

Right to Education Act, 2009 and Primitive Tribes of Rajasthan

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Abstract:

Unique communities of India are commonly known as tribal or Adivasi or Vanvasi or Girijan communities and are recognized as Scheduled Tribes under Article 342 of the Indian Constitution. This Article says that only those communities who have been declared as such by the President through an initial public notification or through a subsequent amending Act of Parliament will be considered to be Scheduled Tribes. The criteria followed for specification of a community, as scheduled tribe are indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness. At present, more than 533 tribes in India have been notified under Article 342 of the Constitution with the number of 12 tribes belonging to the State of Rajasthan. In Government of India identified a total of 72 such tribal communities, as primitive tribes on the basis of low growth rate, pre-agricultural level of technology and extremely low level of literacy. Saharia is only primitive tribal community who are more marginalized than the ST population of Rajasthan. As per the RTE Act-2009, the Rajasthan State government is trying to provide free elementary education and other advantages to every child of Saharia community. In this Research Paper, it is tried to discuss by the researcher to highlights of

the “Primitive Tribe of Rajasthan in the perspective of RTE Act-2009.”

Key words: Primitive Tribe, Rajasthan, RTE ACT-2009

Introduction:

Education plays crucial important role to all round development of human being. A nation's political, economical, social and cultural progress is determined by the education development of its citizens. India is a multidimensional and pluralist country with rich diversity reflected in the huge number of cultures, religions and languages of communities. There is however large inequality in the socio-economic parameters of various communities inhabitant in India from its origin.

As per the 15th Census of India, the Tribes account for 10.43 Crore it mans about 50% of the World's total population of inhabitant people are sharing the land of India to survive their life. In general terms, the tribal community in Indian local language is called as “*Adivasi*” or “*Vanvasi*” or “*Girijan*”. They are recognised as Scheduled Tribes under the Constitution of India. Although the Constitution does not define Scheduled Tribes as such, it designates these communities as those which are scheduled in accordance with Article 342 of the Constitution. According to Article 342 of the Constitution, the Scheduled Tribes are the tribes or tribal communities or part of or groups within these tribes and tribal communities which have been declared as such by the President through a public notification.

The criteria followed for specification of a community, as scheduled tribe are indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the main stream of society at large, depend upon the natural resources for sustain their life and backwardness. At present,

about 550 various ethnic groups are declared tribes by Indian constitution under Article 342. But there are some communities among them, who live in more or less total isolation in a life style, which shows only a little change from that of ancient time. In Government of India identified a total of 72 such tribal communities, as primitive tribes on the basis of low growth rate, pre-agricultural level of technology and extremely low level of literacy. Rajasthan which lies in the west part of India is the widest state in its area. It is situated between 23°3' and 30°12'N latitude and 69°30' and 78°17'E longitude. Around seven percent of tribal population of country lives in Rajasthan.

Major Tribes of Rajasthan:

Prior to 1950, Rajasthan was famous as 'Rajputana' the state of Rajputs to recognize that most of the princely states in that region were ruled by Rajputs kings. In 1950, several princely states were merged together to reform the state of Rajasthan (Johnson, 1996). Rajasthan which lies in the west part of India is the widest state in its geographical area with 342,239 square km. The area of Rajasthan is equivalent to that of European countries like Norway, Italy or Poland. It's constitutes 10.4% of India's total land area which shares an International border with Pakistan to the west and north –west. To the north and northeast Rajasthan borders the states of Punjab, Haryana and Utter Pradesh, to east and south-east the states of Utter Pradesh and Madhya Pradesh and to southern west the state of Gujrat. It is situated between 23°3' and 30°12'N latitude and 69°30' and 78°17'E longitude. It is divided into four major physiographic regions: 1) the western desert with barren hills, rocky and sandy plains, 2) the Aravalli hills running south-west to north-east starting from Gujrat and ending in Delhi as Raisina Hill; 3) the eastern plains with rich alluvial soils; and 4) the south-eastern plateau. The state has varied climate ranging from semi-arid to arid. Around seven percent of tribal

population of country lives in Rajasthan. It is the largest state in the country frequently affected by droughts. The year 2002 happened to be the fifth consecutive year of drought. Almost all districts of the State were hit by it.

