

EDUCATIONAL STATUS OF THE INDIAN MUSLIMS: A QUESTION MARK ON SECULAR INDIA?

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Introduction

At the inception of the Nation, India sworn to be a secular nation and incorporating in it people of all religions and communities with a promise to protect the interest of all religions and flourish it with the best of its abilities. India as a nation is posed with great threats as out of its total population, Hindus consist of majority numbers i.e. 80.5 % of the population with the remaining five communities including Muslims, Christians, Sikhs, Buddhists, Zoroastrians and others consisting of minority of 19.5% of the population¹. Out of which Muslims consist of 13.4% of it² making it the largest minority in the country.

The term ‘minority’ however is not defined by our Constitution, but the general idea is that a minority community is a disadvantaged section of any society. The Supreme Court *In Re: The Kerala Education Bill*³ stated that to determine minority, a community has to be a numeric minority in a particular region in which an educational institution in question is situated for it to avail minority educational rights. The issue of ‘minority’ especially in terms of religion has been very sensitive and complex in India and continues to remain the same. Apart from the communal violence, it has been so because of the existing inequalities persisting in many sectors including educational sector, employment sector etc., amongst different communities especially between Muslims and other communities. Along the years India as a nation has come a long way in many spheres including

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¹ Computed from Census of India, 2001, Religion Data.

² *Ibid.*

³ 1959 1 SCR 995.

those of economy, health, literacy, but have all the different communities, with special reference to the Muslims, been able to grow and develop at the same rate? The answer is 'No'. There are many disparities at each level.

The study however, is restricted to the educational status of the Muslims in India as compared to the other communities in India. Apart from the socio-economic conditions, the literacy rate of the Muslims is also the lowest in India as compared to other religious groups which is an issue of concern. There is variation in the literacy rate amongst five major religious minorities.⁴

It is well evident and accepted that role of education in today's era is highly important in contribution towards development and empowerment. Nelson Mandela⁵ once said: "Education is the most powerful weapon which you can use to change the world." Education undisputedly, is a tool and indeed a ladder for success and development not only for any community or society but for the entire nation. Lower level of literacy rate leads to poorer economic conditions. It is therefore important to educate people to bring change into the social and economical structure of any nation and for its empowerment. Right to Education in India is a Fundamental right⁶ which must be enjoyed by all the citizens of India in letter and spirit including the minority communities. Along with the general rights, Constitution of India has provided the minorities with special rights to help them stand on equal footing with the others.

Constitutional Protection and Legal Instruments

Researchers have pointed out that historically, the rights of religious minorities have been ignored by India's constitutional makers, which was amply evident from the Constituent Assembly debates. As argued by commentators on minority rights that:⁷

⁴ *Supra* note 1.

⁵ Nelson Mandela was the President of South Africa (10 May 1994 – 14 June 1999). He was also an Activist and a Lawyer.

⁶ The Constitution (Eighty-sixth Amendment) Act, 2002.

⁷ Rochana Bajpai, 'Constituent Assembly Debates and Minority Rights', *Economic and Political Weekly*, Vol. XXXV, Nos. 21-22, 27 May 2000, pp. 1837-1845.

There was no principled defence in the nationalist vocabulary for safeguards in the case of religious minorities. This marked a crucial shift from the colonial framework where the entitlement of minority groups to special representation and other forms of safeguards had been an established principle. The illegitimacy of safeguards for religious minorities within a broadly shared normative vocabulary was a crucial factor that facilitated their abolition during constitution making.⁸

The protection provided to the minorities was not enough, even though the Constitution⁹ provides for certain rights to all its citizens and imposes certain obligations on the state to provide for education to all its citizens. Some rights are general which are enjoyed by all the citizens whereas some of the rights are special and specific in nature to be given protection to the minorities.

General Rights under the Constitution of India

- **Article 14**

It provides to all citizens equality under the eyes of law and equal protection before law within the territory of the country. All citizens are equal before law including the Muslims as well. If treated unequally, it would amount to violation of right to equality.

- **Article 15**

According to Article 15 no citizen or any community for that matter shall face any discrimination on the basis of any of the criteria's such as religion, caste, sex, gender, race or birth.

- **Article 21**

It has been observed by the Supreme Court in the judgement of *Miss Mohini Jain v. State of Karnataka and Ors*¹⁰ that every citizen has right to education even though expressly not given by the Constitution in Part III of the constitution as a Fundamental right. It is a part of right to life and liberty and State shall endeavour to protect and promote the same.

⁸ Rochana Bajpai, 'Values in political rhetoric', Seminar, No. 524, April 2003.

⁹ The Constitution of India, 1949.

¹⁰ 1993 AIR 2178, 1993 SCR (1) 594.

