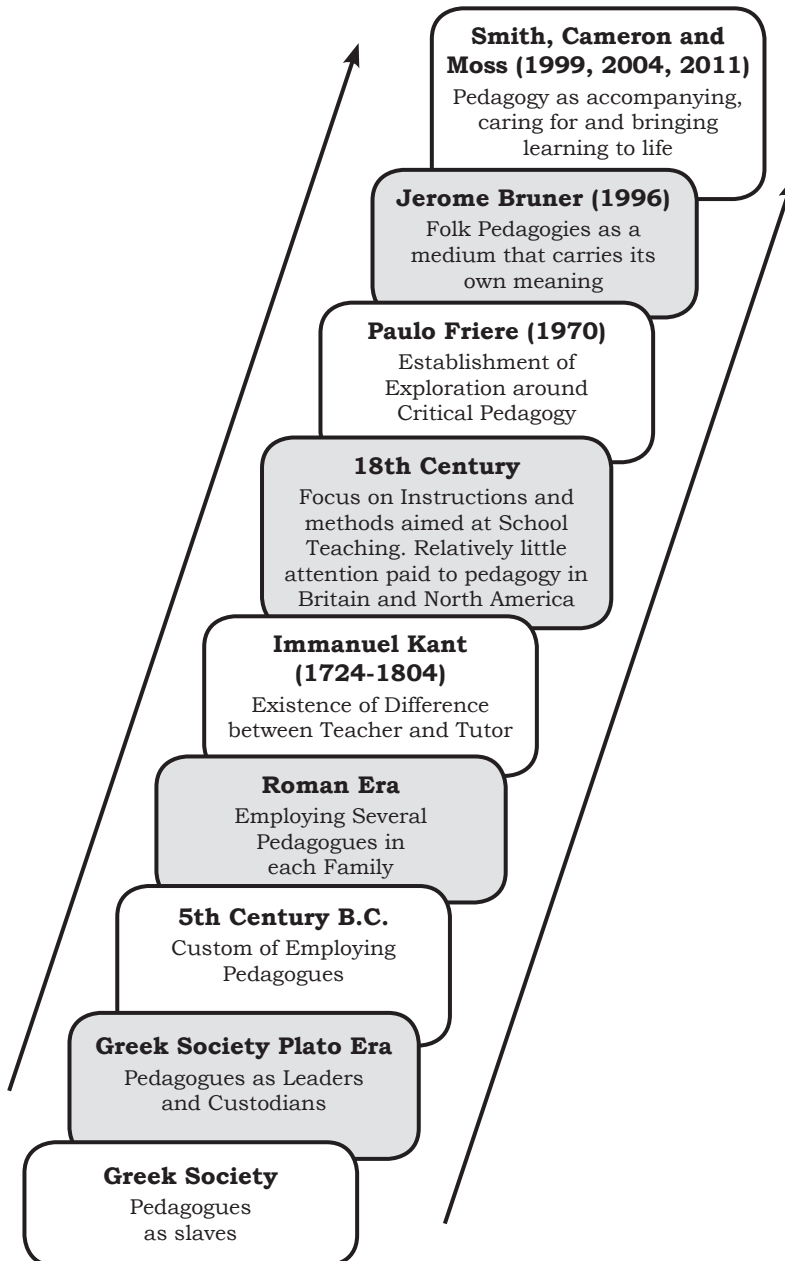
The above mentioned etymological explanation of the term Pedagogy can be more clearly understood when we think pedagogy as the building blocks of teaching from hundred years ago, which was, in fact, building of knowledge scratch right from childhood. But this explanation can no more viable in the present context; when we think that our world is moving around economic diverse learning environment. Now we require pedagogy to seek best education, improve job prospects and career development both being eventually driven by the present day's 'Economic order'.

What is the Focus of Pedagogy?

Initiating with the Greek society, there was a great distinction between the activities of pedagogues and teachers. Pedagogues were treated as slaves, and were generally seen as the representatives of the parent's wards. In the time period of Plato, pedagogues were served as both leaders and custodians of children. There was a custom of employing pedagogues in the rich and elite families and thus, with this notion, there used to be one pedagogue in each family, but in the Roman society, there used to be several pedagogues in each family including female overseers for girls. During the time of Immanuel Kant (1724-1804), the difference between the teacher and tutor as pedagogues was still prevailing. However, in the mid 18th century, the focus has been shifted to the instruction and the method aimed at school teacher. After the middle of the 19th century, the upsurge in the concept of pedagogy can be easily seen with the work of Paulo Friere (1970), who established the exploration around critical pedagogy. Smith (1999), Cameron (2004) and Moss (2011) had taken the concept of pedagogy to zenith by accompanying it with caring for and bringing learning to life. Figure-1 exhibits the time-line of the historical upsurge of the concept of pedagogy.

Fig. 1

Timeline of the historical upsurge of pedagogy



1.3 PEDAGOGY: HOLISTIC SCIENCE OF EDUCATION

Some thinker's viewpoint is that the pedagogy works as a holistic science of education. It may be implemented in practice as a personal and holistic approach of socialising and upbringing children and young people.

Pedagogy is also referred as the correct use of instructive strategies. Paulo Friere (1993) referred it as method of teaching people as *Critical Pedagogy*.

In this reference, the instructor's own philosophical beliefs of instructions are harboured and governed by the pupil's background knowledge and experience, situation and environment, as well as learning goals set by the student and teacher.

How does Pedagogy work?

1.4 PRESENT PROFILE OF ELEMENTARY EDUCATION IN SCs CONCENTRATED AREAS

It is well established fact that the Scheduled Castes were historically excluded from the formal system of education due to their oppression under caste feudal society order in mainstream society. They were lag behind in their economic and social development due to the iniquitous processes of economic and social change. It has created marked social inequality and cultural gaps in present society. In this reference, it appears in contemporary to analyse the present profile of elementary education in SCs dominated areas to know what area-specific practices of pedagogy are observed there in order to frame an outlook.

1.5 OUR MISSION: EDUCATION FOR EMANCIPATION OF MANKIND ON EARTH WITHOUT DISCRIMINATION

We all expect that education should work as it defined in high perspective by the idealist thinkers for emancipation from all evils without discrimination. All the persons on this earth have equal share to harvest the fruits of education without any limitation. *That is Education is being perceived as the process of planned change as envisioned by the thinkers.*

Moreover, education is a key instrument equalising opportunities and works as a great *Equaliser*. Only this is the reason a massive support for its expansion and democratisation of schooling have been launched by the Central Government. Furthermore, the Policies of Positive Discrimination to facilitate access to education in SCs are propagated to top priority. The Report of Commission of SC/ST (1998) has also envisioned its significant impact on this section of the society.

Moderate reformists and radical emancipator ideologies have provided the context for challenge and change. Education has been treated as a central plank in liberalisation, struggle and *Dalit* leadership has placed immense faith in the counter hegemonic potential of education.

In order to fulfil the mission of equity and equality in education, a variety of sponsored schemes are implemented by the Central and State governments. Some worth mentioning schemes are (i) Free supply of textbooks at all levels of school; (ii) Free uniform to children; (iii) Free education at all levels; (iv) Pre-matric stipends; and (v) Lodging facilities in hostels for overcoming the difficulties of provisioning in remote regions.

1.6 PRESENT EDUCATIONAL SCENARIO IN SCHEDULED CASTES DOMINATED AREAS

School enrolment in India has been showing steady increase since the last decade, however still majority of the poor children, girls in rural areas, scheduled castes and scheduled tribes children are deprived of the basic education which reflects striking inequality in terms of gender, caste and tribes across the region. There is a wider disparity in school enrolment; like the proportion of scheduled caste girls to all scheduled caste children in school is 36 per cent whereas the corresponding figure for forward caste is 48 per cent. The SCs constitute around 16 per cent of the Indian population. Despite rising education levels, the contemporary status of the SCs is not unmarked by the rigours of pollution, social practices of untouchability and social relations of servility. The reservation policy enabled upward movement of some SC people into middle class status, however, the majority of rural SCs are landless and impoverished agricultural labour. Large sections of the SCs experience social discrimination and stigma particularly those located in socially and economically

backward regions. Further the socio-economic scenario of SCs finds its worst phase in this era of globalisation. It has badly affected their poverty, mortality, illness and unemployment etc. They have ascertained declining levels of consumption shares, real wages, and consumer monthly per capita expenditure (Teltumbde, 2004, Thorat and Deshpande, 2002).

The major conclusions derived from these studies are:

1. A significant proportion of SCs in the school-going age continue to remain out of school.
2. The unprecedented rise in enrolment of SCs suggests a growing demand and aspiration for education.
3. School attendance, school completion and drop-out are the situations posing threats to SCs children.
4. Unevenness in school participation of SCs persists in schools and in other regions.

Thus, it is very clear from the conclusions that basic educational deprivation and exclusion remain depressing features of the educational conditions of SCs. It appears that SCs are sucked into the vortex of rural and urban informal labour markets and suffer a disproportionate ill-effect of contemporary exploitative processes. Located at the bottom of polarised class formation, they live under conditions of acute poverty, displacement, and forced migration in search of livelihood. These caste relations have meant a bleak class reality in which there is little motivation for education. Socio-cultural practices of exclusion and discrimination rooted in caste, class, gender and ethnicity continue to define the existence of poor scheduled castes in our country.

Casteism and discrimination in social relations breeds low self-esteem especially among the politically and economically weaker sections among the scheduled castes. Dominant cultural capital viz., knowledge and skills of higher caste that school demands are lacking among SCs. Further, their own cultural capital is deemed valueless by policy and curriculum-planners, bureaucrats and teachers. Thus, class along with caste and other forms of minority ethnicity are fundamental categories of social exclusion and social discrimination.