Rajasthan is inhabited by twelve major ethnic groups namely Bhil, Damor, Dhanka, Garasia, Kathodi, Kokna, Koli, Meena, Nayaka, Patelia, Bhilala and Saharia. As per the 2001 census, the Scheduled Tribe (ST) population of Rajasthan State is 7,097,706 constituting 8.4 percent of the total ST population of India. The Scheduled Tribes of the State constitute 12.6 percent of the total population (56,507,188) of the State. It holds 12th position among all States and UTs in respect of the percentage share of ST population to total population. The ST population has registered a growth rate of 29.6 per cent during 1991-2001 which is 1.2 percent higher than the growth of the total population. Though the tribal population is scattered throughout the state, but its major portion is concentrated in southern part of the state viz., entire districts of Banswara and Dungarpur, the tehsils of Kherwara, Jhadol, Kotra, Salumber, Sarada, Dhariyawad and 81 villages of Girwa panchayat samiti of Udaipur district, Partapgarh and Arnod tehsils of Chittorgarh district and Abu Road block of Sirohi district. Five districts viz., Udaipur, Banswara, Dungarpur, Jaipur and Chittorgarh account for more than half (54.50%) of the total ST population in Rajasthan. The major tribes residing in these areas are Bhil, Meena, Damor, Patelias, Saharaiyas, and Gharasia. These communities have higher incidence of illiteracy, malnourishment and poverty, and face social and geographic isolation. The region lacks productive land, irrigation facilities, industrialization and skill building opportunities. Though various anti-poverty initiatives have been implemented by the government of India and the state government, the results have been miserable on account of various reasons, mainly poor targeting and inefficient management. Major tribal development strategy document is

recognition by the state government of the fact that benefits from programs and schemes intended for the tribal do not reach them automatically and within time due to interfere of agents.

Primitive Tribe of Rajasthan:

Among twelve major ethnic groups, Saharia is the only primitive tribe inhabiting 'Baran' district of Rajasthan. It is also residing in part of Kota, Dungarpur and Sawai Madhopur districts in small proportion. This tribal group is the major and the most backward dweller of the forest of this area. The total population of Saharia primitive community is 79,312 with sex ratio of 951 females per 1000 males, as per the census 2001. According to census 2011, the total population of Saharia primitive community is 94,975 with 926 females and 1000 males' sex ratio. A majority (97%) of this primitive community inhabits of Kishanganj and Shahbad blocks of Baran district. The district of Baran located in South-East of Rajasthan has a geographical area of 6,992 square km with 'Sahariya' Primitive tribal population. Baran has eight tehsils while 'Sahariya' Primitive tribe concentrated in its Kishanganj and Shahabad blocks. It is also important to note that a large majority of Saharia in Rajasthan are landless and do not have a sustainable source of livelihood. Time to time they demands land for their livelihood by growing crops on that land. The Children, of Primitive tribe Saharia in Rajasthan, are trapped in an intergenerational vicious cycle of poverty, illiteracy, deprivation of positive attitude and starvation.

RTE Act-2009:-

Bhuli Saharia, a 12 year girl from a remote village of Shahabad , few miles away from Baran district of Rajasthan State, spends her day in doing household duties and helping her father in agrifield. She, like her parents and most of the villagers, never had the destiny of attending school. Hardly 5-6% of them could read and write. When the state Government

failed to provide the basic facilities of life like education and health care to these villagers, some NGO's (Non-Governmental Organization) stepped up to do its best to take their responsibilities on its shoulder. But in spite of years of struggle, it could not get the 'Government License' for running school here. Bhuli Saharia represents one of the thousands of children in primitive community of Rajasthan, whose need and the right to basic education still remains an outlying dream.

