

Higher Education among Scheduled Castes, Scheduled Tribes in Maharashtra

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Abstract

Two factors, bio-generic and socio-generic, obstruct or prevent the total development of a child. Bio-generic or inherent factors are transmitted through parental genes. The socio-generic factors are in the socio-economic conditions available to an individual. These factors may have the impact of deprivation upon various dimensions of psychological and educational development of the child. Keeping these important factors in mind a constant effort has been made for imparting scholastic education to the children belonging to Scheduled Castes, Scheduled Tribes and other backward classes. The constitution of India places a special responsibility on the Government for the educational advancement of the Scheduled Castes and Scheduled Tribes. A high priority was, therefore, given to the implementation of schemes for educational advancement of these communities, during all the five year plans so far. The rigid caste system totally debarred the Scheduled Castes and Scheduled Tribes from education in the olden days. As a result they were mostly illiterate. They did not know nor did they recognize the importance of education for gaining economic and social mobility.

KEYWORDS: Education, Government, equality, opportunities.

Introduction:

The Central and State Governments invested heavily on the education of the Scheduled Castes and Scheduled Tribes. It was felt that education is an effective mechanism for achieving upward mobility in modern society. Equality of educational opportunities is thus one of the cherished goals of the Government. First of all Article 14 of the constitution confers equal rights and opportunities to all which includes the scheduled Tribes.

Materials and Methods : The Analysis of the Indian Constitution which provides opportunities to SC and ST Community for education is prime object of this research paper and the doctrinal method is used for the paper.

Article 15 prohibits discrimination against any citizen on the grounds of sex, religion, race, caste etc. Article 15(4) enjoins upon the State 'to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. Article 16 provides for the equality of opportunity for all citizens in matters relating to employment opportunities or appointment to any office under the State'. Similarly while Article 16(4) enjoins upon the State to "make provisions for reservation in appointment, posts I favors of any backward class citizens which in the opinion of the State is not adequately represented in the services under the State", Article 16(4A) empowers 'the State to make provisions in matters of promotion to any class or classes of pots in the services in favors of the Scheduled Castes and the Scheduled Tribes'.

Article 46 provides that “the State shall promote with special care the educational and economic interests of the weaker sections of the society, and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.”

As per the provision of Article 244(1), “special provisions spelt out in the Fifth Schedule shall apply for the administration and control of Scheduled Areas and the Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram”, Annual reports are to be submitted by the Governors to the President of India regarding the administration of the Scheduled Areas and Tribes. Advisory Councils are required to be set up (especially in Fifth Schedule states) to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes. Further, Clause 2 of Article 244 provides that special provisions, spelt out in the Sixth Schedule shall apply for the administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram by designating certain tribal areas as Autonomous Districts and Autonomous Regions and also by constituting District Councils, Autonomous Councils and Regional Councils.

Article 275 speaks about the grants from the Union to certain states and the clause 1 of the said Article provides that Grants-in-Aid to be made available from the Consolidated Fund of India each year to States as the Parliament may determine so as to enable that State to meet the cost of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes is that State or raising the level of administration of the Scheduled Areas.

Article 330 provides the reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and Article 332 provides for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States. Besides the House of the People and Legislative Assemblies, the Constitution also provides for the reservation of seats for the Scheduled Castes and Scheduled Tribes in every Panchayat system (as per the provision of Article 243 D of the Constitution). Further, 73rd and 74th Amendments of the constitution are extended to the Scheduled Areas through the provision of Panchayat (Extension to the Scheduled Areas) Act, 1996 to ensure effective participation of the tribal in the process of planning and decision making.

Article 335 of the Constitution provides that “the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into considerations, 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”. Further, the Article provides that “nothing in the Article shall prevent in making of any provision in favors of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation for reservation in matters of promotion to any class or classes of services of posts in connection with the affairs of the Union of a State.

Thus, Article 335 should be read with Article 46 of the Constitution which provides 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 Scheduled Tribes and shall protect them from social injustice and all forms of

exploitation.

Results :

In Indra Sahney Vs. Union of India, AIR 1993 SC 477. Which relates to other backward classes, the implications of Article 14, 15, 16 and 335 were examined in length? According to the majority judgment there is need to maintain a balance between reservation and efficiency and not only with reference to Scheduled Castes and Scheduled Tribes but also with reference to other backward classes. Further in the same case it was held that whether a particular class is adequately represented in the services under the State is a matter within the subjective satisfaction of the appropriate Government based on the materials in the possession of the Government and the existing conditions in the society.

Article 338 A provides that there shall be a Commission for the Scheduled Tribes which should be known as National Commission for the Scheduled Tribes and it shall be the duty of the Commission to investigate and monitor all matters relating to the safeguards provided for the 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.