- **Article 45**

It imposes duty on the state in the form of Directive Principles of the State Policy to provide for free and compulsory education to all children up till 14 years of age within the period of 10 years after adopting the Constitution.

- **The Constitution (86th Amendment) Act, 2002**

Long before the RTE Act¹¹ came into being, right to education was expressly included as a Fundamental right. A separate Article 21A was introduced to provide for free and compulsory education to all the children between the ages of six to fourteen years.

- **Right to Education Act, 2009**

The Right to Education Act is enacted by the parliament of India on 4 August 2009, to give the children between 6 to 14 years of age, free and compulsory education under Article 21A of the Indian Constitution.

Special Rights/Protection under the Constitution of India

Though Constitution of India does not explicitly define the term 'minority' but it confers upon the minority communities with certain rights and guarantees to protect the same in the form of following Articles. Two most important sections pertaining to the minority educational rights are as follows:

- **Article 29**

It entitles the minorities a right to conserve their language, script or culture and secondly to protect them from being denied any right in any educational institution established or maintained by the State itself or funded by it on any of the following grounds:- religion, language, caste or race.

- **Article 30**

Most importantly Section 30 empowers the minorities to establish and administer their own educational institutions and secondly state shall not discriminate

¹¹ Right to Education Act, 2009.

while granting aid to it on the sole ground that it is managed by the minorities.

But even after the Constitution has conferred upon the communities with various rights and protections, what has led to such a huge gap between the level of literacy rates amongst Muslims and other religious groups or what has led to the educational backwardness of the Muslims? What are the causes that have left the community lagging behind? Is educational backwardness the cause for their socio- economic conditions as well? Though the Constitution has provided with special protection why haven't they been able to benefit from it?

It is observed that the rights given by the constitution are not enjoyed by all citizens in letter and spirit with special reference to the Muslims. It is evident that they face discrimination and exclusion even today after sixty seven years of independence. It therefore questions the secular image of the nation which is indeed problematic.

Apart from these constitutional protections the government of India has also set up many institutions to evaluate progress of development of these minorities. Various Commissions have been set up to safeguard the interest of minority communities in an effort to provide them equal platform. Following mentioned are the statutory bodies established by the Government and their role in providing them adequate safeguards for access to education.

Statutory Bodies

The Government of India has established many institutions to uphold the rights of Minorities and enforce these rights guaranteed to them. Their roles and functions are mentioned here under.

- **The Maulana Azad Education Foundation (MAEF)**
This scheme was registered in the year 1989. It devises and implements schemes and plans to benefit the educationally backward minorities.

- **The National Commission for Minorities (NCM)**
NCM is a statutory body instituted by the Central government in the year 1992. It was set up to perform various functions such as to evaluate and monitor the developmental progress of minorities, make detailed reports on any matter related to minorities and to make recommendations and provide suggestive measures for their developmental process.
- **The National Commission for Backward Classes**
The commission was set up by the Government of India under National Commission for Backward Classes Act, 1993. This commission investigates the conditions of disadvantaged sections such as the socially and educationally backward classes which include therein the sections of religious minorities which are socially and educationally backward.
- **The National Commission for Minority Educational Institutions (NCMEI)**
NCMEI was constituted in the 2004 by an ordinance and then introduced as a Bill and was passed by both houses in 2004. It has been set up mainly for protection of the rights of minorities to establish and administer educational institutions according to their choice.
- **National Monitoring Committee on Minorities' Education (NMCME)**
It is constituted by Ministry of Human Resource Development. It has further five sub-committees to look into the implementation of the schemes which are aimed at minorities and also promotion of Urdu language. It was reconstituted in the year 2011.¹²

It is certain that these institutions have played an important role in enforcement of minority rights, educational rights in particular and also that some minority communities have also performed quite well having been benefited from their developmental processes. However, it can be seen in various parts of our

¹² Educational Development of Minorities, Ministry of Human Resource Development, Government of India, accessed at on http://mhrd.gov.in/more_minoedu , February 8, 2014.

country the Muslim community in particular have not equally benefited from the development. The data of the same has been provided in the various committee reports setup by the Government to inquire into the detailed status of Muslims in educational sector.¹³ These institutions are not adequately functioning with respect to providing educational rights to Muslims community in particular. To elaborately understand the current status it is important to throw some light on the condition of the Muslim community in India in the educational sector.

Overview of Findings of Various Reports on the Status of Muslims: Empirical Data

Minorities have faced historical backwardness in both economic and educational sphere. Gopal Singh Committee, (Dr. Gopal Singh Panel on Minorities, June 1983) which threw light on educational backwardness and under representation in government employment. Class variation does exist in Muslim minorities, but the backwardness is seen in the community as a whole. The empirical data collected shows injustice done by the state towards the community and the neglect since independence which produced gross injustice as well as peripherality.¹⁴

Government of India has established many committees thereafter to produce detailed reports on the condition of Muslim community in terms of education, their socio-economic status and various other aspects. These reports provided empirical information on a large scale on status of Muslims in India. Following are the highlights made on the Committee reports on educational status.