PART II

DISCOURSE ANALYSIS AND CRITICAL THINKING

2.1 MEANING OF DISCOURSE

Discourse is written and spoken conversation along with the

thinking which underlies that conversation. According to Michel Foucault (1971), 'Discourse is sociologically important because how we talk and think about the world shapes, how we behave and the kind of world we help to create as a result. It is through discourse that we construct what we experience as reality, and as soon as we learn to think and talk about reality in a particular way, we cannot help but shut off our ability to think of it in countless other ways'.

What is Discourse?

2.2 DISCOURSE FORMATION

Foucault (1971) was particularly interested in Discourse formation- how ways of thinking and conversation come into being in a society and how they affect social life. Two major areas of interest for him were *madness* and *sexuality*, both of which he regarded as socially constructed. He argued, no such thing as sexuality or madness except as human beings create ideas about them through conversation and other forms of discourse. Whether we regard madness as divinely inspired, or evil, or a biologically caused pathology, for example, depends on what the discourse on madness looks like in our society. Similarly, if we equate *capitalism with democracy or sexuality with male-dominated heterosexuality or caste deprivation to the idea of freedom*, we cannot help but shape economic and sexual life in ways that make it difficult to consider the possibility of democratic alternatives to capitalism or sexual lives or caste class feelings that are egalitarian, gay or lesbian or weaker sections of society. Nagla (2008) explains four bases of discourse formation: (i) Knowledge; (ii) Culture; (iii) Language; and (4) Communication.

2.2.1 Knowledge

Knowledge is what we perceive to be real and true. It can be as simple and common place as how to tie a shoe laces or as rarefied and complex as Particle Physics. Knowledge is sociologically significant because it is socially created and we depend on it for our sense of reality. In everyday life, we carry with us knowledge of how the social world works, what sociologist Alfred Schutz (1972) called Stock knowledge (also known as Common sense knowledge). We know what to say when answering a ringing telephone, for example, how to tell time,

how to behave in restaurant, how to dress in a way appropriate for various occasions, or how to divert attention from someone who is deeply embarrassed. Social life is based on a shared sense of what is real, and this, in turn, is based on knowledge, especially that contained in cultures. Without the existence of knowledge, we would not know how to participate in the countless situations that make up social life. But it is equally true that without such knowledge social life itself would not exist. There would be no such thing as *conversation*, without shared knowledge of what a conversation is and how people must behave in order for one to take place. The most long-standing sociological interest in knowledge has to do with the question of where it comes from in the first place. In general, sociologists regard all forms of knowledge as socially produced and shaped by the culture and structure of social systems. Karl Marx argued that ruling economic classes shape knowledge in ways that promote their interest over those of subordinate classes. From a Marxists perspective, for example, the idea that wealth results from hard work rather than from inheritance, luck or various forms of market manipulation, serves the interests of dominant classes in capitalist societies. It does so by making the true basis of wealth and by keeping the lower classes hard at work (which will rarely make any of them wealthy) and distracted from paying critical attention to the reality of the class system and how it works. Following Marx, Karl Mannheim (1936) argued that the social basis for knowledge is much broader than the economic forces that form the core of Marx's approach. In more recent times, various approaches to knowledge have developed, including post-modernism.

2.2.2 Culture

Culture is accumulated store of symbols, ideas and material products associated with a social system, whether it be an entire society or a family. It is important to note that culture does not refer to what people actually do, but to the ideas they share about what they do. What makes an idea cultural rather than personal is not simply that it is shared by two or more people; rather it must be perceived and experienced as having an authority that transcends the thought of individuals. We do not perceive a symbol or idea as cultural because most people share in it, for in fact, we have no way of knowing what most

people in a society think. Instead we assume that most people share in a cultural idea because we identify it as cultural.

The shared symbols of communication and conceptions of reality that is peculiar to a group or society. Words, phrases and ideas have special meanings within a group that make interaction more efficient and give the members a sense of identity and belongingness. Outsiders or new members must learn the language and assumptions of the culture or sub-culture before they can understand the subtleties of communication or feel secure as members. Therefore, language and communication are the two important channels of discourse.

2.2.3 Language

A universal form of human behaviour is involving symbolic communication through a culturally accepted system of sound patterns having standardised meanings. Language is a part of and expresses the cultural heritage. In language arbitrary sounds are formed into cultural symbols capable of communicating ideas, desires, meanings and experiences and traditions from one generation to another. Language is a social product. Each individual in the culture develops language through prolonged interaction with members who are already socialised. Language represents the accumulated and current experiences, feelings and meanings that can be communicated and stabilised within the culture. Language is essential to human perception, thinking, awareness of self, awareness of others and to the existence of the social community itself.

2.2.4 Communication

The transmission of information, other ideas, attitudes or emotions from one person to other person or group primarily occurs through symbols. In effective communication, the meaning conveyed to the recipient corresponds closely to that intended by the sender. Communication forms the basis for all social interaction; it enables the transmission of cumulative knowledge and makes possible the existence of empathic understanding among individuals.

The above four elements are essential to know for a teacher to encourage students for participation in the class freely. In a nutshell, discourse is a type of conversation in which students learn in the process of interaction for developing critical

pedagogy for themselves. However, discourse should be centered to the context of the issue, adapting indigenised methods, using native categories in the understanding of particular caste-class groups e.g., SCs and STs.

What are the bases of Discourse Formation?

2.3 CRITICAL PEDAGOGY

In terms of actual pedagogy, Friere (1970) notes that “*Education transforms students into receiving objects. It attempts to control thinking and action, leads men and women to adjust in the world, and inhibits their creative powers*”. In addition, thinker like John Dewey (1897) was strongly critical in his opinion for the transmission of mere facts as the goal of education. He often described education as a mechanism for social change, explaining that “*Education is a regulation of the process of coming to share in the social consciousness; and that the adjustment of individual activity on the basis of this social consciousness is the only sure method of social reconstruction*”. Freire’s work, however, updated the concept and placed it in correct context with current theories and practices of education, laying the foundation for what is now called *Critical Pedagogy*.

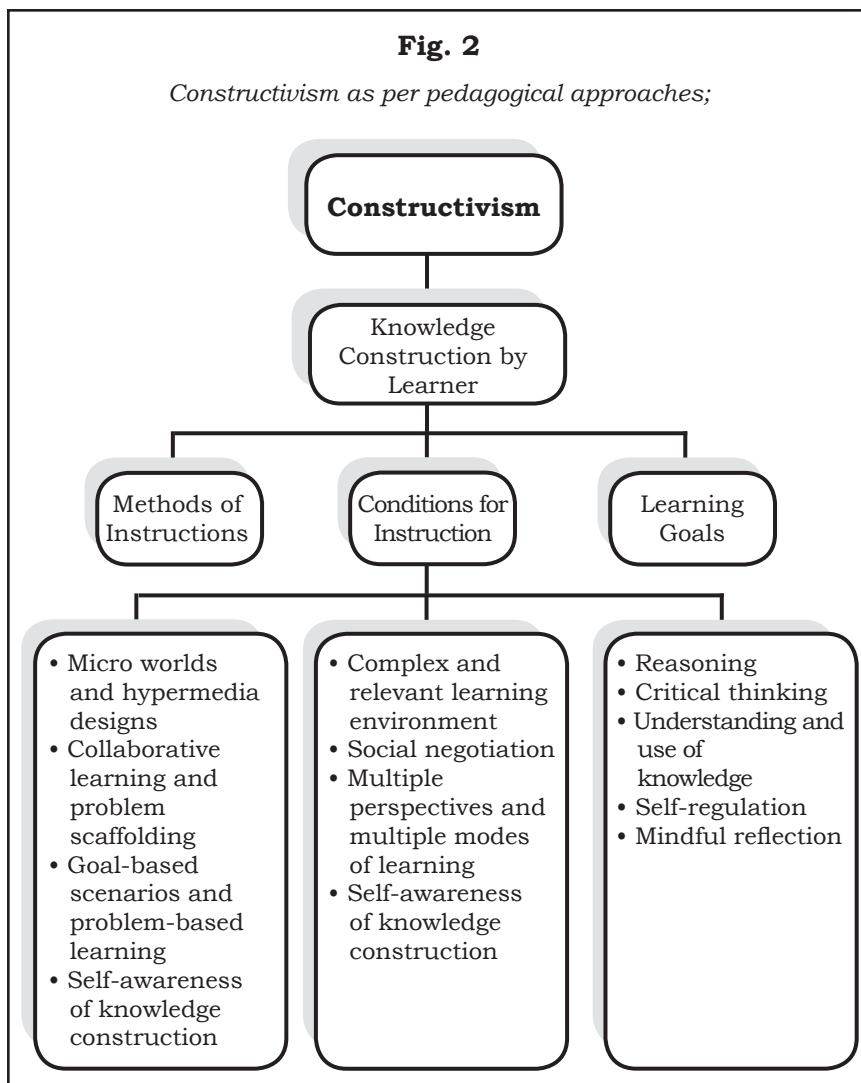
Paulo Friere (1970) contributed a philosophy of education that came not only from the more classical approaches stemming from Plato, but also from modern Marxist and anti-colonialist thinkers. In fact, in many ways, his *Pedagogy of the Oppressed* (1970) may be best read as an extension of, or reply to, Frantz Fanon’s ‘*The Wretched of the Earth*’ (1961), which emphasised the need to provide native population with an education which was simultaneously new and modern (rather than traditional) and anti-colonial (not simply an extension of the culture of the coloniser).

In *Pedagogy of the Oppressed* (1970), Freire, reprising the Oppressors-oppressed distinction, differentiates between the two positions in an unjust society, the oppressor and the oppressed. Friere makes no direct reference to his most direct influence for the distinction, which stems back at least as far as Hegel in 1802, and has since been reprised by many authors

including Engels, Marx, Lenin, Gramsci, Simone Weil and others. *Freire champions that education should allow the oppressed to regain their sense of humanity, in turn, overcoming their condition. Nevertheless, he also acknowledges that in order for this to occur, the oppressed individual must play a role in their liberation.* No pedagogy which is truly liberating can remain distant from the oppressed by treating them as unfortunates and by presenting for their emulation models from among the oppressors. The oppressed must be their own example in the struggle for their redemption (Freire, 1970; 54) Likewise, the oppressors must also be willing to rethink their way of life and to examine their own role in the oppression if true liberation is to occur; *“those who authentically commit themselves to the people must re-examine themselves constantly”* (Freire, 1970; 60).

