

Education Scenario in India: Conflict-Ridden States of Jammu and Kashmir (Pre-370 Abrogation) And the North-East

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ABSTRACT

Conflict impinges on the every-day lives of those impacted. It slowly creeps into the vital institutions of the society and withers away the system's ability to absorb its ill-effects further and as a result, the system sometimes breaks down completely. The deep impact conflict has on the educational institutions can be gauged from the fact that in the ongoing conflicts around the world, educational institutions have deliberately been targeted. Not only this, education as a whole is also impacted by the displacements and migrations forcing many students to drop out of the system losing a lifetime opportunity of bringing positive changes in their lives. The state of Jammu and Kashmir (J&K) has been witnessing the situations of conflict for the last few decades and as a result, border skirmishes are frequent which forces the communities to flee for safety away from their native places. A similar kind of situation, but with a different nature, exists in the North-Eastern states of India. The conflict there has been ethnic in nature and adversely impacts the education. This article is an attempt to study the interplay of conflict and education in the conflict-ridden states in India and to put forward a comparative analysis.

Keywords: Education, Jammu and Kashmir, Pre-370 Abrogation, North-East

“Education is not an aim in itself but, rather, an instrument... which helps us in the building of sound character.” (M.K. Gandhi)

The child of today is the citizen of tomorrow, remarked the first Prime Minister of India Pt. Jawaharlal Nehru. Children are the builder of the nation. A well-developed and a well-planned education system must be in place to realize the true potential of the children so that they can effectively contribute towards the process of nation building. India as a developing nation requires highly efficient and educated human resource in order to compete with other nations. In a democratic political system, education is considered as a strong pillar because it is only through proper education that the people can become creative and productive members of the society. Thus, in order to achieve the objective of developing an efficient human resource, the policy makers in India have been continuously working towards the development of education in the country.

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India, being a geographically, politically, and demographically diverse nation, there are numerous hurdles in the process of universalization of education as well as providing quality education to the children. Cross-border conflicts, internal disturbances, political uncertainties, terrorism, lack of resources and manpower, ethnic conflicts, civil unrests, etc., are some of the reasons behind the poor education standards in the country. The present article deals with the situation of conflict in the country and its subsequent effect on the educational outcomes including the literacy rate. A special focus on some conflict-ridden states of the North-Eastern India and the erstwhile state of Jammu and Kashmir (J&K) before the abrogation of Article 370 has been taken into consideration. The present article provides an understanding regarding the nature of conflict in the above-mentioned states and its effect on the literary outcomes. An attempt has also been made to give a comparative analysis of these states with respect to the literacy rate.

The state of J&K faced and is even facing a peculiar situation of cross border conflict which is intense and continuous in nature. This continuous situation affects the education outcomes of the children. Conflict situation coupled with legal loopholes have created situation of chaos, inefficiency and uncertainty in the field of education in the state of J&K leading to poor results and low literacy rate, even below the national average. Some other states of North-East India are also facing the same problem due to presence of conflict in one form or the other. The present research paper is based on secondary data regarding the education in the above-mentioned areas.

Right to Education in India

India adopted a democratic constitution on 26th January 1950 and declared it a republic. Article 45 of the constitution states that the state shall endeavor to provide free and compulsory education to all children up to the age of 14 years within 10 years of the adoption of the constitution. (Iyengar and Surianarain 2008) Article 45, being a part of the Directive Principles of State Policy, is non-justiciable in nature and thus the state is not bound to make any such provision as laid down by this article. In 1993, the Supreme Court of India in its landmark judgment in the *Unnikrishnan v/s State of Andhra Pradesh*¹ stated that the Right to Life under Article 21 in Part III of the constitution is meaningless without Right to Knowledge and that the Right to Free and Compulsory education should be a part of Article 21. Consequently, the Parliament of India enacted the Constitution (Eighty-sixth Amendment) Act, 2002 and Right to Education was made a Fundamental Right under Article 21-A of the constitution. As per Article 21-A, every child in the age group of six to fourteen years is entitled to free and compulsory education in such a manner as the State may, by law, determine. The law which gave practical shape to this article was enacted in 2009 as The Right of Children to Free and Compulsory Education (RTE) Act, 2009. This act ensured that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards. (Varma 2014)

Article 21-A and the RTE Act came into force on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, 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. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6 -14 age group. With this, India has moved forward to a

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rights-based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21-A of the constitution, in accordance with the provisions of the RTE Act. (Varma 2014)

However, the enactment of this Act did not itself solve the problem of elementary education in India. Given the size of the country and its population, it was not easy to implement this Act with utmost perfection. A number of concerns surrounded the implementation of this Act. Referring to some of the weaknesses in the Act, Varma (2014) observed the following:

1. There is lack of awareness about the Act at the community level.
2. Although there has been some improvement in students' access, there are still a large number of students out of school, who need to be brought into the education system.
3. There is limited focus on quality aspects, since the norms largely relate to input required for schools and not the outcome.
4. There are an inadequate number of trained teachers who are equipped to provide quality education.
5. There is lack of community involvement through School Management Committees and Parent Teacher Associations.
6. Moreover, there is a need for better planning, management, monitoring and evaluation of the education system. Lack of this leads to issues related to accountability.