¹³ Prime Minister's address at Conference of State Minorities Commissions, Press Information Bureau, Government of India, New Delhi, January 13, 2014 accessed at <http://pib.nic.in/newsite/PrintRelease.aspx?relid=102452> on February 8, 2014.

¹⁴ *Supra* note 11.

Sachar Committee Report¹⁵

Sachar Committee is said to be the first high level committee which was organized to look into the following aspects of the Muslim community in India being social, economical and educational. Prior to Sachar Committee, many other committees were established but their recommendations and suggestions stayed unimplemented. Also, there was no systematic data available on the same. Following are the major observations made on the report:

- Data was prepared on both quantitative and qualitative measures.
- Quantitative measure such as 'literacy rate' suggests that According to the Census of India, 2001 Literacy rate of the Muslims was way lower than the total population (national average) and other minorities as well. Muslims with the literacy rate of 59.1% and the national average on 65.1%.
- The gap between the education level of Muslims and 'all others'¹⁶ has only been widening over the years.
- According to the report of the committee the condition of the Muslims was as bad as that of the SC's and ST's. Both these groups have attained the lowest literacy rate in comparison with the others. But SC's and ST's have at least been able to benefit from the affirmative action policies by the government.
- The NSSO¹⁷ 61st Round data which was taken in the year 2004-05 clearly makes it visible that in recent years the literacy rates for the schedule caste/tribes as compared to that of Muslims have improved in a faster trend.
- Enrolment and attendance data also show that rates of enrolment and attendance Muslims in rural as well as urban areas were far lower than all others. In fact

¹⁵ Sachar Committee was organized in the year 2005 and was chaired by Justice Rajendra Sachar. It was presented on November 17, 2006.

¹⁶ 'All others' constitutes of other religious minority groups apart from Muslims including that of Christians, Sikhs, Buddhists, Zoroastrians and others.

¹⁷ The National Sample Survey Organization was established in India in 1950 which conducts socio-economic surveys. It is an organization under Ministry of Statistics of the Government of India. It is now known as National Sample Survey Office.

the conditions of the SC's and ST's have been on an increasing trend as compared to that of Muslims.

- The drop-out level from the school was highest in Muslims. Almost 1/4th of the population of Muslim children within the age group of 6-14 have dropped-out or have never even attended school.
- According to the census of India, 2001, average years of schooling among the age group of (7-16) were the lowest in Muslims.
- At every level i.e., Primary, Secondary or Higher education, Muslim children were the lowest in percentage to have attained education at these levels as compared to the overall population or even other minority groups for that matter.
- Even at graduate and post graduate level the representation is also sub-standard.
- Most importantly with the level of growth in literacy rate and educational level in India, the gap between Muslims and all others have only been increasing , with the increase in all levels of education especially in urban areas.
- Urdu medium Schools have also been performing very poorly due to the lack of basic amenities.
- Limited access to *Madrasas*¹⁸.

Justice Ranganathan Mishra Commission Report¹⁹

Following are the observations:

- Literacy rate amongst women has been found to be lowest in the Muslims.
- The gender gap in literacy rate in Muslims is much greater than the over-all gender gap of all communities.

Rest of the observations made on the condition of the Muslims were quite similar to that of the Sachar Committee Report.

¹⁸ *Madrasas* are an important community initiative. This is type of educational Institution to impart religious knowledge.

¹⁹ The report was prepared and presented by the Commission on May 10, 2007.

Steering Committee Report²⁰

The major observations which have not been covered by the earlier Committees are as follows:

- Since the literacy rate was the lowest amongst Muslims in most states, as a result the poverty ratio was also the highest amongst them including both urban and rural areas. While the other minority communities were in a better off condition.

The Data shows a very appalling and alarming projection of the status of Muslims in India. This condition is the result of multiple factors which includes Stereotypes and discrimination against Muslim identity making them difficult to get admission, non availability of primary or secondary schools in the Muslim dominated localities which causes special disadvantage to the Muslim girls leading to low level of education in females, the poor economical condition of the parents which make them unable to send their children to school, poor infrastructure of schools, prevalence of child marriage in some sub communities, lack of access to quality education, religious orthodoxy, poor condition of religious schools etc.