Freire believed education to be a political act that could not be divorced from pedagogy. He defined this as a main tenet of critical pedagogy. Teachers and students must be made aware of the politics that surround education. The way students are taught and what they are taught serve a political agenda. Teachers, themselves, have political notions they bring into the classroom (Kincheloe, 2008). Freire believed that *“Education makes sense because women and men learn that through learning they can make and remake themselves, because women and men are able to take responsibility for themselves as beings capable of knowing that they know and knowing that they don’t”* (Freire, 2004;15).

Freire is best known for his *Banking Concept of Education*, in which the student was viewed as an empty account to be filled by the teacher. It is a far ahead idea from Rousseau’s *tabula rasa* in a normalistic theory. He emphasised that *“It diminishes the reflective power of these learners like decision making, creative and innovative thinking, self-judgement, which may cause a great harm to the society—struggling for equity and equality at all levels of education”*. Thus the Paulo Freire’s concept of education is perceived as a long leap forwarding to nourish and nurture the deep roots of critical pedagogy in SCs/ STs children to make a perfect evolution of the society which will be ready to transform the whole social mechanism in true sense of education. Giving ahead is the description of the Constructivism as a pedagogical approach (see fig. 2).



2.4 CONSTRUCTIVISM: A PEDAGOGICAL APPROACH

Constructivism is basically a theory — based on observation and scientific study — about how people learn. It says that people construct their own understanding and knowledge of the world, through experiencing things and reflecting on those experiences. In the classroom, the constructivist view of learning can point towards a number of different teaching practices. In the most general sense, it usually means encouraging students to use active techniques (experiments, real world problem-solving) to

create more knowledge and then to reflect on and talk about what they are doing and how their understanding is changing. The teacher makes sure that she/he understands the students' pre-existing conceptions, and guides the activity to address them and then build on them. Constructivist teachers encourage students to constantly assess how the activity is helping them to gain understanding. By questioning themselves and their strategies, students in the constructivist classroom ideally become "expert learners." This gives them ever-broadening tools to keep learning. With a well-planned classroom environment, the students learn, how to learn. Constructivism is also often misconstrued as a learning theory that compels students to "reinvent the wheel." In fact, constructivism taps into and triggers the student's innate curiosity about the world and how things work. Students do not reinvent the wheel but, rather attempt to understand how it turns, how it functions. They become engaged by applying their existing knowledge and real-world experience, learning to hypothesise, testing their theories and ultimately drawing conclusions from their findings.

2.4.1 Historical Upsurge of the Constructivist Approach

The concept of constructivism has its roots in classical antiquity, going back to Socrates's dialogues with his followers, in which he asked directed questions that led his students to realise for themselves the weaknesses in their thinking. The Socratic dialogue is still an important tool in the way constructivist educators assess their students' learning and plan new learning experiences. In this century, Jean Piaget and John Dewey developed theories of childhood development and education, what we now call Progressive Education, Which to the evolution of constructivism. Piaget believed that humans learn through the construction of one logical structure after another. He also concluded that the logic of children and their modes of thinking are entirely different from those of adults. The implications of this theory and how he applied them have shaped the foundation for constructivist education. Dewey called for education to be grounded in real experience. He wrote, *"If you have doubts about how learning happens, engage in sustained inquiry: study, ponder, consider alternative possibilities and arrive at your belief grounded in evidence."* Inquiry is a key part of constructivist learning. Among the educators, philosophers, psychologists and sociologists who have added new perspectives to constructivist learning theory and practice are Lev Vygotsky,

Jerome Bruner and David Ausubel. Vygotsky introduced the social aspect of learning into constructivism. He defined the “*zone of proximal learning*,” according to which students solve problems beyond their actual developmental level (but within their level of potential development) under adult guidance or in collaboration with more capable peers. Bruner initiated curriculum change based on the notion that learning is an active, social process in which students construct new ideas or concepts based on their current knowledge. Seymour Papert’s ground breaking work in using computers to teach children has led to the widespread use of computer and information technology in constructivist environments. Modern educators who have studied, and practiced constructivist approaches to education include John D. Bransford, Ernst Von Glasersfeld, Eleanor Duckworth, George Forman, Roger Schank, Jacqueline Grennon Brooks and Martin G. Brooks.

2.4.2 Characteristics and Benefits of Constructivist Approach

Multiple perspectives, authentic activities, and real-world environments are just some of the themes that are frequently associated with constructivist learning and teaching. The following section presents a synthesis and summary of the characteristics of constructivist learning and teaching as presented by various reviews. These are as following:

1. Multiple perspectives and representations of concepts and content are presented and encouraged.
2. Goals and objectives are derived by the student or in negotiation with the teacher or system.
3. Teachers serve in the role of guides, monitors, coaches, tutors and facilitators.
4. Activities, opportunities, tools and environments are provided to encourage meta-cognition, self-analysis, regulation, reflection and awareness.
5. The student plays a central role in mediating and controlling learning.
6. Learning situations, environments, skills, content and tasks are relevant, realistic, authentic and represent the natural complexities of the ‘real world’.
7. Primary sources of data are used in order to ensure authenticity and real-world complexity.
8. Knowledge construction and not reproduction is emphasised.

9. This construction takes place in individual contexts and through social negotiation, collaboration and experience.
10. The learner's previous knowledge constructions, beliefs and attitudes are considered in the knowledge construction process.
11. Problem-solving, higher-order thinking skills and deep understanding are emphasised.
12. Errors provide the opportunity for insight into students' previous knowledge constructions.
13. Exploration is a favourable approach in order to encourage students to seek knowledge independently and to manage the pursuit of their goals.
14. Learners are provided with the opportunity for apprenticeship learning in which there is an increasing complexity of tasks, skills and knowledge acquisition.
15. Knowledge complexity is reflected in an emphasis on conceptual inter-relatedness and interdisciplinary learning.
16. Collaborative and cooperative learning are promoted in order to expose the learner to alternative viewpoints.
17. Scaffolding is facilitated to help students perform just beyond the limits of their ability.
18. Assessment is authentic and intrinsically interwoven with teaching.

After highlighting the important characteristics, the benefits of the Constructivist pedagogical approach can be summarised as follows:

1. Children learn more, and enjoy learning more when they are actively involved, rather than passive listeners.
2. Education works best when it concentrates on thinking and understanding, rather than on rote memorisation. Constructivism concentrates on learning how to think and understand.
3. Constructivist learning is transferable. In constructivist classrooms, students create organising principles that they can take with them to other learning settings.
4. Constructivism gives students ownership of what they learn, since learning is based on students' questions and explorations, and often the students have a hand in designing the assessments as well. Constructivist assessment engages the students' initiatives and personal investments in their journals, research reports, physical models and artistic representations. Engaging the creative instincts develops students' abilities to express knowledge

through a variety of ways. The students are also more likely to retain and transfer the new knowledge to real life.

5. By grounding learning activities in an authentic, real-world context, constructivism stimulates and engages students. Where they learn to question things and to apply their natural curiosity to the world.
6. Constructivism promotes social and communication skills by creating a classroom environment that emphasises collaboration and exchange of ideas. The Students learn how to articulate their ideas clearly as well as to collaborate on tasks effectively by sharing in group projects. The students exchange ideas and learn to “negotiate” with others and to evaluate their contributions in a socially acceptable manner. This is essential to success in the real world.

2.5 CRITICAL THINKING

Critical thinking is not a pedagogy in itself but as name enshrined, it is a process which intermingled with the pedagogy or a way of evolving an analytical, convergent/divergent thinking in young mind. One has to observe the interaction of human beings in public spheres. This reflects the behaviour of a person to understand the nature of mind which is constructed in the process of socialisation living in a particular condition of culture, customs and traditions. The idea is here to emancipate from unnecessary domination, which are obstacle for the development. This is possible through knowledge, interest and action.

Habermas (1970) analysed System of Knowledge to elaborate a framework of Critical Thinking Theory to meet human interests. He portrays three basic types of knowledge:

1. *Empirical Analytical Knowledge*: Concerned with understanding the lawful properties of the material world.
2. *Hermeneutic Historical Knowledge*: Devoted to understanding of meanings, especially through the interpretations of historical texts.
3. *Critical knowledge*: Devoted to uncovering conditions of constraint and domination.

These three types of knowledge reflect three basic types of human interests:

1. A technical interest in the reproduction of existence through control of the environment.
2. A practical interest in understanding the meaning of situations.

3. An emancipatory interest in freedom for growth and improvement.

What is Critical Thinking as a process of pedagogy?

These interests are achieved through the process of communicative actions (interactions). Habermas further discusses four types of action by individuals in the society: (1) Teleological Action; (2) Normatively-regulated Action; (3) Dramaturgical Action; and (4) Communicative Action.

1. *Teleological Action* is behaviour that is oriented to analyse various means and selecting the most appropriate means to realise goals. Such action becomes strategic when other acting agents are involved in one's calculations. Habermas calls this action as instrumental because it is concerned with means to achieve goals. This kind of action is too often considered to be rational action (means-ends rationality).

In this type of action, the actor makes a "decision among alternative course of action based on an interpretation of the situation". This is also called strategic action that the actor anticipates what other actors directed by goals will do behind the decision. Habermas uses strategic as more or less synonymous with teleological.