As per the provisions of Article 339 (I), “The President may at any time and by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States.” The Order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the president may consider necessary or desirable. Further, the Article provides the “the executive power of the Union shall extend to the giving of directions to a state as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

Article 340 provides that the President may be order appoint a Commission to investigate the conditions of socially and educationally backwards classes within the territory of India and the difficulties under which they labor and to make recommendations as to steps that should be taken by the Union or any state to remove such difficulties and to improve their conditions. Further, 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 tribes or tribal communities or parts of or groups with tribes or tribal communities which shall for the purposes of this constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory as the case may be.

In S. Pushpa Vs. Sivachanmugavelu (2005) 3 SCC 1. The S.C held that tough SC/ST persons who migrated from other State/Union Territories may not be taken into consideration for ascertaining population of SCs/STs in that State /UT for the purpose of determining number of seats to be reserved for SCs/STs in House of People or in Legislative Assembly, but that does not mean that such migrant SC/ST person would cases to belong to SC/ST.

In Sudhakar Vithal Kumbhare Vs. State of Maharashtra, (2004) 9 SCC 481. The issue ‘whether the member of a Scheduled Tribe belonging to one region could continue to get the same benefits despite bifurcation of the region in terms of the State Reorganization Act?’ The Court held the view that a Scheduled Tribe notified in one State may not be given the benefits therefore in another State having regard to the

expression “in relation to that State” in Article 342.

The Role of Planning Commission :

The Planning Commission in fourth five year plan (1969-70 to 1973-74) stated women education continued to get the same importance. In Seventh Five Year Plan (1985-86 to 1989-90) there was increase in expansion of infrastructural facilities. Eighth Five Year Plan (1992-93 to 1996-97) the social services including health, education and welfare of backward classes and Scheduled Tribes received utmost importance. In Ninth Five Year Plan (1997-98 to 2001-02) the National Education Policy, 1986 which was revised in the year 1992 continued during this period to be the major strength as it intended to improve the educational status of Scheduled Tribes. Therefore universal nature of primary education which also tried to involve the parents and guardians of the children of Scheduled Tribes was undertaken and also in the field of higher education special provisions like reservation of seats, relaxation in minimum qualifying cut off marks, remedial coaching etc. were extended by the Department of Higher Education. In Tenth Five Year Plan (2002-03 to 2006-07) in order to improve the literacy rate and education standards special incentives including distribution of textbooks, uniform abolition of tuition fee etc. were provided along with continuation of scholarships to facilitate the ST students to pursue higher education and other professional education.

Basic provisions of constitution;

The leaders of the freedom movement and the framers of the Constitution were fully alive to the need for improving the lot of Scheduled Tribes. The Constitution incorporates a number of provisions for this purpose. The State is prohibited from discriminating against any citizen on the basis of caste; ¹ there shall be no discrimination in public employment on the basis of caste; ² access to public places like wells, shops, restaurants etc. is guaranteed; ³ Untouchability has been abolished and has also been made punishable by law; ⁴ Hindu temples have been made open to all Hindus; ⁵ admission to State-run and State-aided educational institutions has been made open to all. ⁶ Above all, protective discrimination by the State in their favor generally have been provided for. ⁷ The Directive Principles impose special obligation on the State to ‘protect from social injustice and all forms of exploitation’. One of the Directive Principle of State Policy in the Constitution enjoins that the State shall promote with special care the educational and economic interests of weaker sections of the people and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation. ⁸

Discussion:

Scholarships have been instituted to enable Scheduled Caste students to overcome economic handicaps and hostels have been established to accommodate them near the schools with a view to helping them overcome restrictions to their admission to educational institutions.

The provisions of the reservation were instituted by the Ministry of Education in 1954. In that year the Union Ministry ⁹ issued the following instructions to all the State Governments, Administration in Union Territories and universities regarding the concessions to be allowed to Scheduled Caste and Scheduled Tribe candidates for their admission to various educational and technical institutions. The instructions were as follows.

- (i) Twenty per cent of seats in all technical institutions should be reserved

for Scheduled Castes and Scheduled Tribes with distinct reservations of 15 percent for Scheduled Castes and 5 per cent for Scheduled Tribes. This reservation can be interchangeable, i.e., if a sufficient number of candidates is not available to fill the seats reserved for Scheduled Tribes they may be filled up by suitable candidates from Scheduled Castes, and vice-versa.

If the requisite number of students is not available for filling the quota of vacancies reserved for both these categories, the unutilized seats should be added to the general pool of vacancies to be filled exclusively on merit.

- (ii) A minimum qualifying standard should be prescribed for admission to any technical institution. Students belonging to Scheduled Castes and Scheduled Tribes should be eligible for admission to the reserved seats if they attain this minimum standard without any reference to the gap between their marks and marks of the last person admitted to the open seats.
- (iii) Where admissions are restricted to candidates who obtain a certain minimum percentage of marks and not merely to passing of a certain examination, there may be a 5 per cent reduction for the Scheduled Castes and Scheduled Tribes provided that the lower percentage does not fall below the minimum required to pass the qualifying examination.
- (iv) If there is a maximum age limit, it may be raised by three years in the case of such candidates.

