

Education of Ex-Untouchables (Dalits): Plight of Human Rights Education in Indian Schools

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A huge corpus of human rights law has evolved since 1948 at both international and national law levels, which recognises the rights of every individual without discrimination of any kind based on race, colour, descent, sex, language, religion, and national or ethnic origin. The United Nations (UN) has adopted more than one hundred human rights instruments during the past nearly six decades. So far India has ratified or signed sixteen human rights treaties of the United Nations. Among these six are principal treaties that have special monitoring bodies to supervise the domestic application of international obligations arising from their accession. They are

- International Covenant on Civil and Political Rights (ICCPR) (ratified: 10 April 1979)
- International Covenant on Economic Social and Cultural Rights (ratified: 10 April 1979)
- International Convention on the Elimination of All Forms of Racial Discrimination (ratified: 3 December 1968).
- Convention on the Elimination of All Forms of Discrimination Against Women (ratified: 9 July 1993)
- Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (signed: 14 October 1997)
- Convention on the Rights of the Child (ratified: 11 December 1992).

Most of these international human rights documents not only provide a detailed catalogue of human rights to which everyone is entitled to enjoy but also categorically proclaim that the principles of “equality” and “non-discrimination” constitute the dominant themes of the modern international human rights law. (Vijapur, 1993).

The constitutional and statutory laws in India also establish a comprehensive list of human rights. Many laws have been adopted to remove discriminatory practices towards ex-Untouchables/Dalits.

I briefly discuss some of the constitutional provisions of fundamental rights. Article 14 of the Indian Constitution declares that the

“State shall not deny to any person equality before the law or the equal protection of laws.” Under Article 15, discrimination by the State on the grounds only of religion, race, caste, sex, and place of birth is proscribed. Keeping in view the problem of Untouchability, Clause 2 of Article 15 further states that no person on grounds only of religion, race, caste, sex, or place of birth shall be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels, places of public entertainment; 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 the general public. 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. To give effect to this provision, the Parliament enacted the Abolition of Untouchability (offences) Act, 1955, which was amended and renamed as the Protection of Civil Rights Act, 1976 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Article 23 prohibits traffic in human beings and forced / bonded labour practices. Article 24 provides that no child below the age of 14 shall be employed in any factory or mine or engaged in any other hazardous employment. Both these Articles are significant for Dalits and tribals as majority of bonded / child labor belongs to these groups. To address these problems the Bonded Labour (Abolition) Act, 1976, and Child Labour (Prohibition and Regulation) Act, 1986 were enacted by Parliament. Article 25 (2b) provides that Hindu religious institutions of a public character shall be thrown open to all classes and sections of Hindus. This provision is relevant as some sects of Hindus, especially of higher castes, used to claim that Dalits had no right to enter the temples. By the Constitution Eighty-Sixth Amendment Act, 2002, right to education as a fundamental right was added in the Constitution, which states, under Article

21A, that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Prior to 2002, the right to free and compulsory education of all children up to the age of 14 was a non-justiciable right (Article 45).¹

Notwithstanding the existence of national and international human rights laws, the Dalits of India are facing many socio-political disabilities. Their human rights are violated. They are subject to many discriminations, subjugation, deprivations and violence. They are not integrated into the mainstream Hindu society. The affirmative action program for them has only marginally changed their status. They are still socially and educationally disadvantaged. They still experience the practice of untouchability by high caste Hindus. The purpose of this paper is to understand the nature of discriminations experienced by Dalits. What is Untouchability? Is it practiced in educational institutions? Do the curriculum and schoolbooks aim to eradicate the evil practice of Untouchability? I explore the answers to these and other related questions.

The Problem of Untouchability

In the title of this article, I use the word “Ex-Untouchables” to stress the point that the use of the term “Untouchables” is not appropriate now, as the practice of Untouchability has been legally proscribed.

Untouchables are known by different names. Mahatma Gandhi called them *Harijan*, children of God.² Religious books of the Hindus called them *Sudras*; Ambedkar called them “depressed classes”. However since 1970 the term “Dalit” has been widely used. Dalit is a Marathi word, first used by Mahatma Jotiba Phule, a 19th century social reformer who led a movement for the upliftment of Untouchables, which means “broken people.” In official documents they are designated as the Scheduled Castes (SCs).

In no part of the world has so much injustice

and systematic discrimination been done to a particular group of people for thousands of years as that in India with regard to the ex-Untouchables/Dalits. Curiously, the bases of this discrimination were not religion, language, sex or colour, which normally constitute the common grounds for discriminatory treatment in most parts of the world. Rather it was “caste” or “birth”, which is unique.