This situation persists, in spite of numerous policies and schemes on education tabled in Parliament of India since time of Independence in 1947. Constitution of India in 1950, in the 'directive principles of state policy', stated that "All states shall endeavor to provide within 10 years (till 26th January 1960) of commencement of constitution free and compulsory education to children till they reach the age of 14 years". At that time the literacy rate in India was merely 16%. The states had the primary responsibility of improving literacy rate and elementary education, whereas the centre dealt mainly with higher education. In 1976, education became a concurrent subject i.e. a joint responsibility of state and center. Another major policy change came in 1986 through National Policy on Education (NPE), which defined and recommended Universal Elementary Education (UEE) embodying the concepts of universal access, universal retention and universal attainment. In 1997, a constitutional amendment was proposed in the parliament to make education a fundamental right. Later on in 2002, the 86th Constitutional amendment of India added Article 21A stating that, "The state shall provide free and compulsory education to all children of the age 6 to 14 years in such as a way as the State may, by law, determine". This set up the policy window for Right to Education bill, which was later drafted by CIBE (Central Advisory Board for Education). The RTE bill was passed in parliament during Oct 2005 session. Government claims that its "revolutionary", 'Right to Education

Bill' (RTE), will solve the problem of providing every child between age group of 6-14 years, the right to free and compulsory education. After rolling many years, the bill was approved by the cabinet on 2 July 2009. Rajya Sabha passed the bill on 20 July 2009 and the Lok Sabha on 4 August 2009. It received Presidential concur and was notified as law on 26 August 2009 as The Children's Right to Free and Compulsory Education Act. The law came into effect in the whole of India except the state of Jammu and Kashmir from 1 April 2010, the first time in the history of India a law was brought into force by a speech by the Prime Minister. In his speech, Prime Minister of India Dr. Manmohan Singh declared that, "*We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India.*" He also said "*I am what I am today because of education. I want every Indian child, girl and boy, to be so touched by the light of education.*" About a century long struggle Gopal Krishna Gokhale, advised the Imperial Legislative Assembly to grant on the Indian people the Right to Education.

Right to Education Act (RTE), is an Act of the Parliament of India, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21A of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the act came into force.

As per the RTE Act-2009, each and every state government of India will provide Free and Compulsory Education for the age group of 6-14 years. The term "Free and Compulsory Education" means obligation of the State government is mainly to

1. Provide free elementary education to every child of age of six to fourteen years.

2. Ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years.
3. Ensure availability of neighborhood schools.
4. Ensure child belonging to weaker sections and child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds.
5. Provide infrastructure including schools and teaching staff and learning equipment.
6. Ensure and monitor admission, attendance and completion of elementary education by every child.
7. Ensure quality elementary education conforming to the standards and norms specified in the schedule.
8. Provide training facility for teachers.

Following norms were fixed for Primary Schools (Class 1st to 5th) under of RTE Act-2009.

S. No.	Number of Students in School	Number of Teachers in School
1.	Admitted Children	Teachers are not required
2.	Up to sixty	Two
3.	61-90	Three
4.	91-120	Four
5.	121-200	Five
6.	Above 200	One Teacher per Forty Students
Norm to be posted Headmaster in School		
7.	Above 150	Headmaster has to be posted

Following norms were fixed for Middle Schools (Class 5th to 8th) under of RTE Act-2009.

- 1- At least one teacher per class so that there shall be one teacher each for
 - Science
 - Social Studies

- Languages

2- At least one teacher for every thirty five children

3- Where admission is more than one hundred

- A full time headmaster has to be posted.

- Part time teachers for Art education, health and Physical education, work Education.

RTE Act-2009 in Rajasthan:

Rajasthan State Government made rules, in regarding section 38 of the Right of Children to Free and Compulsory Education Act, 2009. These rules may be known as the Rajasthan Right of Children to Free and Compulsory Education Rules, 2011 which are divided into ten parts. Each part has its own significance in the point of view of RTE Act 2009. Each part describes the rules in detail. These rules are extending to the whole of the State of Rajasthan. These rules also define all the contents which have respectively assigned in the Act-2009. 'Free' means that no child shall be liable to pay any kind of fee or charges which may prevent him or her from pursuing elementary education. These rules make provisions for a non-admitted child to be admitted to an age appropriate class. These rules specify the duties and responsibilities of Rajasthan state Government, local authority and parents in providing free and compulsory education. These rules lay down the norms to Pupil-Teacher Ratio, buildings and infrastructure, school-working days, formulate the relevant and age appropriate syllabus and text books, teacher-working hours. These rules also provide for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief. These rules provide for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications. These rules prohibit physical punishment and mental harassment, screening procedures for admission of children, capitation fee, private tuition by teachers

and running of schools without recognition. These rules 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 centered teaching-learning.