Protective Discrimination:

While the point that the situation of Scheduled Castes needs ameliorative action is hardly disputable, the crucial question that remains is whether they, as members of the former untouchable castes, are deserving of special protective discrimination any more than others who are economically or otherwise disadvantaged and do not belong to the Scheduled Castes. One of the major assumptions underlying the protective provisions and program for the Scheduled Castes seems to have been that person belonging to these castes are distinctly more disadvantaged than others belonging to comparable socio-economic positions. It has also been assumed that the added disadvantage would accrue not only from a history of caste discrimination suffered by members of these castes but also from the possibility of continued practice of discrimination in subtle forms. Continuation of the protective discrimination accorded to the Scheduled Castes is justifiable only if all these assumptions continue to hold true.

Education for the scheduled tribes and scheduled castes:

The issue of imparting scholastic education to the Scheduled Tribes and Scheduled Castes and other backward groups consistently figures in our educational policies. Education, with a fervent hope that it widens the mind and trains the critical faculties of thought and judgment, has always been valued highly by all societies and cultures and considered the *sine qua non* for the freedom from the shackles of ignorance's, dependency and poverty.

Through the successive Five Year plans the Government and the Planning Commission sought to ameliorate the problems and tried to raise the Socio-economic levels

of the people in India. However, decades of development have not had the desired effect on the socially, economically and educationally handicapped groups.¹⁰

In spite of the tremendous efforts in the last three decades in raising the level of education in our country a large gap was obvious between the enlisted students and actual number attending the college. Even in the State of Maharashtra, considered to be a pioneer in the field of education and to be industrially advanced providing opportunities for employment of the educated.

Increase in educational institutions and causes of wastage:

As mentioned the rate of growth of literacy is an important indicator of progressive development of a society. Though in Maharashtra the general literacy rate of the population has increased considerably, the dropout rate has not shown a marked reduction. Here it is worthwhile to draw attention to the growth of population in Maharashtra.

Factors responsible for dropouts:

There are various reasons responsible for these drop-outs. The causes for college drop-outs could be categorically said to be due to the following factors:

- (i) Psychological, comprising of
 - (a) Intelligence of the child
 - (b) External constraints
 - (c) Widening gap in knowledge
- (ii) Socio-economic
 - (a) Sociological factors
 - (b) Cultural factors
 - (c) Economic factors
- (iii) Educational
 - (a) School system (internal constraints)

Psychological factors:

If we examine the factor of intelligence as a reason for drop-outs we find that this is in no way an impediment. It is said that though the age difference between Brahmin and socially disadvantaged children is about one year (the latter enter school a year later) the tribal children on the whole appear to be as intelligent as the upper caste and Scheduled Caste children. This shows that intelligence is not the main factor in drop-outs.

External Constraints:

Ecological factors are the main external constraint that keeps the youth away from college. Many times even a distance of two kilometers keeps the children away from college.

Socio-Economic:

Sociologically, the main disadvantage is the factor of alienation. The modern formal education equips the students for diversified roles in society. These roles are not conducive to the family occupation. Hence the educated children get socially alienated from their family.

In rural, tribal and socially disadvantaged urban families, marriages of girls are performed at a very early age, i.e. before they complete their 10th standard. The incentive for education is less as the parents feel that the role of the daughter is to be a house wife, who needs no education to run the household.

Since compulsory primary education exists in Maharashtra (6 to 11 years of age groups) parents enroll all their children regularly. Further they do not school. This proves a total indifference on the part of the parents towards education. We believe this is due to

their not being aware of the long term gains of education.

Economic causes:

The root cause of drop outs due to economic reasons has been aptly put by Manning Nash. He says:

“Where school and work conflict in societies at this level of income, work always wins. Poverty coupled with familial agricultural production has the effect of drawing children out of the school as they are useful in the fields.”

Educational:

Incomplete education - Another important cause for high incidence of drop out is the inadequate college facilities.

Absenteeism is a serious problem in urban and rural college. The main reasons for absenteeism are:

- (a) No interest in education
- (b) Helping in the household work
- (c) Cattle grazing and helping the parents in their occupation
- (d) Bad health and
- (e) Unawareness of advantages of education.

Thus continued absence leads to psychological difficulties in comprehension and pursuance of studies.

Conclusion:

There must be review of the below points

- i) A widening gap of knowledge.
- ii) External constraints in the form of incapacity for deferred gratification.
- iii) Socio-economic factor that turn even a child an economic asset and a bread winner. (This is in many cases due to extreme poverty.)
- iv) Cultural factor which contributes to the belief (a) that the child is entering school at an age when they should play and (b) that the present system do not allow a child to train himself for a suitable vocation.
- v) (a) Defective educational system that is from the pattern of life.
(b) Lack of incentive on the part of the students and motivation on the part of the parents.
- vi) There is a need for a comprehensive conservation-cum development program and to deal with their problems with a holistic attitude. Then only we can say that the concept of social Justice has got some meaning for them.

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