No doubt India has a rich and glorious cultural legacy to feel proud of. But it should be noted that nowhere in the world we find the extent of discrimination that is perpetuated by one group of people against the other, as it is done in case of low caste Untouchables by the high caste Hindus in India. Caste system is a unique feature of Indian life. It is believed that originally there were only four broad/main castes -- the Brahmins (the priestly class), the Kshatriyas (the warrior class), the Vaisyas (the merchant and peasant class), and the Sudras (the Untouchable class). But over the last two thousand years, these four castes have been astronomically sub-divided into thousands of castes and sub-castes. The 1901 census revealed that there were two thousand three hundred and seventy eight “main Castes” and tribes in India. The official list of “scheduled castes” prepared by the then British authorities of the Government of India in 1935 contained four hundred twenty nine Untouchable castes.

According to *Dhamasutras* (religious books), because Sudras were born from the feet of the Universal Soul Brahma (God), *they were destined to serve the three upper castes/varnas* born from His mouth (Brahmins), arms (Kshatriyas), and thighs (Vaisyas). (Yamazaki 1997, 4). The hymns of Rigveda justified the hierarchical system of social orders saying that all these four orders represent the Creator, Brahma. It is believed that from the Lord’s “mouth” were born the Brahmins, so they became a priestly class; from His “arms” were born the Kshatriyas, so they became warriors; from His “thighs” were born Vaisayas, and they performed ordinary work, like business or agriculture; and from

His “feet” the Sudras were born and so they performed the dirty work of scavenging, disposing of dead animals or unknown human bodies. The Untouchables were told by the rules of religious books that if they accept their position in life without questioning and by doing their assigned duties they become eligible to be born in the next life in a high caste. They were also told that because of the sins they committed in previous life, they were born in Untouchable castes. In this way a system of hierarchical order was created which survives even today. In fact, it is the longest surviving apartheid-like system of exclusion in the world.

The old Hindu law prevented Untouchables from reading/reciting the *Veda* (religious book) or participating in the Veda religious ceremonies of the Brahmins/Aryas. Accordingly,

If a sudra intentionally overhears the Veda chants, he shall have his ears filled with molten tin and dark-red pigment. If a sudra dares to recite the chants himself, he will have his tongue cut out; and if he learns the chants by heart, his body shall be split in twain. (Yamazaki 1997, 5)

Thus, traditionally Sudras/Dalits were excluded from engaging themselves in reading and learning profession and participating in Aryan religious customs and ceremonies. There is more to it. Many other disabilities and restrictions were imposed on them. For instance, any Dalit male who had had sexual relations with a Brahmin woman would be punished by “having his penis severed and his wealth confiscated, and if the woman has a husband or patron of some kind, these above two punishments will be followed by death”. (Yamazaki 1997, 6). Another scholar (Zinkin 1962, 59) cites a rule from scriptures, which stated:

If he assumes a position of equality with high caste men, either in sitting, or going along the road, he shall receive corporal punishment. A Sudra committing adultery with women of the first three castes shall suffer capital punishment, or shall be burnt alive tied up with straw... if a Sudra intentionally reviles a Brahmin or crimi-

nally assaults him; the limb with which he offends shall be cut off.

Manusmriti, the Hindu legal code, too contains similar kind of provisions. There are many provisions set down for the purpose of excluding Dalits from places of worship. Regarding marriage between Brahmin men and Dalit women, the *Manusmriti* pronounces, “from the moment of consummation they and all their progeny shall forever be of the sudra varna” or “be damned to hell.” Heavy punishments, including sentences of death, were to be pronounced for sudras violating the rights of higher varnas, and the king was strictly directed “to ensure that sudras stay in a servile position (*dasya*) to the Brahmins.” At another place, it is stated that “Neither an Untouchable, nor a pig, a cock, a dog, a menstruating woman, or an impotent man should be watching the priests dine.” (*The Laws of Manu*, 1991: Chapter 3, 239). “The dwellings of Untouchables and Dog-Cookers should be outside the village; they must use discarded bowls, and dogs, and donkeys should be their wealth.” (*The Laws of Manu*, 1991: Chapter 10, 51). The next verse stated, “Their clothing should be the clothes of the dead, and their food should be in broken dishes; their ornaments should be made of black iron, and they should wander constantly.” (Ibid.) “They should carry out the corpses of people who have no relatives; this is a fixed rule” (Ibid., Chapter 10, 55). “They should take for themselves the clothing, beds, and ornaments of those condemned to death.” (Ibid., Chapter 10, 56). Rule 176 of Chapter 11 says “If a priest unknowingly has sex with untouchable women or very low caste women, eats (their food) or accepts (gifts from them), he falls if knowingly, he becomes their equal.” (Ibid.)

