



LINGUISTIC HUMAN RIGHTS AND TRIBAL EDUCATION IN INDIA

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- What is linguistic Rights
- Do we have linguistic rights in India?
- Is it written, if so what are the documents?
- Is it same for the major & minor languages?
- Do the linguistic rights reflect in tribal education scenario?

clarification before we start

LINGUISTIC HUMAN RIGHTS

“Only those language-related rights are linguistic human rights (LHRs) that are so basic that every human being is entitled to them because of being human. They are as necessary to satisfy people's basic needs as food and shelter, necessary to live a dignified life. They are so fundamental that no state (or individual or group) is supposed to violate them. LHRs combine some LRs with human rights.” (Keller & Skutnabb-Kangas 2013)

LINGUISTIC RIGHTS IN INDIA

Article 14: "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Article 15: (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Article 21A. (Slide no. 6)

29. (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

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

Article 30. (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

DIRECTIVE PRINCIPLES OF STATE POLICY

Article: 39. The State shall, in particular, direct its policy towards securing (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

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

EIGHT SCHEDULE

Article 350. Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities. (Ins. by the Constitution (Seventh Amendment) Act, 1956, s. 21) (Facilities for instruction in mother-tongue at primary stage.

350B. (1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.

EDUCATION FOR TRIBALS ON PAPER

- Right to Education Article 21A- 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.
 - ✓ Article 29.2.e- active learning in a child friendly and child-centred manner.
 - ✓ Article 29.2.f- Medium of instruction shall, as far as practicable, in child's mother tongue.
 - ✓ Article 29.2.g- making the child free of fear, trauma, anxiety, and helping the child to express views freely.
- Article 39. (f)- that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment
- National Policy on Education 1968, 1986
- Programme of Action (POA, 1992)
- National Curriculum Framework (NCF, 2005:37):
 - Primary school education must be covered through the home language.
- National Knowledge Commission- Lg issue must be explicitly taken on board in designing school curriculum.
- Ramamurthi Committee Report 1990

International Covenant on Civil and Political Rights (1976)

Article 14 (3). In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

Article 14 (3)(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

International Covenant on Economic, Social and Cultural Rights (1976)

Article 10 The States Parties to the present Covenant recognize that: 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.

Article 13 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Convention on the Rights of the Child (1989)

Article 2 (1). States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 29. 1. States Parties agree that the education of the child shall be directed to:

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 40 (2) 2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

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UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (2007)

"The Declaration, adopted this afternoon in New York after more than two decades of negotiations at the United Nations among Member States, with the participation of indigenous peoples from around the world, addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It outlaws discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own visions of economic, social and cultural development. The Declaration explicitly encourages harmonious and cooperative relations between States and Indigenous Peoples." (Hugh Commissioner for Human Rights in Press release- <https://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=6097&LangID=E>)

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 14. 3. - state shall take effective measures....when possible, to an education in their own culture and provided in their own language.

LANGUAGES IN INDIA

- Scheduled languages 22 (38 Lgs demanded to include, check MHA website)
- Non Scheduled languages 99 in Part B in 2011 against 100 in 2001.
- Simte & Persian Excluded, Mao Included
- Of the total population of India, 96.71 percent have one of the Scheduled languages as their mother tongue, the remaining 3.29 per cent is accounted for by other languages.
- There are total 270 identifiable mother tongues which have returned 10,000 or more speakers each at the all-India level, comprising 123 mother tongues grouped under the Scheduled Languages (Part A) and 147 mother tongues grouped under the Non-Scheduled languages (Part B).
- 720 Lgs in India. 28 Lgs (PLSI) in WB. 10 languages in Bengal, specifically in the north, are either extinct or on the verge of extinction.

TRIBES IN INDIA

- Article 342- Scheduled Tribe
- Total Population- 10,42,81,034 (<https://tribal.nic.in/ST/Tribal%20Profile.pdf>)
- 8.6% of total population (11.3% Rural, 2.8% Urban)
- West Bengal shares 5,296,953, 5.1% of India's total ST population.
- 564 Sub-districts i.e. blocks/taluka/tehsil having more 50% ST population and at least 20,000 tribal population.
- The discussion relates with my field work on Rabha Children and their education

INTRODUCING THE PROBLEM

AREA: FOSKADANGA, PORO ECO PARK AREA.
ALIPUDURA DISTRICT (2014)

COMMUNITY- RABHA

MT- RABHA/

TOTAL POPULATION IN INDIA- 296189

TOTAL POPULATION IN WEST BENGAL- 27820
& JALPAIGURI DISTRICT- 14487 (CENSUS
2011)

