

ABSTRACT

"Education for all is important for three reasons. First, education is a right. Second, education enhances individual freedom. Third, education yields important development benefits."

John Daniel, UNESCO's Assistant Director-General for Education

Education plays a cardinal role in transforming a society into a civilised nation. It accelerates the progress of the country in every sphere of national activity. It operates as a 'multiplier' by enhancing the entitlement of all individual rights and freedoms. It enables a person to control the benefits derived from other rights. It is 'the key to unlock and protect other human rights.'

India is a democratic country and a true democracy is one where education is universal, where people understand what is good for them and for nation and knows how to govern themselves. Democracy demands independent thinking, knowledge of basic democratic principles to the citizens and opportunity of positive social, economic and political changes inhabited in the hands of citizen. In democracy educated citizen demands better governance and far grater accountability from our politicians and bureaucrats. The objectives set forth in the Preamble of the Constitutions cannot be achieved with out education being provided to its citizens. The framers of the constitution were aware that more than 70% people of India were illiterate for whom fundamental rights and democracy will be meaningless without education. It was with that hope Article 41 and 45 were incorporated in directive principles of State policy of Indian constitution.

Unfortunately aim of universal elementary education is not achieved even in more than 55 years. The literacy according to census of 1991 is 52% above the age of seven, which means that more then half of our population is illiterate. Out of a global illiterate population of around one billion, India has 300 million illiterates i.e. around one third of the world's illiterates live in India. The biggest democracy of the world has this vast reserve of illiteracy which definitely

constitute a set back to democracy. It is sad that in this great land of ours where knowledge first lit its torch and where the mind soared to the highest principle of human wisdom, where Gurukul system of education was established, where institutions like Takshashila and Nalanda existed, have 300 million illiterates out of a global illiterate population of around one billion. This clearly shows that something really went wrong somewhere and was a point of attraction for the present study.

Although we are having so many provisions and policies for Right to Education, still we are failing to achieve this right as a developmental right which had already been foreseen by our Constitution makers. Constitution makers were aware that India is a land of immense diversities reflected in the multitude of cultures, religions, languages, and racial stocks. The Indian population includes different castes, communities and social groups. The prevalence of such diversities has made social fabrics stratified and hierarchical, consequently social and economic opportunities are differentially distributed on the lines of cast and class relationship. Keeping in view these socially and economically marginalized groups constitutional makers perhaps were knowing that equality of opportunity will have no meaning unless they will have an opportunity of getting into - public services or educational institutions. So the constitution contains a liberal scheme of safeguards to backward classes and the Scheduled Castes and the Scheduled Tribes. Article 46 directs the state to promote with special care the educational interest of the weaker section of the people.

The agenda of empowerment of disadvantaged groups would get accomplished through proper education. These economically and socially marginalized persons can uplift themselves out of poverty and can obtain the means to participate fully in their own development and in country's development through education. Education has a vital role in empowering and safeguarding disadvantaged groups from exploitative hazardous labour, exploitation, promoting human rights, democracy and controlling population growth. Education is both a social right in itself and an indispensable means of realizing other human rights.

The rights contained in the constitutional framework are of no use to disadvantaged group if they are inflicted by ignorance. They are neither aware of their constitutional rights nor policies made by government for their upliftment. Education makes them aware for their social rights and responds to opportunities to challenge their traditional roles and change their lives. Social empowerment can be possible only by creating social opportunities for the people by political planning and policies for the expansion of the capabilities of the people. The task of making the disadvantaged group educated was not impossible or challenging as there were constitutional provisions. But in more than 55 years after independence the target is not yet achieved which is reflecting in their educational backwardness and poverty. The provisions and policies made by the government within its sphere, and their implementation in this direction have been investigated in this work.

Indian Constitution embodies all civil, political, social, and cultural rights. No segment of the citizens can be ignored or left behind because it would hamper the progress of the country as a whole. It is the duty of the State to do all it could, to educate every section of citizens who need a helping hand in marching ahead along with others.