The Government of India has tried to address all these concerns through various initiatives, policies and programmes but it is impossible to achieve the desired goals without collaborative efforts with all the stakeholders. However, due to a number of policies, programmes and initiatives by the Central and the State Governments over the past 70 years, the literacy rate in India has shown a phenomenal change from 18.33 per cent in 1951 to 74.04 per cent in 2011 (Registrar General and Census Commissioner 2011). But the literacy rate in India shows interstate variations with Bihar at the bottom of the ladder with 63.82 per cent and Kerala at the top with 93.91 per cent. (Census 2011)

EDUCATION IN THE STATE OF JAMMU AND KASHMIR

The state of Jammu and Kashmir (J&K) became a part of India on 26 October 1947 as a result of the signing of Instrument of Accession by the ruler of state with the Government of India. In lieu of this accession, Article 370 was added to the constitution of India which provided special status to the state of J&K including a separate constitution and limited parliamentary jurisdiction. In fact, J&K was the only state in India which had a separate constitution of its own and parliamentary laws were not directly applicable to the state without the concurrence of the state legislature, except in matters related to Defense, Foreign Affairs and Communication.

Due to the application of Article 370 in the state of J&K, the Constitution (Eighty Sixth Amendment) Act 2002 was not applicable to the state. Even the amendment had not been extended to the state through the Presidential Order. Moreover, the J&K constitution had its own list of Fundamental Rights and no amendment had been done to that list with respect to education as a right. In addition to this, the RTE Act of 2009 was also not applicable to the state of J&K till 31st October 2019. Thus, the lower literacy rate and backwardness of education can be attributed to the fact that Right to Education was not a fundamental right in the state of J&K. However, the state had its own legislation regarding the elementary

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education of children. The Jammu and Kashmir School Education (JKSE) Act 2002 was enacted on 21st April, 2002 after getting the assent of the Governor of J&K. This Act provided for achieving the goal of universalization of elementary education and to provide for better organization and development of school education in the state (JKSE Act). This Act was made applicable to the whole of the J&K with the following provisions:

1. The Government shall provide for free and compulsory education for children up to the level of Class eight throughout the State within a period of ten years from the commencement of this Act and for this purpose it shall take appropriate steps to provide necessary facilities like establishing and maintaining schools as well as permit any educational agency to establish and maintain private schools.
2. The Government shall constitute a Local Area Establishment Committee for each Panchayat Halqa, Town Area, Notified Area, and Municipal Ward for implementation of the provisions of this Act.
3. It is an obligation on the part of the parent to cause the child to attend a school, whether Government or Private, and also ensure that such child completes the full course of elementary education up to class eight, unless there be a reasonable cause for non-attendance.
4. If the parent fails to send the child to school without any substantial reason, the Local Area Establishment Committee, after repeated written warnings to the parent, can lodge a complaint against the parent with the Judicial Magistrate of that area. The Judicial Magistrate can impose fine on the parent.
5. All the private schools in the state are to be regulated by the Government of the State. The Government may also give grant-in-aid to them.
6. A State School Advisory Board to be constituted for the purpose of obtaining advice on matters pertaining to educational policy and administration.
7. The Government may make rules for the purpose of carrying into effect the provisions of this Act.

As per the provision of the Act, the State Government framed the Jammu and Kashmir School Education Rules in 2010. These rules can be delineated through following points:

1. Government to work on a sustained basis for the enlargement of access to elementary education by opening Primary and Upper Primary Schools at reasonable distance from each other, age-specific bridge courses for the school drop outs/ never enrolled/ out-of-school children.
2. Launch of target-oriented and area-specific initiatives like innovative education, alternative schooling, open schooling, coverage of special focus groups, etc.
3. Strengthening of teacher-training institutes by granting permissions to new Elementary Teachers' Training Institutes/ Nursery Teachers' Training Institutes with proper infrastructure and faculty.
4. Prescribing faculty strength at all levels from Pre-Primary to Higher Secondary.
5. The Head of the Institution, with the general consensus of the parents, to constitute a Parents' Association to discuss matters related to academia, co-curricular activities, and performance of the school.
6. Every school needs to follow the curriculum and the text books as may be prescribed by the Jammu and Kashmir Board of School Education.
7. Every Private High and Higher Secondary School and Teachers' Training Institute to have a library of 2000 books, including reference/ text books, in the first year and add 200 books in each subsequent year. They need to subscribe to at least three Journals/Magazines.