SURROUNDED BY- RAJBANGSHI, BENGALI
COMMUNITY

ONE AGRICULTURE IS MAJOR ACTIVITY &
OTHER LIVE FOREST VILLAGE OR RESERVE
FOREST BASTIS

TWO SCHOOL VISITED FOR PRESENT WORK-

1. PORO FOREST VILLAGE PRIMARY SCHOOL
2. PORO FOREST VILLAGE JUNIOR HIGH SCHOOL

NEXT 3 SLIDE-

1. THE VILLAGE WHERE SCHOOLS SITUATED
2. LIVELIHOOD
3. VILLAGE REPORT CARD FROM CENSUS OF
INDIA







State Name	District Name	SubDistrict	Village_Name	Name	Level
West Bengal (19)	Jalpaiguri (328)	Alipurduar - I(02173)	Foskadanga(307246)	Foskadanga	VILLAGE

Total Number of HouseHold : 597

Population	Persons	Males	Females
Total	2,868	1,490	1,378
In the age group 0-6 years	397	194	203
Scheduled Castes (SC)	864	448	416
Scheduled Tribes (ST)	1,991	1,035	956
Literates	1,708	1,004	704
Illiterate	1,160	486	674
Total Worker	1,294	864	430
Main Worker	842	716	126
Main Worker - Cultivator	418	394	24
Main Worker - Agricultural Labourers	271	202	69
Main Worker - Household Industries	5	1	4
Main Worker - Other	148	119	29
Marginal Worker	452	148	304
Marginal Worker - Cultivator	8	2	6
Marginal Worker - Agriculture Labourers	335	126	209
Marginal Worker - Household Industries	1	0	1
Marginal Workers - Other	108	20	88
Marginal Worker (3-6 Months)	316	110	206
Marginal Worker - Cultivator (3-6 Months)	7	2	5
Marginal Worker - Agriculture Labourers (3-6 Months)	249	91	158
Marginal Worker - Household Industries (3-6 Months)	1	0	1
Marginal Worker - Other (3-6 Months)	59	17	42
Marginal Worker (0-3 Months)	136	38	98
Marginal Worker - Cultivator (0-3 Months)	1	0	1
Marginal Worker - Agriculture Labourers (0-3 Months)	86	35	51
Marginal Worker - Household Industries (0-3 Months)	0	0	0
Marginal Worker - Other Workers (0-3 Months)	49	3	46
Non Worker	1,574	626	948

শারদাচরণ.খা.বিদ্যালয়

কালচিনি মন্ডল

জলপাইগুড়ি

শিক্ষাবর্ষ-২০১৩

ক্রম	ছাত্র	ছাত্রী	মোট
I	10	11	21
II	08	10	19
III	10	15	25
IV	14	16	30
P.P	08	04	12

মোট = 106
 শিক্ষক = 05



EDUCATION SITUATION

School Name	Poro F.V.P School	Poro FV Jr High School
Local Majority Lg	Rabha	Rabha
Mol	Bangla	Bangla
Local teachers	NIL	NIL
Textbook	Bangla	Bangla
Language Used at Home & Playground	Rabha	Rabha

MEDIUM OF INSTRUCTION

- 8th All India School Education Survey, A concise report 2016 (As on 30 September, 2009) -
- 86.62% schools at the primary stage teach through mother tongue in comparison to 92.07% schools in the 7 Survey.
- Only 40 languages are use as medium of instruction at elementary level. Only 23 tribal languages as medium of instruction. (Mishra, 2012: 101)

LITERACY RATE

SOURCE- [HTTPS://TRIBAL.NIC.IN/STATISTICS.ASPX](https://tribal.nic.in/statistics.aspx)

YEAR	ALL	ST
1961	28.30	8.53
1971	34.45	11.30
1981	43.57	16.35
1991	52.21	29.60
2001	64.84	47.10
2011	73.00	59.00

DROPOUT IN SCHOOL EDUCATION

SOURCE: EDUCATIONAL STATISTICS AT A GLANCE, DEPT. OF SCHOOL EDUCATION, MHRD

Year/Classes	Classes I-V	Classes (I-VIII)	Classes (I-X)
2011-12	35.3	57.2	65.9
2012-13 (P)	32.3	49.2	62.7
2013-14 (P)	31.3	48.2	62.4