2. *Normatively-regulated Action* is behaviour that is oriented to common values of a group. Thus, normative action is directed towards complying with normative expectations of collectively organised grouping of individuals. Talk of values and norms suggests this kind of action. It is also called *Social Capital* in action.
3. *Dramaturgical Action* is action that involves conscious manipulation of oneself before an audience or public. It is ego-centric in that it involves actors mutually manipulating their behaviours to present their own intentions, but it is also social in the context of organised society. In this context, there is a presentation of self, not spontaneously but stylised, with a view to the audience.
4. *Communicative Action* is an interaction among agents who use speech and non-verbal symbols as a way of understanding their mutual situation and their respective plans of action in order that they can agree on how to coordinate their behaviours. Here two or more actors establish a relationship and seek to reach an understanding about the action situation and their plans

of action in order to coordinate their actions by way of agreement. The central concept of interpretation refers in the first instance to negotiating definition of the situation which admits consensus.

These four types of action presuppose different kinds of worlds. That is, each action is oriented to a somewhat different aspect of the universe that can be divided into (i) *objective or external world* of manipulable objects; (ii) social world of norms, values, and other socially recognised expectations; and (iii) subjective world of experiences. Teleological action is concerned primarily with the objective world; normatively regulated action with the social; and dramaturgical with the subjective and external world together. But it is only with *communicative action* that actors “refer simultaneously to things in the objective, social, and subjective worlds in order to negotiate common definitions of the situation”. Thus, one may look emancipation from domination (of custom, dogma, forces etc.) as possible through communication. There is a need to develop interpersonal skills.

2.6 INTERPERSONAL SKILLS

Interpersonal skills refer to mental and communicative algorithms (processes) applied during social communications and interactions in order to reach certain effects or results. The important skills include under interpersonal skills are as following:

1. *Empathy* – the ability to put yourself in other person’s shoes in other words to see things from her /his perspective. It allows us to create bonds of trust. It gives insights into what others may be feeling or thinking.
2. *Building Trust* requires building relationships which depends upon good and effective listening. Trust is the expectancy of people that they can rely on your word. It is built through integrity and consistency in relationships.
3. *Active Listening* cannot establish trust if you cannot listen effectively and actively. This requires a direct, friendly and relaxed expression on your face which conveys a message that you are listening attentively. This should reflect in communication and style of communication.
4. *Communication styles* must be influencing which enhances effectiveness in many different social situations. Always keep thinking about the ways that one can respond constructively to difficult people when she/he encounters them, and ways one can avoid becoming a difficult person herself/himself.

Interpersonal skills are highly essential to be incorporated in each and every individual of our society. One may apply such skills to make life easy, successful and a step forward to grow and transform into a good human being.

What are Interpersonal skills?

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MODULE 6

Gender Issues with Focus on Scheduled Caste Girl Students

ABSTRACT

In India, about half of the population belongs to the women who do not have awareness about their rights and opportunities in our society. This is not possible without proper education particularly quality education to make them aware about their rights. Moreover, the situation of SC girls is worse than general population who are deprived for getting education. Keeping in view of this, the module is prepared on “Gender Issues with Focus on Scheduled Caste Girl Students.” This module would help to the teachers to understand the situation for giving quality education to the scheduled caste girl students. Therefore, this module deals with: concept of sex and gender, equality, inequality, discrimination and human rights; laws and legislations; importance of girl’s education, ways and means to improve access to education and role of teachers related to the girls belong to Scheduled Castes.

1. INTRODUCTION

The education system has traditionally helped to serve the interest of the privileged groups and maintained a self-sustaining circle of elitism (Dreze and Sen, 1995) large disparities in educational opportunities have perpetuated and reinforced other kinds of social inequalities based on caste, religion, language race and gender. If education is to be a means of reducing social inequalities, it has to play a major role in minimising and finally eliminating these disparities by providing equality of access to quality education and opportunity, thereby enabling the scheduled caste girls to move ahead with well directed self-effort.

This module focuses upon gender issues of the socially disadvantaged section of our society, namely scheduled caste. It discusses the international and national human rights law, promoting gender equality in and through education, human rights framework for education to promote gender equality, concept and meaning of gender, sex, differentiation between gender and sex, gender equity, gender inequality and discrimination. The module also focuses on the importance of girl education, important education commissions and committees, both at national and international level along with laws and legislative measures to end discrimination. The module also highlights the social and institutional factors responsible to keep SCs girls out of school. It also discusses ways and means to improve girl's education. Further, it gives a brief account of description of strategies for addressing the gender issues by the teachers in their classroom teaching-learning process. The sole aim of this module is to protect and safeguard the interest of SCs girls to make them aware and claim their rights and realise their potential in economic, political and social areas and to bring them at par with the general masses specially with their women counterparts. Our mission through this module is to ensure empowerment of schedule caste girls in all sphere of life.

2. OBJECTIVES

The basic objective of the module is to create an awareness of the inherent equality of all with a view to remove prejudices and complexes transmitted through social environment and factor of birth. The present module enables the teachers to understand the spirit of the objectives and realisation thereof:

- (i) to acquaint teachers to be aware of international human rights and national laws.

- (ii) to be make the teachers aware of gender, sex, equality, inequality, discrimination and importance of girls education.
- (iii) to be aware of the spirit and intent of constitutional provisions and educational policy for promoting equality of opportunity for all.
- (iv) to be aware of the important laws and legislative measures to end discrimination against SCs girls.
- (v) to be aware of ways and means to improve girls access and role of teachers to avoid gender bias in classroom teaching-learning process.

3. GENDER AND SEX

Basic Concepts in all societies men and women, boys and girls have a different status and play different roles. Men and women behave differently, dress differently, have different attitude and interests and have different leisure activities. Contrary to traditionally held beliefs that these differences between male and female behaviour are biologically or genetically determined, recent research has revealed that they are to a large extent socially constructed or based on the concept of gender.

Sex refers to the biological characteristics that define humans as female or male, while these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both they tend to differentiate humans as males and females.

Sex as defined by Susan Basow, is a biological term referring to people, animals etc., being either female or male depending on their sex organs or genes. Sex also refers to the differences between individuals that make them male or female.

What is Gender? The word was used by Ann Oakley and others in the 1970s to describe those characteristics of men and women, which are socially determined, in contrast to those which are biologically determined.

Gender refers to the array of socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to the two sexes on a differential basis. Whereas biological sex is determined by genetic and anatomical characteristics, gender is an acquired identity that is learned, changes over time and varies widely within and across cultures. Gender is relational and refers not simply to women or men but to the relationship between them.

Contrary to Sex, 'Gender' has a social, cultural and psychological rather than biological connotations. It is defined in term of femininity and masculinity. The proper term for describing sex e.g., are male and female, while the corresponding terms for gender are masculine and feminine. Although the letter may be independent of biological sex, masculinity pertains to the attributes that describes male in the social and cultural context. Hence, the 'normal' male has a preponderance of masculinity, while the 'normal' female has a preponderance of femininity. According to Stoller "Gender is the amount of Masculinity or Femininity found in a person".

This distinction between gender and sex has important implications, which are elaborated throughout this manual. Essentially, the distinction between gender and sex is made to emphasise that anything men and women do and is expected of them with the expectation of their sexually distinct function (impregnation, childbearing and breast-feeding), can change in time and according to changing and different cultural factors.

Gender is a dynamic concept. Gender roles for men and women vary greatly from one culture to another and from one social group to another within the same culture, race, class, economic circumstances, age-all of this influence what is considered appropriate for men and women. As culture is dynamic and socio-economic conditions change overtime, so gender patterns change with them. Sudden crisis like war or famine can radically and rapidly change what men and women do. Sometimes, however, the old attitudes return after the crisis (a women ex-combatants in liberation struggle have found). Sometimes the changes have a permanent impact.

Gender awareness is not a separate or additional issues. It is a way of seeing a perspective-insight which from our understanding of people and society. Gender awareness means looking at things with new eyes, which are constantly open to learning more.

Gender also refers to subjective feelings of maleness or femaleness i.e., femininity or masculinity, irrespective of one's sex. This is known as gender identity. It is possible to be genetically of one sex with a gender identity of another sex e.g., trans-sexual identify themselves with the gender of the opposite sex. This implies that one's gender may not necessarily be synonymous with that of one's sex. One's gender

can be determined in many ways e.g., behaviour. In most societies e.g., humanity, submissiveness etc, are considered feminine behaviour and women are expected to behave that way. Men on the other hand, are expected to be dominant aggressive etc. Other determinants of gender may include dress, gestures, occupation, social network and especially the roles played by the sexes in the society.

Gender is the most pervasive form of inequality as it operates across all classes, caste and communities. Yet, while gender quality has been a key objective of education policy for over three decades, it has lacked critical edge in implementation.

Gender is not a women issue; it is a people's issue. Femininity does not exist in isolation from masculinity. The construction and power of the other gender relation are neither natural nor given, they are constructed to make unequal relations seem natural and can be naturalised only under the duress of socialisation. Thus, there is undue pressure on boys and girls to live up to the established norms of masculinity and femininity. While girls endure unwarranted social control, discrimination and domination, boys too suffer from the stereotyping that exists in a patriarchy culture. Discouraged from being emotional, gentle or fearful, they are thrust into the role of breadwinners, protectors and warriors. Thus, unequal gender relations stunt the freedom of all individuals to develop their human beings from existing relation of gender.

3.1 Gender Equality

The movement towards gender equality, especially in western countries, began with the suffragette movement of the late 19th century. Then there was a change in relation to women's property rights in marriage. In the 1960, a more general movement for gender equality developed based on women's liberation and feminising. The issue was women rights. The idea was that women should have equal rights with men. However, actual changes in attitudes continued to focus on specific issues.

The movement resulted in anti discrimination laws. Charges to attitudes to equality in education opportunities for boys and girls have also undergone a cultural shift. Some changes came about by adopting affirmative action policies. The change has also involved changes to social views, including "equal pay for equal work" as well as most occupations being equally available to men and women. For example, many countries now permit women to serve in the armed forces, the police force and to be

fire fighters. Also an increasing number of women are active in politics and occupy high positions in all spheres of life.