In principle, marriage was permitted within one’s own caste. This rule was often broken, but any Brahmin male who took a Sudra to be his wife would become the object of particular scorn. If a Brahmin male had only one wife and she was of Sudra status, he would be considered

to be in a state of ritual impurity and would be forbidden to attend family ceremonies like *śradha* (rites for the dead) ancestor worship. On the other hand, any Sudra male who approached a Brahmin female, behaved like a Brahmin caste, or did any harm to a Brahmin person would be subject to serious punishment, sometimes even death. (Yamazaki 1997, 5)

Despite the above principles of discrimination concerning sudras, the *Manusmriti*, like the *Dharmasutras*, has provisions for making compromises with reality. There are purification rites for those polluted by contact with Sudras, conditions under which food cooked by Sudras may be taken, cases in which marriage to Sudra women can be permitted, and exceptions to the rules in times of distress, like “a Brahmin in distress may take alms from anyone”, and “when life is endangered, it is permitted to take food from anyone”. (Yamazaki 1997, 9).

For centuries, and even now, these Untouchable castes have been subject to various restrictions in their movements or relationships with other people, especially the high caste persons. They still face many social disabilities, like denial or restriction of access to public facilities such as wells, schools, roads, post offices and courts; denial or restriction of access to temples where their presence might pollute the deity as well as the higher caste worshippers; and from rest-houses, tanks and shrines connected to temples. They have been denied access to services such as those provided by barbers, laundrymen, restaurants, shops and theatres, and are required to use separate utensils and facilities within such places. They face a lot of restrictions on style of life, especially in the goods indicating comfort or luxury. Riding on horseback, use of bicycles, umbrellas, footwear, the wearing of gold and silver ornaments (in fact, their abject poverty could never afford them to do so), the use of palanquins to carry bridegrooms were all forbidden for these people. Traditionally, they were required to have their homes/huts constructed outside the village and quite away from the high caste families; this practice is followed even now

in almost all villages. This segregation is believed to have a divine sanction. While the touch of an animal was not considered polluting, the very sight of an Untouchable was enough to pollute and called for the performance of special cleansing ceremonies. Domestic and agricultural animals could live and eat in the same house with high caste Hindus but the Untouchables could not even live in the same town. For many orthodox Hindus the cow dung is ritually so “clean”, that a Brahmin priest will use it to wash away his impurities. Even now untouchability continues to be widely prevalent and is practiced in one form or another in most of the villages in India. This fact has been empirically established by a recent study of Action Aid India. (Shah, et al. 2006)

Human rights education

The Universal Declaration of Human Rights (UDHR) declares under Article 26 (2) that:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. *It shall promote understanding, tolerance and friendship among all nations, racial or religious groups...* (Italics mine).

Besides the UDHR, the International Convention on the Elimination of All Forms of Racial Discrimination is significant in the context of Dalit rights. The Committee on Elimination of Racial Discrimination (CERD), the monitoring body of this treaty, in its interpretation of Article 1 of the Convention in General Recommendation XXIX stated that “discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status.”²³ Furthermore, in its Concluding Observations on the reports submitted by India in 1996, the CERD affirmed, “that the situation of the Scheduled Castes and Scheduled Tribes falls

within the scope of the Convention.” (*Report of the CERD*, A/51/18, 1996, para. 352). Thus, in view of these positions taken by CERD, Article 7 of the Convention is relevant to the Dalit issue and human rights education. Under this Article “States Parties undertake to *adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups...*” (italics mine)

The first International Congress on the Teaching of Human Rights held at Vienna in 1978 elaborated this point by *inter alia* stating that “human rights education must aim at fostering the attitudes of tolerance, respect and goodwill towards fellow human beings”, and that teaching about human rights is a continuing process and shall embrace all levels of the educational system—from primary school to university level, to professional education as well as out-of-school or university settings.

It must be recognized that a progressive realization of human rights is dependent, and also possible to a large extent, on the popular awareness of and support for universally accepted human rights norms/standards. Although the importance of the teaching of human rights at all levels of education cannot be underestimated, teaching them at primary and secondary levels is most significant as the children develop their ideas, beliefs, attitudes, biases, and prejudices about other peoples, cultures and religions during these stages of education. Therefore, the objective of human rights education at these levels of schooling should not be to burden the students unnecessarily with specific texts of human rights but to focus on inculcating an attitude of self-esteem, respect for ideas and beliefs of other people and plurality of culture and of fostering an attitude of tolerance and removal of prejudices. (Saksena 1999, 282).

Dalits and the right to education

Education is one of the important means of reducing ignorance and inequality in society. It helps the individual to raise one's social status in various ways. Knowledge, skills, values, and attitudes acquired through education help one to lead a desired quality of life. Knowledge and education must be made available to all. As Dr. Ambedkar, the great Dalit leader and chief architect of the Indian Constitution had said,

In the complex world man lives at his peril and he must find his way in it without losing his freedom. There can, under these circumstances, be no freedom that is worthwhile unless the mind is trained to use its freedom. Deprive a man of knowledge and you will make him inevitably the slave of those more fortunate than himself... deprivation of knowledge is denial of the power to use liberty for great ends. An ignorant man may be free ...but he cannot employ his freedom so as to give him assurance of happiness. (Ambedkar 1987, 39).