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The steps taken by the State Government with regard to the universalization of elementary education were appreciable but the focus was more on universalization rather than on providing Free and Compulsory Education. Moreover, the focus on opening of Private Schools undermines the very idea of Free Education. In comparison to the Right to Education Act of 2009 enacted by the Parliament, the State legislation and the subsequent rules were way behind in goals and provisions. However, a number of Centrally Sponsored Schemes were introduced from time to time in the state but their success rate is still debatable. The most prominent among all was the introduction of Sarva Shiksha Abhiyan (SSA) – a Centrally Sponsored Scheme launched by the Government of India in the year 2000. It was launched in J&K in March 2003 with the objective of providing quality education at elementary level. The overall goal of the scheme included universal access and retention, bridging gaps in education and enhancement of learning levels of children along with providing a variety of interventions inter-alia opening of new schools, alternate schooling facility, and construction of schools, drinking water facility and textbooks. Another Centrally Sponsored Scheme under the title The National Programme of Nutritional Support to Education (popularly known as Mid Day Meal Scheme) – launched by Government of India in 1995 – was launched in J&K in September 2005 with an objective to give a boost to Universalization of Primary Education by increasing enrollment, retention and attendance.

In addition to these two schemes, the School Education department has also implemented a number of other schemes/initiatives to realize the goal of universal education in the state of J&K. Some of them are:

1. In-service teachers training.
2. Construction of School Buildings.
3. Rashtriya Madhyamik Shiksha Abhiyan.(RMSA)
4. Rehbar-e-Taleem (ReT) Scheme (2000-2018)

All these schemes contributed to a large extent in changing the scenario of education in the State of J&K but from time to time, the controversies regarding the lack of funds for Mid Day Meal Scheme, pending salaries of teachers employed under SSA, recruitment of teachers under ReT Scheme etc have erupted.

The ReT Scheme was initiated by the State Government with an intention of improving the literacy rate and lowering down the rate of unemployment in the state. In order to increase the teacher-student ratio in far flung areas in the state, minimum conditions and eligibility were framed under ReT. A candidate should be 12th pass, above 18 years of age and should be from the village or identified area of the village for which the post of ReT would have been notified. Instead of achieving the desired goals, this scheme proved to be an initiator of corruption and nepotism in the education department. Eventually, this scheme was rolled back by the Governor of J&K in November 2018.

EDUCATION AND CONFLICT IN J&K

The erstwhile state of J&K being a border state faces some peculiar problems in addition to other conventional ones, including the cross-border insurgency, frequent ceasefire violations, terrorism, civil unrest, political instability among others. The other Border States in India including the North-Eastern states, too, do not face such kind of problems as faced by the people in the state of J&K. However, the nature of problems faced by the people of J&K along the border areas adjoining Pakistan is altogether different from the nature of problems faced by the people of other states which share borders with other countries including

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Pakistan. All these problems affect the everyday lives of the people in the state to a considerable extent. The most affected one is the education of the children, among others, as schools often remain closed due to civil unrest and other tensions along the border areas. The civil and military unrest is more common in the Kashmir region while the Jammu region is characterized by frequent ceasefire-violations along the border areas. The consequence of these problems on education of the children is evident from the fact that J&K state is among the least literate states in the country with literacy rate of 68.74 per cent which is well below the national average of 74.04 per cent as per the 2011 census. Moreover, there are regional disparities in literacy rate also. The Jammu region achieved a literacy rate of 73 per cent while Kashmir achieved only 65 per cent (Registrar General and Census Commissioner India 2011). The statistics thus prove that one of the main reasons behind the low literacy rate is the situation of conflict in the state as the Kashmir region, being more prone to disturbances has literacy rate even below the national average. However, in the Jammu region, the situation is comparatively peaceful but tensions in the areas along the Indo-Pak border are common and frequent which affect the normal functioning of schools along the border areas.