Gender Equality also known as sex equality or sexual equality is the goal of the equality of the genders. Stemming from a belief in the injustice of myriad forms of gender inequality. This goal making women's rights equal to men's and also making men's rights equal to women's.

3.2 Gender Inequality

It refers to unequal treatment or perceptions of individuals based on their gender. It arises from differences in socially constructed gender roles as well as biologically through chromosomes, brain structure and hormonal differences. Gender systems are often dichotomous and hierarchical: gender binary systems may reflect the inequalities that manifest in numerous dimensions of daily life. Gender inequality stems from distinctions, whether empirically grounded or socially constructed.

3.3 Gender Discrimination

Discrimination can be defined in the following forms:

- Unfavourable treatment based on prejudice, especially race, caste, age or sex.
- Negative discrimination; discriminated against on the basis of religion, caste or sex among others.
- Making a distinction, especially unjustly and on the basis of race, caste, age, sex etc.

Empowerment is the action of endowing someone with the ability or power required for a purpose or task. For instance, education is one of the way of empowering the people of India for achieving a better and a higher quality of life. For the educational empowerment for the weaker section of the society, **“positive discrimination”** is one of the measures adopted in the Constitution of India. *National Policy on Education* and the *NCF* brought out by NCERT. The premise has been that the positive discrimination such as reservation, hostel provisions, transportation facilities etc. will gradually bring the children of socially disadvantaged at the same level as that of general population by compensating for the existence of their social disadvantage. Education can be an effective tool for girls empowerment, the parameters of which are:

- (i) Enhance self-esteem and self-confidence of girls.
- (ii) Building a positive image of girls by recognising their contribution to the society, policy and the economy.

- (iii) Developing ability to think critical.
- (iv) Fostering decision-making and action through collective processes.
- (v) Enable girls to make informed choices in areas like education, employment and health especially reproductive health.
- (vi) Ensuring equal participation in development process.
- (vii) Providing information, knowledge and skill for economic independence.
- (viii) Enhancing access to legal literacy and information relative to their rights and entitlements in society with a view to enhance their participation on an equal footing at all the areas.

Activities for the Teacher

- Compare and contrast the differences in the behaviour of boys and girls in these societies to that of boys and girls in your own society, community.
- What do the differences tell us about gender in contrast to sex?

4. IMPORTANCE OF GIRLS' EDUCATION

Gender inequality in education is extreme. Girls are less likely to access school, to remain in school or to achieve education. Education helps men and women claim their rights and realise their potential in the economic, political and social areas. It is also the single most powerful way to lift people out of poverty. Education plays an important role as a foundation for girls' development towards adult life. It should be an intrinsic part of any strategy to address the gender-based discrimination against women and girls that remains prevalent in many societies. The following links will further explain the necessity of girls'/women's education:

- Education is a right
- Cultural changes
- Better health and awareness
- Poverty reduction.

Everybody has the right to education, which has been recognised since the Universal Declaration of Human Rights (UDHR) in 1948. The right to free and compulsory primary education, without discrimination and of good quality, has been

reaffirmed in all major international human rights conventions. Many of these same instruments encourage, but do not guarantee post-primary education. These rights have been further elaborated to address issues like quality and equity, moving forward the issue of what the right to education means, and exploring how it can be achieved. As a minimum States must ensure that basic education is available, accessible, acceptable and adaptable for all (4A scheme). The right of girls to education is one of the most critical of all rights – because education plays an important role in enabling girls and women to secure other rights.

Cultural and traditional values stand between girls and their prospects for education. The achievement of girls' right to education can address some of societies deeply rooted inequalities, which condemn millions of girls to a life without quality education – and, therefore, also all too often to a life of missed opportunities. Improving educational opportunities for girls and women helps them to develop skills that allow them to make decisions and influence community change in key areas. One reason for denying girls and women their right to an education is rarely articulated by those in charge: that is their fear of the power that girls will have through education. There is still some resistance to the idea that girls and women can be trusted with education. Education is also seen in some societies as a fear of change and now with globalisation, the fear becomes even greater – fear to lose the cultural identity, fear of moving towards the unknown or the unwanted, fear of dissolving in the many others.

Basic education provides girls and women with an understanding of basic health, nutrition and family planning, giving them choices and the power to decide over their own lives and bodies. Women's education leads directly to better reproductive health, improved family health, economic growth, for the family and for society, as well as lower rates of child mortality and malnutrition. It is also key in the fight against the spread of HIV and AIDS.

Educating girls is an important step in overcoming poverty. Inequality and poverty are not inevitable. "The focus on poverty reduction enables the right to education to be a powerful tool in making a change in the lives of girls and women. Poverty has been universally affirmed as a key obstacle to the enjoyment of human rights, and it has a visible gender profile. The main reason for this is the fact that poverty results from violations

of human rights, including the right to education, which disproportionately affect girls and women. Various grounds of discrimination combine, trapping girls in a vicious downward circle of denied rights. Denial of the right to education leads to exclusion from the labour market and marginalisation into the informal sector or unpaid work. This perpetuates and increases women's poverty" (Tomasevski, 2005).

The Constitution of India not only grant equality to all citizens including girls/women and forbids any discrimination based on religion, race, caste, sex and place of birth but also empowers the State to practice protective discrimination in favour of girls/women, children and any socially and educationally backward classes or the SC/ST under the protective discrimination clause, the state (our country) has passed several legislations and initiated special programmes and schemes for the protection, welfare and development of girls/women and children. As per the Directive Principles of State Policy, the Article 45 of our Constitution enjoins that the State shall endeavour to provide within a period of 10 year from the commencement of the Constitution compulsory education for all children until they complete the age of 14 years.

5.1 INTERNATIONAL HUMAN RIGHTS LAW

All children have the Right to Education has been recognised by the international community since the Universal Declaration of Human Rights (UDHR) in 1948. On 10 December 1948 the general assembly of the United Nations adopted and proclaimed the universal declaration of human rights. The list of human rights elaborated in the declaration provides a common standard of achievement for all peoples and all nations.

- Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.
- Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.
- Whereas it is essential, if man is not to be compelled to have recourse as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

- Whereas it is essential to promote the development of friendly relations between nations.
- Whereas the people of the united nations have in the Charter reaffirmed their faith in fundamental human rights in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.
- Whereas member states have pledged themselves to achieve, in cooperation with the united nations, the promotion of universal respect for and observance of human rights and fundamental freedoms whereas a common understanding of these rights and freedom is of the greatest importance for the full realisation of this pledge.

The right to free and compulsory primary education of good quality and without discrimination is now enshrined in a range of international human rights conventions, signed and ratified by almost all countries in the world. Many of these same instruments encourage, but do not guarantee, post-primary education. Thus, these rights have been further elaborated

- To address issues of quality and equity,
- moving forward the issue of what the right to education is, and
- exploring exactly how it can be achieved.

There are numerous international and national commitments stating that girls have a legal right to education, including equal access; however, the existence of these international conventions and other tools has not been sufficient to secure education for all girls. Gender is still the largest simple cause of systematic discrimination.

“International human rights law lays down a three-way set of criteria, whereby girls should have an equal right to education, and their equal rights should be promoted through education...” (Tomasevski, 2005).

5.2 International Conventions

On 18 December 1979, the convention on the elimination of all forms of discrimination against women was adopted by the United Nations General Assembly. It entered into force as an International Treaty on 3 September 1981 and 20 countries had ratified it. By the tenth anniversary of the convention in 1989, almost 100 nations had agreed to be bound by its provision.

The Convention was the culmination of more than 30 year of work by the United Nations Commission on the status of women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the convention on the elimination of all forms of discrimination against women is the central and most comprehensive document.

Among the International Human Rights Treaties, the convention takes an important place in bringing the female half of humanity into the focus of human right concerns. The spirit of the convention is rooted in the goals of the United Nations to reaffirm faith in Fundamental Human Rights in the dignity and worth of the human person, in the equal rights of men and women. In its Preamble, the Convention explicitly acknowledges that 'extensive discrimination against women continues to exist' and emphasises that such discrimination 'violates the principles of equality of rights and respect for human dignity'. As defined in Article 1, discrimination is understood as, 'any distinction, exclusion or restriction made on the basis of sex in the political, economic, social, cultural, civil or any other field'. The convention gives positive affirmation to the principle of equality by requiring state parties to take, 'all appropriate measure, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men (Article 3)'.

Education is one of the most critical areas of empowerment for women, as both the Cairo and Beijing conferences affirmed. It is also an area that offers some of the clearest examples of discrimination women suffer. Among children not attending school, there are twice as many girls as boys, and among illiterate adults there are twice as many women as men.

The Dakar Framework for Action represents the most important international political commitment towards promoting education for all. The framework contains two gender-based goals. In Article 7(ii) the participants commit themselves to eliminating 'gender disparities in primary and secondary education by 2005'. The second commitment is to achieve gender equality in education (Article 7(v)). These are here

described as 'gender parity' and 'gender equality,' respectively. While the focus of this article will be on the latter, gender parity will be examined by way of comparison, on the premise that it is a necessary but insufficient precondition for the realisation of equality. In contrast to such political agreements, human rights are legal standards that States have committed themselves to implement through the ratification of international treaties. This process of ratification constitutes the undertaking of international legal obligations, not mere promises. Although the two processes of international politics and international law-making and enforcement are conceptually distinct, the realisation of the objectives of each can be enhanced by the inter-relation of both, so that they exist as complementary, not parallel, processes. Recognising that States' political commitments cannot be isolated from their legal obligations means that States that have committed to relevant international instruments (all but two countries in the world have ratified the Convention on the Rights of the Child (CRC), and over 174 countries have accepted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), have clear obligations to progressively realise the right to education and gender equality in and through education.