Primitive Tribe and RTE Act-2009:

There are more than twelve Adivasi or Tribal communities inhabited in Rajasthan. Saharia community is the only primitive tribe which has its specific needs, values, practices and customs. On 1st April, 2015, India completes five years of enforcement of the RTE Act-2009. This legislation, laid down a time bound agenda to address some of the long pending gaps in the educational system. Only one and half month is left till that time to meet all the norms. Meeting this target would require outstanding efforts from the state to accelerate implementation of the existing provisions under the Right to Education Act and eventually provide equitable and quality education.

“Ramkumar Saharia, who earns a living by MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act) at remote village of Shahabad here, says that neither his daughter nor his son benefit from the RTE Act. His daughter is moving to Standard 10th this year and, therefore, not eligible for any benefit under the Act that is applicable to elementary education. She attends a government aided Hindi medium school and he spends around Rs. 5,000 a year on her education.

My son, studying in a private English medium school, has been promoted to Standard 4th this year. I enquired about claiming benefits under the RTE Act. But they said reservation was available only in LKG. In any case, my son cannot claim a right to be admitted under the RTE in the same school because it is beyond four kilometers from my residence. This Act is of no use to me and I continue to pay a fee of Rs. 400 every month for my son.”

In Rajasthan, the Right of Children to Free and Compulsory Education Act-2009 is known as The Rajasthan Right of Children to Free and Compulsory Education Rules-2011. These rules make no provision especially for primitive community of Rajasthan; while RTE Act-2009 stipulates that private schools reserve 25 per cent of seats at the entry level for children belonging to 'disadvantaged groups' and 'weaker sections'. Education and health issues of Primitive Tribal Group (PTG) of Rajasthan are tends to be ignored. That is why every year many children are going to die in this community. Schools run by the Tribal Department often have lower unit costs and lower standards compared to Private Schools. The available Ashram Schools in Rajasthan are, therefore, grossly inadequate if they are too been as the vehicle for delivery of elementary education for tribal populations. Additionally, the environment in these schools is often inferior. Most lack separate dormitories and classrooms double as places for sleep. There is also no provision for either ensuring security or emergency medical care for students. Hostels which are constructed for the boys and girls of Saharia primitive tribe have also substandard condition.

Discussion:

Instead, primitive tribal children are made to put up with an offensive and insulting climate that continuously discriminates and alienates. For such historically deprived communities, providing access to education is simply not enough, the government has to take a proactive role in creating overall conditions and opportunities that will facilitate their transition and breaking of the intergenerational cycle of poverty and illiteracy. A sensitive cadre of teachers and bureaucracy is definitely required to make the difference. Restoring land and livelihoods, empowering women, providing basic civic amenities such as fuel, water and sanitation are preconditions to advancements of rights of primitive tribal community.

Following the increasing gap between the rich and the poor in the country and state, the gap between the tribe and primitive tribe is also widening rapidly, thereby further isolating the isolated. Regarding their claims at the beginning should set the ball rolling in the right direction. The Central Act and state government rules originally defined a 'child belonging to a disadvantaged group' as one belonging to a Tribal and Primitive Tribal, socially and educationally backward class or such other group facing disadvantage owing to social, cultural, economic, geographical, linguistic, gender or other similar factors.

Conclusion:

Primitive Tribal community in Rajasthan has been historically deprived of access to resources and opportunities, including the opportunity to get educated. The present efforts of the state and central Governments to bring the children of Saharia Primitive tribe into formal schools fail at two levels. Firstly, because it is not able to enroll all children of this community and provide them access to good quality functional schools. Though Ashram schools were started especially for this tribal community where facilities are not in proper way like other main stream schools. Secondly, even when the children of Saharia primitive community is enrolled into schools, the education system besides doing out some incentives does not do much to improve the school environment which will treat learners with respect and dignity.

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Internet Resources:

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