The roots of educational deprivation of Dalit communities must be traced back to their position as Untouchables in the caste structure of traditional Hindu society. These were the most polluted of castes that were hereditarily assigned the most defiling of occupations. As per 2001 census, India's Dalits numbered 167.2 million. There is a sizable population among the Muslims and Christians who are known as Dalit Muslims (roughly estimated at forty two million) and Dalit Christians (roughly estimated at sixteen million). Dalit Muslims and Dalit Christians are not treated as Scheduled Castes by the government, though they experience Untouchability from their coreligionists, and are therefore not entitled to positive discrimination policies. On the other hand, Dalits who are converted to Sikhism and Buddhism do not face such deprivation.

The 1961 census revealed that only ten percent of Dalits were literate. Sixty years after independence the situation has marginally

improved. Low literacy rates for Dalits are a clear indication of the ways in which the school system fails Dalit children. The 2001 population census shows that literacy rate among Dalits is 54.70 percent compared to 68.81 percent among others. There are many reasons for this sorry state of affairs. I discuss some of the reasons below.

Access to schools

Poor accessibility of schools is one of the important factors for low literacy among Dalits. By 1997, India had as many as 598,000 primary and 177,000 upper primary schools. However, easy access schooling has always been relatively poorer for the Dalits as compared to the population in general, especially in rural areas. A study by National Council of Educational Research and Training (NCERT) reveals that schooling is available within a significantly smaller number of predominantly Dalit habitations (37.03 percent) as compared to general rural habitations (49.79 percent). With regard to upper primary schools, access within Dalit habitations is lower (6.51 percent) as compared to general rural habitations (13.87 percent). (NCERT 1998, cited in Nambissan and Sedwal 2002, 76)

Very few studies on social accessibility of schools are available. Aruna (1999, 1011-1014) in her study of Tamil Nadu, a south Indian state, refers to "qualitative dangers" to schools and says that "in many habitations, the school is situated in localities inhabited by upper castes who are hostile to students belonging to the lower castes and minority groups". Ramaiah's observations of a village, Akramesi, in Tamil Nadu where Dalits form a small minority have disturbing implications for social accessibility of schools:

None of the Scheduled Castes were allowed to walk through the residential areas of dominant castes or through the village's main street running through the residential areas of the dominant castes. They had to walk a long way along the

periphery of the village to reach their huts. (Cited in Nambissan and Sedwal 2002, 77)

According to the Sixth All India Educational Survey conducted by NCERT (1998), Dalit communities mainly avail of government schooling. Of the Dalit children in primary schools, 91.3 percent in rural areas and 64.6 percent in urban areas were in schools managed by state government and local bodies (municipalities or corporations). Many of these schools are plagued by various problems such as lack of basic infrastructure, classrooms, teachers, and teaching aids. Dilapidated buildings, leaking roofs and mud floors appear quite common in schools and provide a depressing atmosphere for children. Teaching aids, apart from blackboards, are relatively absent. The conditions of the schools can be quite appalling as seen in this description of a school for Dalit girls: "...the environment of this institution was reported to be very dirty as the ground was swampy and there were cow-dung heaps and firewood stocked all over."⁴ There is also the problem of absenteeism of students and teachers, etc. Thus Dalit children do not have access to quality education. They also face discrimination and discouragement from higher caste community members who perceive education for Dalits as both a waste and a threat. Their hostility towards Dalits' education is linked to the perception that Dalits are not meant to be educated, are incapable of being educated, or if educated, would pose a threat to village hierarchies and power relations. (Vasavi, et al. 1997, 3184).

Discrimination by teachers towards Dalit children is commonly found in many schools. Teachers have been found to maintain discriminatory attitudes and practices that underlie caste relations in society. B.K. Anitha's study in Karnataka revealed that Dalit pupils were called 'Kadu-jana' (forest people) who would not learn without being beaten. (Anitha 2000). Anitha's research on classroom processes in Tumkur district of Karnataka also found that the school day was significantly shorter in schools

in the Dalit concentrated villages as compared to the other schools studied. This was mainly because; "A majority of these teachers do not stay in the village and belong to the dominant castes, displaying a distinctive negative attitude towards the education of children of low castes." (Anitha 2000, 195) In their study in Rajasthan, Jabbi and Rajlakshmi, found that fear of teachers and corporal punishment are factors that parents (especially of Dalit Children) cite as constraining regular school attendance. (Jabbi and Rajyalakshmi 2001). Kancha Illaiah (1996) refers to his own teachers of higher castes in school who always used to say that "If he was a Brahmin he hated us and told us to our faces that it was because of the evil time—because of kaliyuga, that he was being forced to teach 'Sudras' like us."