- ❖ Survey for Assessment of Dropout Rates in 21 States Report (2013), reveals the magnitude of dropout during 2009-2010 academic session. One of the main reasons for dropping out is lack of interest of both boys 21.28% and girls 19.82% in primary stage and in upper primary, boys 23.12% & girls 21.11%. Poor economic condition of family is another cause of drop out. Unfortunately, 23.12% boys and 17.83% girls after dropping out are sitting idle at home. What is the possible reason?
- ❖ Acharya (1984), the reason for 26 percent of the push outs at the level of elementary education is the 'lack of interest in education' caused partly by the lack of cultural content in educational programmes; language is not only a 'component of culture' but also a 'carrier of culture.'
- ❖ Mohanty (2009:283), "Education failure of linguistic minorities all over the world is primarily related to the mismatch between the home language and the language of formal instruction".
- ❖ Sujatha (1994) found that one major cause behind the high push out rate of tribal students was their inability to establish a communication link with the teacher.

ENROLMENT IS NOT ENOUGH

Due to the interventions of DPEP (1994) and SSA (2000-2001) and several other efforts of the State, the enrolment of tribal children in primary & upper-primary schools has substantially increased, but retaining these children till completion of elementary schooling continues to be a challenge. One of the major reasons identified by the experts for low retention and educational outcomes among tribal children is the language barrier in the classrooms.

(Multilingual Education (MLE) for Tribal Children of Odisha- Report Source: Shangun Online Junction, 2019, Department of School Education & Literacy, MHRD <https://repository.seshagun.nic.in/wp-content/uploads/2017/07/multilingual-education-mle-for-tribal-children-of-odisha.pdf>)

LETS LOOK BACK TO CONSTITUTION

- General section fundamental Rights (FRs) 13 (2) "The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."
- Article 15 (3) Nothing in this article shall prevent the State from making any special provision for women and children.

POSITIVE CASES

- Odisha MLE-
 - 1997-98- Linguistic Survey and Mapping in 4 DPEP districts i.e. Rayagada, Gajapati, Kalahandi and Keonjhar. Upon mapping, 4 languages i.e. Saura, Kui, Kuvi & Juang were identified while 2 other languages Koya&Bonda During
 - MLE programme in the State as an innovative programme under SSA. The languages are Santali, Saura, Koya, Kui, Kuvi, Kishan, Oram, Munda, Juanga and Bonda 2005-06
 - MLE programme has been extended to 11 more tribal languages such as Gadaba, Ho, Gondi, Paroja, Kharia, Didayi, Bhinjal, Bhuiyan, Bhumia, Bhatra and Bhunjia (2013-14).
 - 2016, the number of MLE schools in the state is 2300 with 3400 language teachers for 21 languages serving 1,43,000 students with linguistic diversities.
 - Chattishgarh, Jharkhand, Andhrapradesh
- (Source- <https://repository.seshagun.nic.in/wp-content/uploads/2017/07/multilingual-education-mle-for-tribal-children-of-odisha.pdf> & <http://www.folklorefoundation.org.in/publication/education-of-the-tribal-children-and-multilingual-education-in-odisha-from-community-to-classroom/>)
- Positive cases from from Past
 - Community Initiative
 - Teachers afford

“.....Lack of political will and the whimsical decision of beurocrats did not whole heartedly promoted the tribal Education programme.” (as cited in Mishra, Jhingran:2005)

Government of Odisha fulfilled the requirements in MLE programme. The policy clearly. But the academic side of MLE in the classrooms and teacher professionalism remained weak after 2012. The frequent change of officer without any choice of expertise and interest, teachers lack of support from the state academic domain, responding the recurrent issues and challenges arisen in the field, lack of monitoring and coordination, make the programme weak”-

(Source: Education of the Tribal children and Multilingual Education in Odisha From Community to Classroom, Mahendra Kumar Mishra- Mishra, MK

- Why linguistic rights
- Language issue is one of the most important aspect for any successful education policy for the Tribal children. Ensuring language rights through education.
- Need to consider the idea of development. The education development for the urban people may not be the same as rural development.
- We do not have any policy mainly for the tribal children.
- If the full implementation was done by the elite, the situation may be different.
- We can not control with sticks so, we "control through carrot"
- Why we should be bothered about language issue in Education for the Tribal Children???
- Which - "Future we want"!!!!

SPECIAL THANKS

- Matol Rabha (Da)
- Anirban
- Purnima Rabha
- Uki Rabha
- And other family members at Matal Da's Home

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(The paper is based on my PhD field work. It has nothing to do with my present Institute.)