Despite of various provisions and policies for Right to Education, still we are failing to achieve this right as a developmental right which had already been foreseen by our Constitution makers in a predetermined span of time. In more than 60 years after independence the target has not yet been achieved as reflected in the educational backwardness and poverty especially among the certain groups of the society who have faced social discrimination since time immemorial.

With the above perspective the present study entitled '*A Legal Study of Provisions, Policies and Judicial Attitude on Education as Developmental Right with Reference to Disadvantaged Groups*' was undertaken.

The present work is divided into seven chapters. In the introductory chapter, the concept of Right to Education as a Developmental Right a

prerequisite for overall development of any individual in a democratic society has been highlighted.

In the second chapter Conceptual Analysis of Right to Education has been made by giving importance of education, reviewing the historical approach of education focusing on the marginalised groups in early period before independence and describing the genesis of concept of right to education in Indian democratic setup.

At the international level the right to education is codified in the *Universal Declaration of Human Rights* (UDHR), *Convention on the Rights of the Child*(CRC), *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and has also been recognised by several universal and regional instruments. All International pronouncements on the right to education from its very beginning are highlighted in the third chapter.

The chapter fourth is solely devoted to the right to education in national perspective. The concept of the Constitution Architect, placing the right to education in directive principles is highlighted here. By the 86th Constitution (Amendment) Act, 2002, Right to Education has become a fundamental right under Art. 21-A which conferred on all children in the age group of 6 to 14 years right to free and compulsory education. Art.45 has also been amended which provide that state shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years. A new fundamental duty Article 51A-(k) is also inserted “who is parent or guardian to provide opportunities for education to his child or as the case be, ward between the age of 6 and 14 years”. After 86th amendment of the Constitution, 2002 it is not the fundamental obligation of the government but fundamental duty to provide free compulsory education without further loss of time irrespective of economic resources. The articles focusing on education of weaker sections especially of Scheduled Caste, Scheduled Tribes and socially and educationally backward classes are scrutinized. The critical analysis of the journey of right to education from directive principles to fundamental rights and other related constitutional

amendments are circumspectly included. In this perspective Right to Education is a myth or reality is discussed in the study. Furthermore, the right to education has remained just on papers or some enactments are made to implement it is also focused. The curious status of Right to Education Bill 2002 and 2005 with thorough analysis including recent modification in the form of Right of Children to Free and Compulsory Education Bill, 2008 is included in this chapter. The government efforts in the form of appointing education commissions for reviewing the problems of educational reconstructions as well as making programmes and policies for early realization of educational objectives are also explained in detail in this chapter.

The ideals enshrined in the Constitution of India for universal education have been sought to be converted into reality through various government initiatives in the form of its several programmes and policies over the past six decades. How far these proved instrumental in scaling up educational status of disadvantaged group *viz.* Scheduled Caste, Scheduled Tribe, OBC and women was also one of the main aspects of the present study. This is studied and analyzed in details and documented under the fifth chapter as Right to Education for Some Disadvantaged Groups - Myth or Reality.

Article 21 which is the heart of fundamental rights has received expanded meaning from time to time. Its contents and parameters are determined by the judiciary in the light of the Articles 41, 45, & 46. In *Mohini Jain*, AIR 1992 SC 1858 and *Unnikrishnan*, AIR 1993 SC 2178 the Apex Court insisted that Right to Education be read as an integral part of right to life. Right to life implies a life worthy of living, which can hardly be conceptualized without giving a significant place in it to elementary education. With the insertion of Article 15 (5) by 93rd Constitutional Amendment Act on the study of Right to Education of disadvantaged groups, particularly for Other Backward Classes, is therefore a very significant part of modern jurisprudence, social-rights jurisprudence and micro-sociology of law in this prospect Ashoka Thakur (2008) 6 SCC 1 has been analysed in detail. The role of judiciary and the area of freedom to act for the

achievement of Right to Education especially for the disadvantaged group in different decisions are discussed in the sixth chapter Judicial Response to Right to Education.