Segregation in schools

Dalit children's right to education free from discrimination is constantly undermined by the treatment they receive in school. Teachers maintain and impart discriminatory attitudes in their classrooms, forcing children to sit in the back of the room, segregating Dalit children from non-Dalits during lunchtime, forbidding non-Dalit children from sitting next to Dalit children or touching their plates, expressly limiting Dalit student participation in class, subjecting them to verbal abuse and grading them unjustifiably low marks.⁵ Sometimes, their teachers often subject Dalit children to corporal punishment. Instances of Dalit students being made to sit/eat separately, their copies /slates not being touched by higher caste teachers, and children themselves not being touched are commonly reported. Like Dalit students, even Dalit teachers are segregated from non-Dalit teachers in accessing food and water during lunchtime. Discrimination against Dalit teachers at times turns violent. In December 2005, members of the dominant caste who could not accept the fact that their children were being taught by

a Dalit assaulted Satyanarayan Prasad, a Dalit teacher, in a village in Bihar. When the teacher attempted to lodge a complaint with the police, the police termed the incident as “insignificant”. (CHR & GJ and HRW 2007, 66).

Biased attitudes of high caste teachers towards Dalit students are well documented. As the UN Special Rapporteur on the right to education noted in his report before the 67th session of the then-Commission on Human Rights, “teachers have been known to declare that Dalit pupils ‘cannot learn unless they are beaten’”. (E/CN.4/ 2006/45, paras. 84-85). Noted journalist, Sainath, reported that in Rajasthan, one of the twenty eight states of India, children of the Balmiki (traditionally scavengers) caste, seen as most polluting of castes, “are made to sit on their own mats, often outside the room or at the door”. (Cited in Nambissan and Sedwal 2002, 81) Another study documented some of the discriminatory practices against Dalit children in schools of Uttar Pradesh such as discrimination against Dalit settlements in the location of schools; teachers refusing to touch Dalit children; children from particular castes being special targets of verbal abuse and physical punishment by the teachers and low caste children frequently being beaten by higher caste classmates. (Derez and Gazdar 1996: 85).

One of the important policy recommendations in this regard is that Dalits are recruited as teachers in proportion to their representation in the population. Contrary to popular perception that the fifteen percent of Dalits are recruited as teachers (as it is the government policy to provide fifteen percent job reservation to Dalits), the NCERT study (1998/99) reveals that Dalits comprise only around eleven percent of teachers at primary stage, nine percent at upper primary stage, and five to six percent at secondary and higher secondary stages of education. This implies that non-Dalit teachers, usually higher castes, by and large teach Dalit children. If fifteen percent of the teachers at all stages of primary and secondary education are Dalit teachers

the situation of biased attitudes of teachers of high castes will be minimized. Moreover, their presence can act as deterrence to the incidents of discrimination and segregation.

Studies also suggest that the formation of peer groups is influenced by caste status of children and friendships are formed mainly within the boundaries of caste membership. In one of the government schools that Rekha Kaul studied, children

complained that though prejudices and discrimination were not practised very openly in the classroom and the peer group appeared friendly in school, outside the school attitudes changed. Children of upper castes did not invite the Kuruba or Dalit children home for playing and there was no social intermixing outside the school. (Kaul 2001, 158)

Thus, it can be concluded that these practices of segregation in schools and discrimination serve to discourage and alienate Dalit children, contributing to their high dropout rates. In fact, such practices serve to instil and reinforce Dalit children’s sense of inferiority, erode their sense of personal dignity and force them to internalize caste distinctions. Also, such segregations perpetuate “Untouchability” practice by teaching the non-Dalit children that “Untouchability” is both an acceptable and necessary practice. It must be noted that such practices are in breach of international human rights norms. They violate Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, as under this provision the States Parties agree to undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction, notably in the enjoyment of various legal, political, civil, economic, social and cultural rights (among others, right to education and training) and the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks. In 1997, the Human Rights Committee of the UN expressed

its serious concern on caste discrimination and noted that scheduled castes “continue to endure severe social discrimination in India under the [ICCPR], *inter alia* inter-caste violence, bonded labour and discrimination of all kinds”. It regrets that the *de facto* perpetuation of the caste system entrenches social differences and contributes to these violations. The Committee also recommended that further measures be adopted, including educational programs at national and state levels to combat all forms of discrimination against these vulnerable groups, in accordance with Article 2, paragraph 1 and 26 of the International Covenant on Civil and Political Rights.⁶ And as recently as 2004, the Committee on the Rights of the Child was “deeply concerned at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes.” (CRC/C/15/Add.228, 2004).