A merging of international monitoring of Education for All and international human rights law would allow an integrated rights framework to compliment the political promises of Jomtien and Dakar, and ensure that these processes promote rights in and through education, rather than simply counting numbers of children, or investment in education. In this light, the continued and deepening openness towards human rights evident in the Education for All Global Monitoring reports is to be welcomed.

A human rights framework for education to promote gender equality is a social construct, not a biological one, and discrimination on this basis is consequently difficult to assess and address. Distinctions based on biological sex can be measured statistically, whereas gender differentials entail more subtle distinctions on male and female roles. Achieving gender parity (equal numbers of boys and girls) in school is just one step towards gender equality in and through education. While parity is a quantitative concept, equality is a qualitative one. The human rights protection and promotion of gender equality requires more than numerical equilibrium, it also requires

conceptual equilibrium, and a conscientious effort to redress inequality, as it exists.

An exclusive focus on numbers can present apparent progress and hide real patterns of discrimination and disadvantage. This is particularly true in measuring equality. In education, while increasing parity in enrolment is important, equality requires adaptation. Addressing the right to education, without addressing rights *in* education and *through* education may mean compelling attendance in education that may be of limited use and relevance to increasing equality between the sexes.

Governments hold the primary responsibility ensuring the full realisation of the right to education for all. The analytical framework of governmental obligations developed by the United Nations Special Rapporteur shows that this entails *availability*, *accessibility*, *acceptability* and *adaptability* of education (Tomasevski, 2001).

- (i) Ensuring the *availability* of education has differing solutions: segregated, or single sex schools (permitted under the Convention Against Discrimination in Education on condition of equivalence of quality); integrated schools, where girls are enrolled in boys schools which may not adapt to them; or inclusive education in co-educational schools that are gender sensitive. It is worth noting that in implementing a system of education segregated by sex, governments may be responding to parental choice, others, however, such as Ecuador, will point to 'coeducation as a way to break down sexist barriers'. There is an important balance to be struck between parental freedom in education and the best interests of the child.
- (ii) *Accessibility* requires removing both directly discriminatory barriers to the enrolment of those of one sex from all levels and types of education and, as we shall see, barriers such as cost, which may have indirect gender significance.
- (iii) *Acceptability* implies education that will actually be of use to the child, not only in seeking employment, but also importantly in protecting health and well-being. Sufficient educational opportunities for girls are only the first step. Treating boys and girls in the same way can reinforce, rather than redress social disadvantage as education can serve to underline existing stereotypes

of women as unsuited to academic achievement, an image which can be portrayed (often unconsciously) in textbooks showing female role models at home, while men are history makers and intellectual pioneers. The aims of education in human rights law include 'the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes'. Addressing the implications of this requirement what children learn and why requires the reorientation of education to contribute to gender equality.

The obligation under human rights law that education be *adaptable* to the individual, and not the other way around is revolutionary. It will mean schools that are more inclusive, and assurance that education does not reinforce extant societal patterns that discriminate against certain groups. As girls tend to be subject to multiple discrimination (for example, as a member of a minority group using the national language as a second or third language, and as a girl), this is of particular relevance.

6. NATIONAL LAW

Although many states sign and ratify international human rights conventions, such obligations and guarantees do not necessarily translate into national law. Provisions for education at the national level must therefore, change to reflect the international legal obligations that countries have assumed. States must be encouraged to pass legislation and implement policies to ensure they provide education in compliance with international law.

For girls' and women's right to education, this means that States must ensure girls' equal rights to education and also prepare laws in cross-cutting issues of gender, such as marriage, housing and social security. States must ensure non-discrimination and education in all spheres, and at a national level. It is clear that unless discrimination, harassment and violence in schools are addressed, girls will not be able to enjoy the right to education as stated in national constitutions, legally binding treaties and international covenants.

The commitment to UEE has been reiterating in each 5 year plans. The Education Commission (1964–66) the NPE (1968), NPE (1986) and POA (1992) have all emphasised the need to implement the programme of UEE at the earliest.

There have been a number of educational initiatives from the central and the state govt. along with NGOs to achieve the goals of UEE especially after the recommendations of *NPE* (1986) some of these initiatives are Bihar Education Project (BEP), UP basic education project *Loak Jumbish*, *Shiksha Karmi* project in Rajasthan and District Primary Education Programme (DPEP). All these programmes and Projects have special gender focus e.g., one of the criteria for selecting districts to initiate DPEP was low scale literacy.

The Government of India has launched a new scheme known as SSA to incorporate all the existing schemes and programmes related to primary education. The SSA aims to provide the quality elementary education to all children in the age group of 6-14 years by 2010 with special focus on girls and children belonging to disadvantage group and of children with special needs.

Some of the initiatives for girls under SSA are as follows: National Programme for Education for Girls at Elementary Level (NPEEL), *Kasturba Gandhi Balika Vidyalyaya* (KGBV), alternative schools etc.

Right to free and compulsory education act-2009, section 3 provides to every children of the age of 6-14 years the right to free and compulsory education in a neighborhood school till the completion of elementary education.

Activities for the Teacher

- What are the various measures envisaged in the national policy on education to empower SCs girl ?
- How does RTE Act address the diversified needs of disadvantaged and marginalised group of students at elementary level ?
- How does Constitution of India ensure empowerment of SC girls ?

7. IMPORTANT COMMISSIONS AND COMMITTEES ON GIRLS' EDUCATION

- The Secondary Education Commission (1952-53) upholds opening of every type of education to women open to men.
- Report of the Durgabai Deshmukh Committee or National Committee on Women's Education (1958-59) recommended that (a) appointment of school mothers in all schools where there is no women teachers, (b) separate lavatory arrangement in every school, and (c)

help in cash or kind such as covering the cost of books and stationary school uniform or clothing and other educational equipment to all girls up to middle level, where parents are below certain level of income (d) crèches for sibling, (e) schemes for awarding prizes to the villages which has the largest enrolment and average attendance of girls, (f) two-three prizes in the form of useful articles for regular attendance, (g) attendance scholarship in the form of useful articles to poor girls, creation of a strong public opinions for girls education, (h) provision of suitable conditions in schools rather than passing of compulsory legislation so that parents cannot be encouraged to sent their daughters to schools, (i) women heads in co-education schools, (j) free and subsidised transport in order to bring middle and secondary schools within easy reach, and (k) suitable hostel facilities, the day boarding and lodging arrangements in these hostels should be cheap and payment in kind should be permitted.

- Report of the Committee on the Status of Women in India (1962-63) suggested incentives to prevent dropouts among girls. The committee to look into the causes for lack of public support particularly in Rural Areas for Girls' Education and to Enlist Public Cooperation (1967) and Committee on Differentiation of Curricular for Boys and girls (1964) focused on appointment of women teachers and to ensure girls enrolment and attendance and provision (grant) of free books, writing materials and clothing to girls.
- The Education Commission (1964-66) fully endorsed the recommendations of National Committee on the Education of Women. The Commission emphasised on the following points: (a) Educating public opinion to overcome traditional prejudices against girl's education, (b) appointment of women teachers, (c) popularising mixed primary schools and opening separate schools for girls at the higher primary stage wherever possible and demand, and (d) providing free textbooks writing materials and if needed clothing also.
- *NPE* (1986) and *POA* (1992) upheld the need for adequate support services (water, fuel, fodder and child care) to the promotion of girls education and more provisions of schooling facilities like at least one primary school in each habitation with a population of 300 or more and at least

one middle school in each habitation with a population of 500 or more.

- The National Perspective Plan for Women NPPW (1988-2000) recommended for women's education on the top priority basis so that women can't attain a comparable level of education by 2000. The plan suggested that (a) Educational programmes need to be restructured and school curricular to be modified to elimination gender bias. (b) Awareness needs to be generated among the masses regarding the necessity of educating girls the media and various forms of communication have to be geared and a fruitful rapport has to be established between the community at large and the educational personnel. (c) Fifty per cent posts in elementary schools should be reserved for women teachers. In every school two women teacher should be appointed. (d) School timings should be flexible and schools must be available within a walking distance i.e., within 3 km and provision of hostel facilities for girl children.
- *National Policy on Education* (1968) emphasised on "Equalisation of Education Opportunity". It has been highlighted that strenuous efforts should be made to equalise educational opportunity. The Education of Girls should receive emphasis not only on grounds of social justice but also because of accelerating social transformation.
- The UN Development Decade (1975-85) saw growth of institutional mechanism such as the department of women and child development, women's development corporations, integrating women in the mainstream, development of women and children in rural areas; women as special groups for poverty removal, skill development Training of Youth for Self-employment (TRYSEM), Integrated Child Development Services (ICDS), movement from welfare to development and finally to empowerment in the Eighth Plan.
- The National Perspective Plan for Women (NPPW) (1988-2000) chalked out the National gender agenda till the turn of the century with a strong focus on rural and disadvantaged women.
- Ramamurthy Review committee towards an enlightened and humane society underscored the need for redistribution of educational opportunities in favour of girls belonging to rural and disadvantaged section with adequate support

service (water, fodder, fuel, child care) and also asked for 50 per cent share for girls in educational resources.

- The National Policy on Women's Employment (NPWE) (2001): The goal of this policy is to bring about the advancement of women. Specifically, the objectives of this policy includes:
 - (i) Creating an environment through positive economic and special policies for full development of women to enable them to realise their full potential.
 - (ii) The de-jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres viz, political, economic, social, cultural and civil.
 - (iii) Equal access to participation and decision-making of women in social, political, economic life of nation.
 - (iv) Equal access to women health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational, health and safety, social security and public office etc.
 - (v) Strengthening legal system aimed at elimination of discrimination against women.
 - (vi) Changing societal attitudes and community practices by active participation and involvement of both men and women.
 - (vii) Mainstreaming of discrimination and all forms of violence against women and the girls child.
 - (viii) Building and strengthening partnerships with civil society, particularly women's organisations.