Finally in the seventh chapter, concluding remarks and some guiding suggestions have been derived from what has been stated in the above mentioned chapters. Some constitutional amendments are also offered in this regard to develop a perspective to suit the modern educational development demands in India

The present study was carried out in a very objective, systematic and unbiased manner by adopting doctrinaire method. All the primary as well as secondary documentary sources were utilized to make the study up-to-date, orderly and scientific. The Census of India, 2001, NSS 64th round survey reports and various reports of MHRD are used to analyze the literacy, dropout and enrolment rate of disadvantaged group to understand the educational progress. Various government reports, articles, judicial decisions, news papers, websites sites, international national, constitutional norms and national measures were taken as important research tools.

The detailed Chapter Scheme is presented here for a general idea of the work conducted in the thesis -

Chapter 1. Introduction

Chapter 2. Conceptual Analysis of Right to Education

2.1 Importance of Education

2.2 Historical Review of Approach to Education in Early Period before Independence

2.2.1 Education in ancient India

2.2.2 Education in Medieval India

2.2.3 Education during the British Period

2.3 Genesis of the Concept of Right to Education in Indian Democratic Set-up

- Chapter 3.0 Right to Education in Global Perspective
 - 3.1 Right to Education: Global Status
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- Chapter 4.0 Right to Education in National Perspective
 - 4.1 Constitutional Provisions
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- Chapter 5.0 Right to Education for Some Disadvantaged Groups: Myth or Realty 174-263
 - 5.1 Schedule Castes and Schedule Tribes
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 - 5.3 Education for Women: Myth or Realty

- Chapter 6.0 Judicial Response to Right to Education
 - 6.1 Judicial response prior to 86th Constitutional Amendment
 - 6.2 Judicial Response to Right to Education after 86th Constitutional Amendment
 - 6.3 Judicial Response to Right to Education after 93rd Constitutional Amendment

- Chapter 7.0 Conclusions and Suggestions

Concluding remarks:

Education is a principal responsibility of a society to nurture its offspring - future generation and give a positive direction along with moral values for their over all development through education. Education should not only train the intellect, promote technical skill but also develop citizen's aesthetic abilities and fill him with a sense of purpose or else he suffers from greed, pusillanimity, anxiety and defeatism.

By reviewing the historical approach to the education, it is observed that in the Vedic era Gurukul system was in existence and there was no discrimination in the society. Later on during post Vedic period trend changed completely. Lower cast people and women of all the sections were largely condemned to remain illiterate. The status of education begins to deteriorate as education was available only for privileged few from the feudal section, mercantile and priestly classes. With the advent of the British colonial rule, the situation changed somewhat, owing to the role of the missionaries and social reform movements, that opened educational avenues for the under-privileged sections. These efforts too remained largely confined only to certain groups. However, the Britishers provided educational opportunities for the privileged classes, with a particular objective of creating a base for the sustenance of their colonial rule and support in their administration.

The present study finds out that the very concept of Right to education in Indian scenario first emerges long back in 1892. The king of Baroda, Maharaj Sayaji Rao Gaekwad first propounded the novel concept of 'Right to Education'. Later, this very concept strengthens by Gopal Krishna Gokhale. In India after independence right to education has a very long Journey from directive principle of state policy (unamended Article 45), effective re-characterization to Article 21 by including education by the Judicial verdict and Article 21-A.

In the Global perspective educational rights were included in domestic bills of rights *e.g.* the Constitution of the German Empire, 1849, Soviet Constitution, 1936 etc. In 1948, the Universal Declaration of Human Rights acknowledged the

right to education, declared that elementary education should be free and compulsory. Thereafter, the right to education has been enshrined in a range of international conventions. Two United Nations international conferences on education - the World Conference on Education for All (1990), and another Conference in Dakar (2000) gave importance on qualitative dimension of education.