Low enrolment and high dropout rates of Dalits

As a result of discriminatory treatment, large number of Dalit children drop out of school, especially in the early primary stages. According to the *2002 India Education Report*, school attendance in rural areas in 1993-1994 was 64.3 percent for Dalit boys and 46.2 percent for Dalit girls, compared to 74.9 percent among boys and 61 percent for girls from other social groups. (Nambissan and Sedwal 2002, 74) According to a recent report of the National Commission for Scheduled Castes and Tribes, “the drop out rate in Scheduled Castes during 1990-91 was as high as 49.35 percent at primary stage and 67.77 percent at middle stage and 77.65 percent at secondary stage”. It is interesting to note that due to increased interest in education and mobility the enrolment of Dalit children has increased over the years. For instance, during 1999-2000 the enrolment of Scheduled Caste and Tribes boys and girls reached an astonishing 92 percent. But it is regrettable to note that

the drop out rate among them was alarming. According to a report of the Commission the national drop out rate among Dalit children is 36.6 percent at primary, 59.4 percent at middle and 73.1 percent at secondary level of education. (NCSCST, 1999-2000 & 2000-2001, 151- 183; 177).

Mid-day meal scheme and caste discrimination

As an incentive to increase the enrolment of children from marginalized communities various policies/schemes were initiated, such as free distribution of textbooks and uniforms and the Mid-Day Meal Scheme (MMS).

The incentive scheme of free distribution of textbooks and uniforms has no doubt improved school attendance and enrolment, as textbooks and uniforms are a major component of school costs. However, it must be noted that not all primary schools in the country were covered by the scheme. The NCERT study (1998 / 1999) documents that in 1993 only 54.6 percent of primary schools were covered by the scheme of free textbooks and barely 10 percent of Dalit students were beneficiaries. While 29.3 percent of schools received free uniforms, a negligible 4.6 percent of Dalit students were covered under this scheme. Mid-day meals were reported to cover 13.9 percent of schools, and barely 3.9 percent of the Dalits benefited. Many studies have also pointed out that children do not receive incentives in time, and often do not receive them at all. Irregularities and delays in distributing textbooks and uniforms and other incentives as well as corruption have left little impact on these marginalized communities. (Jabbi and Rajyalakshmi 2001, 435).

The MMS was initiated in 1995, as a means of addressing hunger and malnutrition among schoolchildren, following a Supreme Court order. As a result of Public Interest Litigation on the right to food, the Supreme Court of India directed State Governments and Union

Territories to implement a scheme providing every child in every government and government-aided primary school with a prepared mid-day meal.⁷ However, according to a study conducted by Indian Institute of Dalit Studies (New Delhi) the States of Uttar Pradesh and Bihar—where a third of India’s Dalits live—have refused to implement the MMS. (Lee and Thorat 2005). This study points out that in many places MMS has been shelved because of upper caste community opposition; upper castes have also opposed the employment of Dalit cooks for the program. Where the MMS is in place, Dalit students’ access to food has been restricted. In many places, the MMS has been organized in a higher caste locality, away from the Dalit habitation. In two places in Tamil Nadu, the meals are provided in a temple, “raising immediate questions of exclusion for Dalit children, who are forbidden entry into temples, as well as non-Hindu children.” In October 2006, an article in *Indian Express* quoted a primary school student, Shailesh Solanki, as follows:⁸

we are not allowed to sit with children of the other castes. We are always asked to sit separately. This is done every time we are served food at noon. Even the food served to us is less in quantity.

Objections to the segregation of Dalit students in the MMS have been dealt with punitively. For instance, in December 2003, a school district in Gujarat transferred seven teachers out of the district for objecting to this segregation.⁹

Similar stories of segregation or discrimination can be found from other parts of India. Some instances are documented here. As per a report in *The Hindu*¹⁰ in a Government primary school at Kontur in Medak district of Andhra Pradesh, thirty eight of the forty six students who were supposed to stay for mid-day meal reportedly leave the school without touching the food as it was cooked by two Dalit women. Only fourteen Dalit students eat at the school. On 10 September 2004, *The Pioneer*¹¹ reported that the upper caste parents refused to allow

their wards in Pooran-Kheri village in Shivpuri district in Madhya Pradesh to eat the mid-day meal in school. The school authority had to maintain a separate kitchen for the school children belonging to the Dalits and the tribals. The Dalit women have been prevented from getting the job of cooks in schools under MMS because of their caste. In Kendrapara district of Orissa, the school authorities allegedly turned away Dalit women who were applying for the job of cooks in schools under MMS for fear that upper caste students might not take the food cooked by Dalits. This is contrary to the government directive for recruitment of women preferably from Dalits and tribals in about 1,420 primary schools in the district.¹² The National Human Rights Commission in December 2005 issued a notice to the district administration for not appointing Dalit women as cooks in schools.¹³

Dalits and Curriculum

The treatment of the caste system in textbook and curriculums suggest that the official curriculum barely acknowledges the existence of Dalit and tribal communities, despite the fact that they form nearly a quarter of India’s population especially at the district and local levels in many States in the country (Kumar 1989). Recounting his own experiences of schooling, Illaiah (1996) also reveals that Dalit and lower caste children are alienated from the language and course content as both the content of education and the medium through which it is transacted do not relate to their own cultural experiences.