8. LEGISLATIVE MEASURES TO END DISCRIMINATION AGAINST SCHEDULED CASTE

To give clear expression to constitutional provisions, an impressive range of legislative measures have been enacted to end discrimination against Scheduled Castes. These inter-alia include:

- The Protection of Civil Rights (Anti-Untouchability) Act, 1955.
- The Bonded Labour (Abolition) Act, 1976
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
- Various Land Reform Acts.

9. IMPORTANT LAWS IN INDIA AFFECTING GIRLS

- The Equal Remuneration Act of 1976 provides for equal pay to men and women for equal work.
- The Hindu Marriage Act of 1955 amended in 1976 provides the right for a girl to repudiate a child marriage before attaining maturity whether the marriage has been consummated or not and not right to property and absolute ownership over her property entitling her to make a “Will” leaving her share of property to her heirs.
- Hindu Succession (Andhra Pradesh) Amendment Act, 1955 ensures that rights of the daughter are absolutely equal to that of the son even in cases governed by *Mitakshara* system.
- Indian Succession Act, 1955 provides for uniform succession to all other than Hindus, Sikhs, Jains, Buddhists and Muslims.
- Hindu Adoption and Maintenance Act, 1956 male or female Hindu having legal capacity, can take a son or daughter in adoption.
- The Immoral Traffic Prevention Act of 1956 as amended and renamed in 1986 makes the sexual exploitation of male or female, a cognizable offence.
- An Amendment brought in 1984 to the Dowry Prohibition Act of 1961 made women’s subjection to cruelty a cognizable offence. The second amendment brought in 1986 makes the husband or in-law punishable. If a women commits suicide within seven years of her marriage and it has been proved that she has been subjected to cruelty. Also a new criminal offence of “Dowry Death” has been incorporated in the Indian Penal Code.
- The Factories Act of 1948 (amended up to 1976) provides for establishment of a crèche where 30 women are employed (including casual and contract labourers).
- The Medical Termination of Pregnancy Act of 1971 legalises abortion by qualified professional on humanitarian or medical ground.
- Amendments to criminal law, 1983 provide for a punishment of seven years in ordinary cases or rape and 10 years for custodial rape case. The maximum punishment may go up to life imprisonment.
- A new enactment of Indecent Representation of Women Prohibition Act of 1986 and the commission of *Sati* Prevention Act, 1987 have also been passed to protect the

dignity of women and prevent violence against them as well as their exploitation.

- The pre-natal diagnostic techniques (Regulation and prevention of misuse) 1994.
- The 73rd and 74th constitutional amendments (1992) gave 33 per cent representation to women in *Panchayats* and *Nagar Palikas* and 30 per cent headships to women in these bodies at the village, block and district levels in rural areas and in town and cities.

10. IMPORTANT LAWS RELATED TO CHILDREN IN INDIA

- Children below the age of 14 years cannot be employed in hazardous work: The Employment of Children Act 1938, The Factories Act 1948 amendment in 1949, 1950, 1954, The *Beedi* and Cigar Workers Act, 1966.
- The children (Pledging of labour) Act 1933, aims at eradicating the evil of pledging labour of young children by their parents to employees in lieu of loans and advances.
- The Child Marriage Act of 1929, amendment in 1976 to raise the minimum age of marriage for girls from 15-18 years and for boys from 18-21 years.
- Compulsory Primary Education acts have been passed by several states.

11. PROVISION OF NON-DISCRIMINATION

In the India as everywhere else in the world, history and society have been scarred by discrimination and in equality. It was recognition of this and to end such in justice that Part III of the Constitution of our Republic dealing with fundamental Rights contained powerful provisions combat all forms of discrimination, including notably those which were based on race, caste or descent. These provisions of the Constitution include broadly in the following manner for a deeper understanding among teachers. The Constitution of India, the fountainhead for all laws, rules and regulations of the land, confers equal right on both women and men and forbids any (negative) discrimination on grounds only of religion, race, caste, sex or place of birth and further, empowers the state to practice positive/protective discrimination in favour of historically disadvantaged group of population.

Categories for protective discrimination in the Indian Constitution are women, children, the scheduled castes, scheduled tribes, other backward class, minorities and the physically challenged.

The Constitution of India (Part III): Fundamental Rights grants every Indian citizen Right to Equality, Right to Freedom, Right against exploitation, Right to freedom of Religion, Cultural and Education rights and the Rights to constitutional remedies for the enforcement of the aforesaid rights.

Constitution provisions related to equality and discrimination on grounds of sex, caste and religion.

Article	Constitution of India (1950) Part III : Fundamental Rights
	Rights to Equality
14	Equality before law: The state shall not deny to any person equality before the law or the equal protection of the law within the territory of India.
15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. 1. The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth or any of them. 2. No citizen shall on grounds only of religion, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regards to (a) Access to shops, public restaurants and places of public entertainment, or (b) The use of wells, tanks, bathing <i>ghats</i>, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of general public. 3. Nothing in the article or in clause (2) of article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the scheduled tribes. Equality of opportunity in matters of Public Employment. 1. Nothing in this Article shall prevent Parliament from making any law prescribing in regard to a class or classes of employment or appointment to an office (under the Government of or any local or other authority within, a State or union territory, any requirement as to residence within the State or union territory) prior to such employment or appointment. 2. Nothing in this article shall prevent the State from making any provision for the reservation of appointment or posts in favour of any backward class or citizens which, in the opinion of the State is not adequately represented in the service under the state.

17.	Abolition of untouchability: 'Untouchability' is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'untouchability' shall be an offence punishable in accordance with her law.
21	Protection of life and personal liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.
23	Right against exploitation Prohibition of Traffic in human beings and forced (i) Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. (ii) Nothing in this article shall prevent the state from imposing compulsory service for public purposes and in imposing such service the state shall not make any discrimination on grounds only of religion, race, caste, class or any of them.
29(2)	Cultural and Educational Rights: Protection of interests of minorities: No citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds only of religion, race, caste, sex, class, language or any of them.
	Part IV: Directive Principles of state policy
38(2)	State to secure a social order for the promotion of fare of people: The state shall, in particular, strive to minimise the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.
44	Uniform civil code for the citizens: The state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.
45	Provision for free and compulsory education for children: The state shall endeavour to provide, within a period of 10 years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of 14 years.

46	Promotion of Educational and Economic interests of scheduled castes, scheduled tribes and other weaker section: The state shall promote with special care the educational and economic interests of the weaker section of the people and in particular of the SCs and STs and shall protect them from social injustice and all forms of exploitation.
47	Duty of the State to raise the level of nutrition and the standard of living and to improve public health: The state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular the state shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
51(c)	Promotion of international peace and security: The state shall endeavour to foster respect for international law and treaty obligations in the dealing of organised people with one another.
	Part IV A : Fundamental Duties
51(a)	Fundamental duties: It shall be the duty of every citizen of India (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem. (b) To cherish and follow the noble ideals which inspired our national struggle for freedom. (c) To uphold and protect the sovereignty, unity and integrity of India. (d) To defend the country and render national service when called upon to do so. (e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religions, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women. (f) to value and preserve the rich heritage of our composite culture. (g) To develop and protect the natural environment including forest, lakes, rivers and wild life and to have compassion for living creatures. (h) To develop the scientific temper, humanism and the spirit of inquiry and reform. (i) To safeguard public property and to adjure violence. (j) To strive towards excellence in all type/spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

	Part XV: Elections
325	No person to be ineligible for inclusion in or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex: There shall be one general electoral roll for every territorial constituency for election to either house of Parliament or to the house or either house of legislative of a state and no person shall be ineligible for inclusion any roll for any such constituency on ground only of religion, race, caste, sex or any of them.
330	Part XVI Special provisions relating to certain classes Reservation of seats for Scheduled Castes and Scheduled Tribes in the house of the people: Seat shall be reserved in the house of people for: (a) The Scheduled Castes (b) The Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam, and (c) the Scheduled Tribes in the autonomous districts of Assam. 1. The number of seats reserved in any state or union territory for the SCs and the STs under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that state or UT in the house of the people as the population of the SCs in the state or UTs or of the STs in the state or UT, or part the state or UTs as the case may be, in respect of which seats are so reserved bears to the total population of the state or UTs. 2. Notwithstanding anything contained in clause (2) the number of seats reserved in the house of the people for the STs in the autonomous districts of Assam shall bear to the total number of seats allotted to that state a proportion not less than the population of the STs in the said autonomous districts bear to the total population of the state.
335	Claims of Scheduled Castes and Scheduled Tribes to services and posts: Claims of the members of Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration. In the making of appointments to services and posts in connection with the affairs of the union or of a state.
341	Scheduled Castes 1. The President (may with respect to any State or UT) and where it is a state after consultation with the Governor thereof by public notification, specify the castes,

	racess or tribes or parts of or groups within castes, races or tribes which shall for the purpose of the Constitution be deemed to be SCs in relation to that state or UTs as the case may be. 2. Parliament may by law include in or exclude from the list of SCs specified in a notification issued under clauses (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.
	Part XIX: Miscellaneous
366 (24)	Definitions: In this constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say “SCs” means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be SCs for the purposes of this Constitution.

Activities for the Teacher

- Have you as a teacher ever experienced any form of discrimination against SC girls in and outside school, if yes describe in 50 words as to how you dealt with such Situation?
- Organise a seminar on various issues related to the education of SC girls and other socially disadvantaged children of India.
- Organise a discussion on how equality of opportunity may help in the empowerment of the socially disadvantaged group.
- Discuss the legislative measures related to the children in your class.