Thus, the right to free and compulsory education has been at the core of global commitments to right to education since 1948. Many countries have made provisions for the 'Right to Education' in their national constitutions. While the right to education is universally recognized, the way it is interpreted at national level differs substantially. This means that although every human being holds the same right regardless of any national law, the ways of securing this right differ greatly from location to location. For example, in some countries the right to education may be legally enforceable through national legislation, in others it will be important to look to international law and standards. The UN Special Rapporteur on the Right to Education indicated that in 2001 there were explicit guarantees of the right to education in the constitutions of 142 countries, while 44 countries did not include such provisions within their national constitutions. However, there are some countries in which the right to education is being progressively realized and international cooperation is facilitating progress in quite a few of them.

In the Indian context education could not get its due place in fundamental rights owing to financial crunch as is clear from Constituent Assembly Debates. Right to education was placed in the directive principles of state policy (under the original Article 45) casting obligation on the State to endeavour to provide free and compulsory education to all children until they complete the age of fourteen years, within a period of ten years from the commencement of the Constitution. The priority given by the Constitution to this provision is clearly evident from the time-frame specified therein; no other clause in the Constitution carries this sense of urgency.

The Architect of the Indian Constitution Dr. Ambedkar correctly understood the importance of education as the most powerful instrument to free the 'disadvantaged groups' from the century-old miseries, sufferings, insult and stigma inflicted on them by the caste system. Hence, the educational interests of the weaker sections of the people, which include, in particular, the Scheduled Castes and Scheduled Tribes were also kept in vision by casting an obligation on the State to promote educational interests with special care under Article 46. In fact, these concerns are woven into the very fabric of the India's Constitution and are contained in the Preamble, Fundamental Rights and the Directive Principles of the State Policy. Despite Article 46, 45 (as in original Constitution) specific provisions have been made in several articles of the Constitution viz. 14, 15(3)(4)(5), 16(4), 23, 24, 38, 39, 39-A 46, 243M, 243 ZC, 244, the first and second provisos to 275(1), Articles 330, 332, 334, 335, 338A, 339(1), 338-342, and the Fifth and the Sixth Schedule etc. for the realization of the promise made in the Directive Principle, so as to improve the social, economic and educational status of the disadvantaged groups and women.

The Forty-second amendment to the Constitution in 1976 however, empowered the Central Government, to formulate policies and programmes with regard to educational issues. This paved the way for several centrally sponsored schemes, and interventions, aimed at Universalization of Elementary Education (UEE).

A further shift in allocating educational responsibilities to the grassroots came with the Seventy-third and Seventy-fourth Constitutional Amendments, 1992 which envisaged greater roles of Panchayati Raj Institutions and local governing bodies for the development of education, among others. This three tier system paved the way for decentralization of management in education. These amendments have made it possible for the local community to get involved however in right to free and compulsory education bill, 2002, 2005, 2008 the role of panchayati raj institutions is negated.

At this juncture our Constitution is having plethora of provisions for safeguarding the educational interest of the disadvantaged groups. Time to time an assortment of amendments made in the Constitution have given the strength for accessing the education to all.

The Right to Education Bill, 2002, 2005 and 2008 could not get the shape of law till date. The Right of Children to Free and Compulsory Education Bill (RTE), 2008, in the current session of 2008 was introduced but remained in the list of pending bills. Now, as per this bill both government and private schools across the country would not fail students for poor performance until they complete elementary education (Class 8), nor throw anyone out of school. Here, periodic educational evaluation must also be made compulsory by imposing responsibility on teachers. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief. While in *Election Commission of India v. St. Mary's School and Others* (2008) 1 MLJ 1062(SC) the Apex Court had issued the directions that municipal school's teaching staff have to be put on election duties on holidays and non-teaching days or after school hours although non-teaching staff may be put on such duties every day and time, if permissible in law.