The treatment of caste discrimination in textbooks and curriculums can strengthen caste division and prejudice. For instance, a report by the Mumbai-based non-governmental organization KHOJ found that even progressive curriculums either exclude any mention of caste discrimination or discuss the caste system in a way that suggests that caste inequities and discrimination no longer exist.¹⁴ Not only that the school text-

books may fail to mention caste discrimination, but also some of them may even attempt to justify the origins of caste discriminations. The Central Advisory Board on Education (CABE) sub-committee on “Regulatory Mechanisms for Textbooks and Parallel Textbooks Taught in Schools Outside the Government System”, found that a Social Studies textbook approved for use by the Gujarat State Board, is shocking as it describes the caste system as a “precious gift” given by the Aryans to the world and extols the virtues of the caste system for socially and economically organizing society on the basis of labour. The CABE sub-committee further added that school textbooks might attribute the unequal situation of Dalits to their “ignorance, illiteracy and blind faith... because they still fail to realise [the] importance of education in life.”¹⁵

The transaction of the conventional curriculum in rural schools is a far cry from one that, according to a NCERT study (2000, 11), “encourages exploration, problem solving... participatory... interactive group learning...” A recent study¹⁶ by Bodh of schools in the villages of Madhya Pradesh and Rajasthan (a number of them predominantly inhabited by lower castes and tribes) reveals that curriculum transaction continues to be primarily textbook-based, directed by the teacher and dominated by rote learning. The boundaries between school and community knowledge are rigidly drawn with the textbook serving as the only source of “legitimate knowledge”. Teachers rarely relate to the knowledge base of children.

There is another systemic problem in the Indian educational system. The authority of the teacher is unquestioned and children usually ask no questions, or are not encouraged to do so, even to clarify their doubts. Children listen to the teacher, copy lessons, memorize them and answer questions.¹⁷ In single- and two-teacher schools that predominate in the more backward regions, the situation is compounded as teachers are confronted with teaching children of many grades together, a situation that their training

least prepared them for. They evolve their own coping strategies such as huddling children of two or more grades into one classroom, keeping students busy with writing work, and using punishment to maintain discipline. Learning becomes a casualty in the process. (Nambissan 2000).

School processes and experience of education in Indian schools for Dalit students have not produced good results. Their performance and achievement is relatively poorer in competencies such as mathematics and language when compared to children in general. Assessment of children carried out during the DPEP baseline studies in 1993 showed that¹⁸

Scheduled caste students performed less than all students in mathematics in five of eight states and language in six of eight states, with the difference greater than 25 per cent of a standard deviation for mathematics in Haryana, Karnataka and Kerala and for language in Karnataka, Kerala and Orissa.

Concluding observations and the way forward

The foregoing discussion on the problem of schooling of Dalit children in India reveals that the students from these communities have been facing discrimination of various kinds, despite the fact that such forms of discrimination are outlawed both in national law and the international law of human rights. They experience discrimination and restrictions in accessing schools, and getting mid-day meals, free textbooks and uniforms. They are segregated in classrooms and during mid-day meals. Their teachers curse themselves that in this life they are made to teach the most polluted people, the Untouchables. The school curriculum does not include topics of caste discrimination and human rights education. Now the question is how to remove these caste biases and prejudices toward Dalit students. What can be done to bring an end to the apartheid-kind of system

that prevails in India?

One way of bringing an egalitarian system and an end to caste discrimination is to dismantle the caste system. The Constitution has provided a framework. On the one hand, it abolishes the practice of Untouchability, and on the other hand, it introduces the positive discrimination measures to achieve integration of Dalit communities into the mainstream society. If the laws prohibiting Untouchability, such as Untouchability Offences Act, 1955 (amended and renamed as Protection of Civil Rights Act, 1976 [1976 PCR Act]) and the Prevention of Atrocities Act, 1989 (1989 POA) are implemented in their letter and spirit and the perpetrators of atrocities against Dalits are punished, the practices of discrimination in schools also will gradually come to an end.