EDUCATION IN CONFLICT RIDDEN STATES

Conflict is one of the most important reasons for disturbed education of children all around the world. As far as India is concerned, the nature of conflict varies from state to state. In some states like Manipur, Nagaland, Assam etc. the conflict is ethnic in nature while in J&K, the nature of conflict is altogether different ranging from cross border conflicts to civil unrests. These conditions affect children the most as they are in formative years of their life and the situation of conflict alters their psychological makeup in a negative way. Education, being the most important aspect in developing one's personality, is often undermined in the conflict-ridden states. Not much work has been done by the researchers and scholars on education against the backdrop of conflict environment in India. A few researchers who worked in this field blamed armed conflict as the main reason behind the backwardness of education. Gul and Shah (2012) argue that increasing funding of the national government to the military has resulted into deprivation of education in Jammu and Kashmir. Suri (2013) discusses the adverse impact of armed conflict on education system in Jammu and Kashmir and argues that insurgencies are the prime factors for giving disturbance in education. Excessive spending by the government on armed forces is attributed to the counter insurgency measures which the armed forces adopt in order to secure the borders of the state. In addition to Pakistan, India shares borders with six other nations viz. China, Afghanistan, Nepal, Bhutan, Myanmar, and Bangladesh. The most disturbed among these is the border with Pakistan. Pakistan shares border with the states of Punjab, Gujarat, and Rajasthan in addition to J&K, but the situation along the J&K border is much disturbed and challenging. Moreover, in other border states of India, the conflicts are due to internal forces but in J&K, the conflict is due to internal as well as external forces. This situation has affected the state of education in J&K to a much larger extent.

Table 1 States Literacy Rate

NAME OF THE STATE	LITERACY RATE (%) (2011 CENSUS)
MIZORAM	91.58
TRIPURA	87.75
NAGALAND	80.11
MANIPUR	79.85
GUJARAT	79.31

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NAME OF THE STATE	LITERACY RATE (%) (2011 CENSUS)
PUNJAB	76.68
MEGHALAYA	75.48
ASSAM	73.18
JAMMU AND KASHMIR	68.74
RAJASTHAN	67.06
ARUNACHAL PRADESH	66.95

Source: https://en.wikipedia.org/wiki/List_of_Indian_states_and_union_territories_by_literacy_rate

If one examines the literacy rate of all the north-eastern states in India as well as of the states bordering Pakistan, J&K stands only above Arunachal Pradesh and Rajasthan. Had there been a better female literacy rate in the state of Rajasthan, J&K would stand at the second last position, only above Arunachal Pradesh in the list of states bordering Pakistan and the states of north-eastern India. The north-eastern state of Mizoram is the second most literate state in the country only after Kerala with a literacy rate of 91.58 per cent. Even the conflict ridden state like Manipur has a literacy rate well above the national average of 79.85 per cent. This data clearly depict that the nature of conflict plays a very crucial role in determining the literacy rate and education level of people in an area. Manipur has been regarded as one of the worst-affected states by *bandhs*² and blockades, thereby adversely affecting the education of the children. The state is recorded as the highest victims of *bandhs* in India (Singha 2009). Despite these types of disturbances, the state performed very well when it comes to literacy rate. The state of J&K is far behind majority of the north-eastern states in terms of literacy rate and education standards.

CONCLUSIONS

In sum, one can say that the education level in India as a whole has changed to a large extent after independence but regional variations still exist due to a number of reasons including poverty, lack of access, improper implementation of laws, non-implementation of laws (as in case of Right to Education Act 2009 in J&K), conflict, etc. In case of Border States including the North-Eastern states, the main reason behind the educational problems is the situation of prolonged conflict due to various internal as well as external reasons. Among all the Border States in India, the state of J&K is the most disturbed one due to both internal as well as external reasons. Low literacy rate in J&K is a direct consequence of the prolonged conflict situation which forces the people to either remain in their homes or temporarily displace from their native places. Thus, nature of conflicts plays a vital role in determining the effect it would be on the education. All this leads to a lot of sufferings including an adverse impact on education of the children. Moreover, the conflict situation is coupled with policy paralysis and the legal enactments focus more on universalization rather than quality of education. Prolonged situation of conflict along with improper / non - implementation of laws are the major reasons behind the low literacy rate and educational standard in the state of J&K vis-à-vis other states in India especially the other conflict ridden states in the country. However, post-Article 370 abrogation and the implementation of various central laws in the new Union Territory of J&K is a positive hope in the direction of a better future of education.

NOTES

1. Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors. case of 1993 dealing with the Constitutional challenge querying whether the “right to life” in Article 21 of

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the Constitution of India guarantees a fundamental right to education to citizens of India; role of economic resources in limiting right to education; interplay between Directive Principles and State Policy in the Constitution and Fundamental Rights; whether the right to education includes adult professional education.

2. *Bandh* is a word used to refer to a general strike, shutdown, or other form of protest in which a substantial portion of the population stays home and does not report to work.

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Conflict of Interest

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