Government established a number of commissions and committees after independence to consider the problems of educational reconstruction in the education system. Radhakrishnan Commission, (1948) emphasize mainly, on the secondary and higher education for the development of an industrial sector. Commission recommendations on women's education were more suitable for urban areas while most of the population lives in the most backward rural areas.

The Kothari Education Commission (1964-66) suggested measures for democratic education and even after four decades are still having its relevance to education planners. The most reforming recommendation was a common school system in a neighbourhood for all children without any tuition fee that would be instrumental in minimizing social segregation of certain communities. Its another

important recommendation was to raise the expenditure on education to a level of 6% of the GDP that unfortunately is not implemented even after four decades as in the eleventh plan it is estimated to be around 4%. India's expenditure on education is extremely low. The 50 years of under-investment in education is at the root of all developmental ills of India today.

Due emphasis is also given to the educational development of girls through constituting committees and developing specific plans for the women time to time *e.g.* The National Committee on Women's Education, 1958, National Perspective Plan for Women's Education (1998-2000), National Policy on Empowerment of Women, 2001.

The National Policy on Education, 1968 (NPE) gave recommendations on the line of Kothari commission. This policy could not get translated due to late and haphazard implementation, progressive decline in all the allocation of resources, absence of an operational strategy as well as functional instruments.

The National Policy on Education 1986 emphasized that education is essentially for all, for all round development, material and spiritual thus furthering the goals of socialism, secularism and democracy enshrined in our Constitution. It stated that education is a unique investment in the present and the future. This policy focused on equal access to education to all, irrespective of class, caste, creed or gender. NPE was updated in 1992 and more specifically it catered to the needs of Scheduled Castes, Scheduled Tribes and Women. A new Programme of Action (POA) was prepared with detailed strategies for achieving the policy objectives of updated NPE 1986.

For the first time after the country became Independent, the Government of India in 2004 formulated a National Policy on Scheduled Tribes to bring Scheduled Tribes into the mainstream society through a multi-pronged approach for their all-round development without disturbing their distinct culture, as considering education the most crucial requirement for the sustained growth of a developing society.

It is only healthy and educated people who can contribute to a nation's economic growth and in turn also of their well being. The development of disadvantaged groups has always been the central focus of developmental planning since independence. Having realized, education as core of all developmental efforts as well as of human development, various educational policies were executed through appropriate programmes for the disadvantaged sections of the society. The First Plan (1951-56) clearly laid down the principle stating that 'the general development programmes should be so designed to cater adequately to the SCs/STs and special provisions should be used for securing their additional and more intensified development. Unfortunately, the same could not take place. In five year Plan emphasis was on economic development. The fifth five year plan (1974-78) recognized education as "a key factor in production". Elementary education marked a shift in approach as reflected in the launching of the Tribal Sub-Plan (TSP) and Scheduled Caste Sub Plan (SCSP) for the direct benefit of the development of tribal and Scheduled Castes respectively. Elementary education was accorded a very high priority in the 1990 and after 1997 education was regarded as the most crucial investment in human development. Ninth plan and tenth plan accelerates the growth of education by initiating various programmes. In the eleventh five year plan education has got highest priority as a central instrument for achieving rapid and inclusive growth and thus this five year plan termed as India's educational Plan. As far as women are concerned there has been various shifts in policy approaches in the last 58 years from the concept of 'welfare' in the 1970s to 'development' in '1980s' and then to 'empowerment' in the '1990s'. Although specific programmes for the development of OBCs were initiated from the eighth plan (1992-97). After 46 years of independence of the country, the backward classes or OBCs got recognition as a separate group of people for the purpose of 27% reservation in services in the GOI and public sector undertakings and educational institutions.

The Central government as well as State Government plans and policies resulted in to a swarm of programmes and measures for the educational development of the disadvantaged groups.