But the perpetrators of atrocities against Dalits and offences of Untouchability are rarely punished. There is a big gap in the registration of cases of crimes against Dalits in police stations and the rate of acquittals by the judiciary. Let us briefly look at the data. It is shocking to learn that during the decade 1990-2000 a total of 285,871 cases of various crimes against Dalits were registered countrywide, of which 14,030 were registered under the 1976 PCR Act and 81,796 under the 1989 POA. This means that an average of 28,587 cases of practice of Untouchability and atrocities against Dalits were registered every year during the 1990s. These include, among others, 553 cases of murder, 2,990 cases of grievous hurt, 919 rapes, 184 kidnappings/abductions, 47 dacoities, 127 robberies, 456 cases of arson, 1,403 cases of caste discrimination and 8,179 cases of atrocities. In other words, every hour more than three cases of atrocities against Dalits are registered, and every day three cases of rape and at least one murder are reported. (Shah et al, 2006, 134-35). Equally shocking is the data concerning high rate of acquittals. The Third and Sixth reports of National Commission for SCs and STs reveal respectively, that in 1996, the conviction rate in these cases was fifteen percent, while

the acquittal rate was eighty-five percent and that in 1999-2000 and 2000-2001, as much as eighty-nine percent of cases resulted in acquittals.¹⁹ This yawning gap between registration of crimes and acquittals of perpetrators needs to be drastically bridged, and the justice delivery system needs to be improved.

In relation to the schools, the following measures need to be undertaken: the curriculum must 1) acknowledge the existence of caste discrimination and the way the leaders from Dalit communities (like Phule and Ambedkar) have fought for the abolition of Untouchability, and 2) address the issue of caste relations and human rights; teachers must be sensitized on caste discrimination during training programs; enabling pedagogies must evolve; and specific academic support to Dalit children must be provided. In addition, schools need to reach out to Dalit communities and strengthen school-community relations.²⁰

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Endnotes

¹ Article 45 is a Directive Principle, which does not confer a justiciable right upon the individual but is nevertheless regarded as 'fundamental in the governance of the country', -- being in the nature of 'principles of social policy' as contained in the Constitution of the Republic of Ireland. The drafters of the Indian Constitution considered that though the Directive Principles could not, owing to their nature, be made legally enforceable; it was well worth to incorporate in the Constitution some basic nonjusticiable rights (those that could not be enforced in courts) which would serve as moral restraints upon the government.

² This term has derogatory connotations however. The *Devadasi* system is unique to the Dalit communities of South India where there is a custom of dedicating young Dalit women to God, i.e., they are "married" to God and are supposed to serve the temple priests' sexual needs. Children born to such *devadasis* (female servants of God) are called children of God or *harijans*, rather than calling them illegitimate children or bastards. The *devadasis* become public property. They are not entitled to marry anyone after their dedication to God. Most of them become prostitutes later on.

³ Committee on the Elimination of Racial Discrimination, General Recommendation 29, Discrimination Based on Descent (Sixty-first session, 2002), U.N. Doc. A/57/18 at 111 (2002), Para 7.

⁴ Report of the Commissioner for Scheduled Castes and Scheduled Tribes, Twenty Eighth Reports 1986-87, 1988. New Delhi: Government of India, page 303, cited in Nambissan 2000.

⁵ *A study on Primary Education in Gujarat* by Woodrow Wilson School of Public and International Affairs, cited in CHR and GJ and HRW, *Caste based Discrimination Against Dalits...in India*, February 2007, submitted to CERD as alternative Report on India, page 64.

⁶ *Consideration of Report by India to Human Rights Committee*, CCPR/C/79/Add.81, 4 August 1997.

⁷ See Right to Food Campaign, Mid-Day Meals, www.righttofoodindia.org/mdm/mdm_sconders.html

⁸ "Discrimination Divide Untouchability Still in Gandhi's Land", *Indian Express*, 5 October 2006.

⁹ "These Kids Told: You Are Dalit, Go Eat Elsewhere", *Indian Express*, 16 December 2003.

¹⁰ "Students reject food prepared by Dalit women," *The Hindu*, 9 December 2004

¹¹ "Untouchability casts its shadow even over mid day meal scheme", *The Pioneer*, 10 September 2004.

¹² "Caste tag keeps Dalit women away from school kitchens", *The Pioneer*, 11 January 2005.

¹³ "Rights panel sends notice on Dalit issue", *The Asian Age*, 27 December 2005

¹⁴ Cited in CHR&GJ and HRW 2007, 74.

¹⁵ Ibid.

¹⁶ District Primary Education Programme (DPEP). 1999 cited in NCDHR, 2007, 65.

¹⁷ DPEP. 1999 report of Indian Government in NCDHR, 2007, 65-66.

¹⁸ World Bank. 1997. *Primary Education in India*, Allied Publishers, New Delhi, cited in Nambissan and Sedwal 2002, 81.

¹⁹ Cited in CHR&GJ and HRW 2007, 38.

²⁰ Nambissan and Sedwal 2002, 84, proposed some of these suggestions.