12. FACTORS RESPONSIBLE TO KEEP SCHEDULED CASTE GIRLS OUT OF SCHOOLS

Men still dominate women in every country in the world resulting in widespread discrimination against SC's girls. The impact of unequal power relations and discrimination is often felt most severely when material poverty exists as their increases unlearn ability. Inequality in society inevitably has an impact on the provision and content of education as well as on the ability of SC's girls to enter and remain in school following are the few reasons of excel scheduled caste girls.

- (i) *Gender discrimination:* Cultural and social beliefs attitudes and practices prevent SC girls from benefiting from educational opportunities to the same extent as boys. There is a powerful economic and social rationale for investing in the education of sons rather than daughters as daughters are perceived to be less valuable once educated and less likely to abide by the will of the father, brother or husband.
- (ii) *Early marriage and pregnancy:* The low value attached to girl education reinforces early marriage and early pregnancy keeping girls and their children trapped in a vicious cycle of discrimination. Too often marriage is seen as a higher priority than education and the girls who are married (even where they have been forced into early marriages against their will) as well as the girls who are pregnant are excluded from schools.
- (iii) *Violence Against SC girls in schools:* Another key issue around rights to and in education concerns the persisting violence against girls. The violence is not only a direct infringement of human rights as dedicated in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) but it also plays a role in denying girls the right to access education by being one of the major causes of drop-out among girls.
- (iv) *Schools fail to protect the basic rights and dignity of SC girls:* Violence includes rape, sexual harassment, physical and psychological intimidation, teasing and threats. It may occur on the way to school or within the school itself and is perpetuated by teachers, parents, person of perceived authority and fellow students.
- (v) *Child-domestic labour:* Girls are usually needed at home or need to earn money. These are major reasons why SC girls dropout of schools. Girls being employed as child labour bearing the main burden of housework and taking on the role of caring for younger siblings are impacting girls performance and attendance in school and resulting in physical and mental fatigue absenteeism and poor performance. While educating a boy is generally seen as a sound investment, sending a girl to school is frequently seen either as bringing no gain at all or worse as an actual waste of resources.

- (vi) *Lack of encouragement:* The limited number of female teachers in both primary and secondary schools is a major constraint on girls education. The presence of female teachers especially SCs female teachers both makes girl-friendly and provides role models for girls.

Discrimination and stereotypes in school with scheduled caste girls. The following are examples of the discrimination and stereotypes which prevent girls access to quality:

- (i) Both male and female teachers have low expectations of scheduled caste girls' intellectual skills since it is thought that girls are inherently less intelligent than boys.
- (ii) Teachers ignore SC girls and give less feedback.
- (iii) Teachers frequently report that they enjoy teaching boys more than SC girls.
- (iv) SC girls have low self-esteem and fewer expectations of themselves in and out of school. They think that their future consists primarily of being wives and mothers.
- (v) Boys usually have sufficient encouragement and space to express themselves, girls are not provided with similar arrangements to express themselves.
- (vi) Prizes won by SC girls and their achievements are not as widely reported or publicised as SC general boys.
- (vii) There is a clear tendency to use sexist language, perpetuating discrimination and ability to challenge the persistent violence suffered by SC girls in schools.

ACTIVITIES FOR THE TEACHER

- List out the problems confronted by SC girls and remedies thereof.
- What role are you expected to play to ensure a congenial, non-discriminatory environment in and outside classroom learning?

13. CONSEQUENCES OF SEX ROLE STEREOTYPES IN SOCIETY

At the societal level, sex role stereotypes can have negative or positive effects when used as standards by which to evaluate others e.g., stereotype attributed to women have generally led to prejudice and discrimination against women. This is particularly the case in the world of employment. Women may consider to be less reliable as workers because of their child-rearing functions. Men, on the other hand, may be regarded as more reliable employees because they are deemed not to be affected by such functions.

Transmittal of Sex-Role Stereotypes: The main way in which sex role stereotypes are transmitted from one generation to another is through the socialisation process. According to Susan Basow, the socialisation process has what are known as :

- *Socialisation Agents:* Parents, Teachers, Peers
- *Socialisation Process:* School, The Media, Language, Play, Art and Music, Religion etc.

Among the socialising agents and forces, the most relevant for our purposes are parents, teachers and the school.

Parents begin to transmit sex role stereotypes as soon as child is born. Girls and boys are treated differently e.g., they are dressed differently, given different toys (boys are given toy car, airplanes etc., while girls are given doll, toy pots, plates and cups). The toy given to the girls indicate their role as home makers rather than workers.

Teachers reinforce the sex role stereotype to learnt at home. Teachers too have a tendency to treat boys and girls differently through role assignments, rewards and punishment for academic work. Teachers may tend to reprimand boys more severely than girls for doing badly in such subjects as mathematics and science, because they are expected to do better than girls in these subjects.

School transmits a lot of stereotypes about females and males, e.g., certain subjects are taught only to boys or girls e.g., boys are taught technical drawing, wood and metal work etc., while girls are taught domestic science or home economics, secretarial skills etc. Schools also offer different games to girls and boys e.g., girls play netball while boys play soccer. Most games played by boys tend to be more competitive than those for girls.

Activities for the Teacher

- Discuss the sex role stereotypes on the progress of female and male pupils in schools.
- How are sex role stereotypes transmitted by teacher and school?

14. WAYS AND MEANS TO IMPROVE GIRLS ACCESS TO EDUCATION

- *Parental and community involvement:* Families and

communities must be important partners with schools in developing curriculum and managing children's education. *Low-cost and flexible time tables:* Basic education should be free or cost very little. Where possible, there should be stipends and scholarships to compensate families for the loss of girls' household labour. Also, school hours should be flexible so children can help at home and still attend classes.

- *Schools close to home, with women teachers:* Many parents worry about girls travelling long distances on their own. Many parents also prefer to have daughters taught by women.
- *Preparation for school:* Girls do best when they receive early childhood care, which enhances their self-esteem and prepares them for school.
- *Relevant curricula:* Learning materials should be relevant to the girls background and be in the local language. They should also avoid reproducing gender stereotypes.
- *In-service Teacher Training:* Teacher education is the most neglected areas with regard to any special target group. So far, in the whole country, the traditional teacher training programme is going on whether it is at JBT or B.Ed. level. By and large, these are related to general teacher preparation for the normal school system.
- *There has been special training of in-service nature for teachers of Scheduled Caste:* What is more important is a kind of specialised training through DIETs for the elementary teachers on how to deal with scheduled castes children effectively. Motivate SCs children and enhance their aspiration level and use of remedial teaching for these children. Change in curriculum materials and drawing these from ecology within the nature framework, make formative assessment and guide them at right time, make school them at home, allow peer group acceptance through deliberate manipulation and social reinforcement.

15. ROLE OF TEACHERS TO AVOID GENDER BIAS IN TEACHING

Being the pilot of the whole education system, the most significant role a teacher has to play is towards increasing equality among the SC girls by providing equal opportunity to each child to participate in the classroom teaching-learning process and other activities in the school. Given are some guidelines for teachers towards avoiding gender biases in teachings:

- (a) Divide your attention equally among the boys and girls in class when providing assistance. Focusing your

attention on one gender group can lead the other to feel inferior, causing deterioration in their self-esteem and self-confidence. Alternate your attention from boy student to girl student as you make your way across the classroom to prevent unintentional distribution of attention.

- (b) Avoid segregating students by gender, or assigning different activities to boys and girls. It may reinforce gender inequality by suggesting boys and girls should be treated differently. Focus on activities that encourage cooperation among the sexes by having boys and girls work to complete assignments.
- (c) Resist promoting gender stereotypes in the classroom.
- (d) Discourage the submissive attitudes that allow sexual harassment to go uncorrected.
- (e) Avoid assigning stereotyped jobs to the students in the classroom. When assigning classrooms tasks, avoid having only boys carry things while only girls clean up in order to discourage the assigning of stereotyped gender roles.
- (f) Avoid favouritism based on gender, religion and ethnic backgrounds.

15.1 Strategic Interventions

The following strategies can be used by teachers to avoid gender biasness in classroom teaching-learning process:

- *Avoid the stereotypes:* This can be accomplished by checking textbooks for gender-bias, watching for unintended bias in classroom activities and practices, and using gender-free language. It is also important to recognise and rectify any gender biases or stereotypes you have absorbed as a teacher.
- *Promoting integration:* Students of both sexes should work together in projects and classroom activities in order to provide cross-sex collaboration. You could also get a sense of how students feel about the cultural climate of the classroom for promoting integration.
- *Treating girls and boys equally:* One should provide equal opportunities for both sexes to participate in class and take on leadership roles, establish strong role models, and ensure that all students have the chance to do complex technical work.

15.2 Tips for Teachers

1. Discourage formation of group among students on the basis of caste, religion, race and sex in the classroom such as for exchanging notes having lunch together or playing together.
2. Encourage an environment of mutual respect among students.
3. Strictly ensure indiscriminate behaviour for each child while teaching, pay equal attention to all children.
4. Ensure that the children from the scheduled caste section are not mocked when they ask a question.
5. Encourage children from the scheduled caste, particularly, girls students to participate in extra-curricular activities in school like dance, drama sports etc.
6. Providing special coaching for studies as well as extracurricular activities for the SC girls so that they could also become state/national level achievers.
7. Have understanding and take interest in the day-to-day problems, academic as well as personal of these children and to solve them to the best of their ability.
8. Teachers can use inclusive approach to make classrooms viable and interesting. Equal opportunity should be given to all students for all academic and curricular activities.

1. What role can teacher play in creating ambience of equality in the society?
2. Organise a discussion on how equality of opportunity may help in the empowerment of the socially disadvantaged i.e., SC girls population in your school .
3. How curriculum can help in bridging the gap between the privileged and under-privileged section of the society? Give your own reason in this regard.
4. How would you teach your subject so as to enable the students in a mixed class to have an unbiased attitude towards the SC girl student?
5. What role do you perceive for yourself as a teacher for educating the SC girls? Share your view in the staff meeting.

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NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

ISBN 978-93-5007-834-1