The programmes of District Primary Education Programme, Lok Jumbish, Shiksha Karmi, Non-Formal Education, and National Programme for Nutritional Support to Primary Education *etc.* are giving priority to the areas of concentration of Scheduled Castes and Scheduled Tribes. Under the Scheme of Strengthening of Boarding and Hostel facilities for girl students of Secondary and Higher Secondary Schools preference is given to girl hostels located in educationally backward districts, particularly those predominantly inhabited by SCs, STs and educationally backward communities. The scheme of Kasturba Gandhi Swatantrata Vidyalaya is to improve literacy among the women belonging to SCs, STs, OBCs & Minorities, to address and deal with problems of isolation, lack of self-confidence and oppressive social customs of socially and economically disadvantaged and marginalized groups. Scheme of Strengthening Education among Scheduled Tribe Girls in Low Literacy Districts, 2008 scheme facilitate 100% enrolment of tribal girls in the identified Districts or Blocks, more particularly in naxal affected areas and in areas inhabited by Primitive Tribal Groups (PTGs),

To give the pace for educational development of disadvantaged group the government has made provision to reserve 15% seats for Scheduled Castes and 7.5% for Scheduled Tribes in case of admissions as well as in appointments (teaching & non teaching posts) in the higher educational institutions administered by the Central Government. Seats are also reserved in hostels attached to the Central universities/colleges. Abolition of tuition fee in all States in Government Schools at least up to upper primary level is made. Most of the states have abolished tuition fee for SC/ST students up to senior secondary level. Providing various incentives like free textbooks, uniforms, stationary, and school bags for SC/STs, Kendriya Vidyalayas provide 15% reservation for SCs and 7.5% for STs. Norms are relaxed in admissions if necessary and tuition fee is exempted.

In Navodaya Vidyalayas at least 80% of the seats in a district are filled by candidates selected from rural areas and remaining seats are filled from the urban areas of the district. Reservation of seats in favour of children belonging to

Scheduled Castes and Scheduled Tribes is also provided in proportion to their population in the concerned district. UGC has established SC/ST Cells in 113 Universities including Central Universities to ensure proper implementation of the reservation policy.

Owing to the affirmative policies and programmes followed since independence, India has made significant, though slow progress in the educational development of disadvantaged groups in terms of literacy enrolment and reduction of dropout rate. After decisive analysis of the data on literacy, enrolment and dropout rate (data obtained from various sources viz. census of India, 2001, Selected Educational Statistics, GOI, 2007, NSS 61st Round Survey Report) it was found that there has been a marked improvement in the literacy level of the disadvantaged group of the society like the SCs and STs. But still half of their population is illiterate and the literacy gap between general and SCs/STs population had not diminished. The literacy rate of the Scheduled Cast has increased from 10.27% in 1961 to 54.69% in 2001. In respect of Scheduled Tribe, the literacy rate increased from 8.53% in 1961 to 47.10% in 2001. The literacy rate in rural population is very low and alarming in comparison to urban population. This point out for more concentrated efforts is required in rural area to improve literacy at par with the urban population.

The dropout rate is considered a critical indicator reflecting lack of educational development and inability of a given social group to complete a specific level of education in the present study. The dropout rates for SC and ST students are significantly higher than the overall dropout rate and increases at higher levels of schooling. Moreover, the dropout rate for ST students is much higher at all levels of education in comparison to SC and general students. Though, there is also an encouraging sign in the reduction in the gap between the dropout rates of the total population vis-à-vis the SCs / STs at all levels but this is declining very slowly.

The UNICEF supported base line survey conducted by National Sample Survey Organization in 43 districts in the country revealed that there are

significant disparities in attendance rate and also learning achievements between children from disadvantaged groups and others. The percentage of children (6-14 years) attending school are 72.5% for SC and 78.1% for OBC compared to 83.6% for other castes. It is interesting to note the lowest percentage of scheduled tribes (66.4%) indicating multiple disadvantages faced by tribal peoples in form of poverty, remoteness and learning in other language.

The analysis of literacy/drop out rate of SC & ST reveals that educational status has not been improved to a desirable level despite a large number of Government programmes are implemented. The factors responsible to these disparities are identified and analysed in detail in study.

It appears that since independence rural female literacy is considerably low in comparison to urban area. The female literacy rate gain noticeable improvement with the years and get to 73.2 percent in urban area and 46.7 percent in rural areas in the year 2001. Despite the improvements, rural areas trail by high (26.9) percentage points with urban areas in the race of literacy. Thus rural areas require much focus and attention for formulation and implementation of policies and literacy programs for the female. The study found that participation of girls at primary, middle and intermediate stages of education has been increasing steadily through the years but it is still below fifty per cent at all stages of education. This requires reassessing the educational policy and programmes for the improvement in girls enrolment and decrease in dropout rate at all stages of schooling.

Based on the 2001 Census present study also concluded that the dropout rate of girls in 2004-05 in upper primary (51.28%) and secondary (61.28%) classes remained very high and critical though this decreased during the previous years but it is also far from satisfaction in terms of improvement of girl's education particularly at upper primary and secondary level. Gender disparity seems practically disappeared in drop out / retention rates at the upper primary level. A number of reasons are seemed responsible for poor female literacy and high dropout among girls that are described in the thesis precisely.

Although, the parameter of educational achievements (viz. literacy, enrolment, dropout rate) in disadvantaged groups are towards corrective and show picture of progressive advancement of educational status among these groups, yet it is slow and indicates partial success of government programmes and policies. The survey conducted by Pratham (2005) raise question on the proper implementation of government's programs (states are not disbursing the stipend in time) and pointed out the real educational scenario in rural area by stating - unnerving quality of education in rural areas, false enrolment of the children and blatant form of social discrimination of SC children.

Due to Supreme Courts dynamic presence, creative jurisprudence, its orientation and effective re-characterization of Article 21 - the heart of fundamental rights, has received a much expanded meaning and it has also paved the way for the declaration of the right to education as a fundamental right and also a turning point in the area of developmental right. Analysis of various cases makes it clear that Supreme Court has given a Child-centric developmental rights jurisprudence approach keeping in view disadvantaged groups. It has given assorted norms to legislative and administrative authorities to enhance the education of disadvantaged groups by adopting various measures. It may be the matter of implementing the Mid- Day-Meal Scheme or of giving norm to enhance educational status. The basic education and employment-oriented vocational education should be imparted so as to empower the children within these segments of the society to retrieve them from poverty and, thus, develop basic abilities to live a meaningful life compulsory education, therefore, to these children is one of the principal means and primary duty of the State for stability of the democracy, social integration and to eliminate social tensions.

In *Ashoka Kumar Thakur v. Union of India and others* , (2008) 6 SCC Judiciary excluded those from creamy layer, who have already attained economic well being or educational advancement, the special benefits provided to them can not be further extended to them and if done so, it would be unreasonable, discriminatory or arbitrary, resulting in reverse discrimination. It is the Judiciary

that is not only saving the fundamental rights of all sections of society as well as of disadvantaged groups. It is nurturing the claims like a mother and developing like a father.

Education was perceived as crucial to processes of planned change. It was seen as the key instrument for bringing about a social order based on value of equality and social justice. Expansion and democratization of the education system was sought after, the two primary egalitarian goals of which were the universalisation of elementary education and the educational “upliftment” of disadvantaged groups. The State’s special promotional efforts have undoubtedly resulted in educational progress for the Scheduled Caste and Scheduled Tribe especially in regions where policy implementation combined with the dynamism of reform, and most crucially with enhancement of socio economic status. But still progress is not up to a level of satisfaction to uplift the poor educational status of disadvantaged group due to lack of accountability and lethargic performance of the bureaucracy with regard to implementation of various welfare schemes.

A number of concrete steps must be taken for achieving equitable educational development of disadvantaged groups through honest, pious and strenuous efforts with constitutional and legislative support and participatory approach of disadvantaged group at large. In this regard the suggestions given in the thesis will go a long way in guiding the planning for educational development of disadvantaged groups in India.