From the reports of all the three committees it is evident that the situation is very problematic. Further a comparative analysis has been done in the reports between Muslims and other communities or population as a whole. It has been realized a huge difference occurs between the former and the latter. Key reasons have also been identified which are the root causes for the same. Low level of education is not only the result of religious orthodoxy of the Muslim community, which is believed to be the popular perception of the masses, but there are other reasons on record which need to be taken care of by the government and it should come out with certain measures to combat the same. There are certain steps taken by the government in elevating and uplifting these

²⁰ Report of the Steering Committee was prepared on 'Empowerment of Minorities' by a Working group on which was constituted by the Planning Commission on May 6, 2011. National Commission for Religious and Linguistic Minorities was chaired by Justice Ranganathan Mishra.

disadvantaged minorities and particularly the Muslim community.

Steps Taken and Their Implementation

Since the empirical data on the status of the Muslim community has been revealed by various committee reports, the issue has become debatable and has created a buzz in the country. Thereafter, many steps and initiatives have been taken to improve the condition of the disadvantaged minorities particularly the Muslims. Many suggestions and recommendations and suggestions were given by various committees on development of these disadvantaged groups especially Muslims. On the basis of recommendation given in these reports, certain initiatives have been taken by the Government. Initiatives such as guidelines for the implementation of Prime Minister's New 15 point programme²¹ were given and a follow-up on Sachar Committee Report was drafted to look into the implementation part of the policies and recommendations to know their status and progress of these initiatives.²²

One of the main objectives of the New 15 point programme was to enhance the educational opportunities for the minorities. It gives certain guidelines on how to achieve the same for e.g., providing with *Anganwadi* centres by the ICDS²³ Scheme, improvement of School education under the scheme of *Sarva Shiksha Abyan*, promoting and providing with resources for teaching Urdu language, modernization of *Madrasas* so that these institutions keep up with the modern educational system,

²¹ The Hon'ble President, in his address to the Joint Session of Parliament on February 25, 2005, had announced that the Government would recast the 15 Point Programme for the Welfare of Minorities with a view to incorporate programme specific interventions. Prime Minister, in his address on the occasion of Independence Day, 2005, announced to revise and revamp the 15 Point Programme for Minorities.

²² Implementation of 15-Point Programme for Minorities Reviewed, PRESS RELEASES, November 8, 2007
New Delhi, accessed at <http://pmindia.nic.in/press-details.php?nodeid=671> on Feb 02,2014.

²³ The Integrated Child Development Services is a programme sponsored by Government of India focusing on child development with an objective raise the level of health and nutritional level of children.

providing with scholarships to the students, improving the infrastructure of the school under MAEF and provide required assistance to continue expanding its activities. Even though these schemes have been introduced but it has been observed that they have not been implemented in its entirety.

Secondly, as much as follow up report on the Sachar Committee Report is concerned, it was realized that even though there have been steps taken to implement the suggestions but the pace at which the process of implementation is taking place is quite slow and stagnant and therefore needs a quicker response to the same.²⁴

Many schemes and policies following the Sachar Committee Report were introduced. But the policy implementation part seems to have been failing as still Muslims are the underprivileged section of the society as the data shows in the reports. Even after six years of the drafting of the Sachar Committee Report, the data from the Steering Committee shows that access to education for Muslims still remain a problem. Certain issues have been identified. The data shows that there is a difference between fund allocations for implementation of the development schemes for minorities and actual expenditure for implementing the same.²⁵ It has been observed that there is under spending in the important areas related to development and providing access to education to minorities. The data provided pictures a far too less flattering status of the Indian Muslims.

Theorizing Minority Rights with Secularism

In India, minority rights are heterogeneous in nature. The claim is made because it is not easy to analyze the construction and discourse on minorities. We in India decide majority-minority equation primarily on numerical basis; be it on grounds of religion, caste, language or class. There is no doubt that Muslims are in minority since independence, hence state as well the Constitution guaranteed them 'rights' so that they don't fall as prey to tyranny of majority and achieve the goal of 'equality'.

²⁴ *Supra* note 17.

²⁵ 11th Five Year Plan Financial Performance, Report of the Steering Committee on 'EMPOWERMENT OF MINORITIES' 5-6 (2011).

The question of minority rights with regard to Muslims in India has been trapped into the questions of identity and security and less attention is paid on the aspect of equity by the dominant governmental discourse of policymaking. While all the aspects of identity, security and equity of the Muslims are interlinked, the historical experience of the post-colonial Indian state has been that of addressing the Muslim's question on the foundation of secularism and nationalism.²⁶

"In last two decades there has been a great community mobilization against the inequality and hegemony in the society which Taylor calls "Politics of Recognition"²⁷. Neoliberal policies have taken the hegemonic status in the Indian society which believes in the principle of status quo. It does not need any sort of intervention by the government. In this era of globalization any sort of affirmative action is seen as opposition to competition which is the dominant ideal of globalization. But we will have to understand that competition starts from level playing field. The whole performance of the government is accounted according to the implementation of these neo liberal policies.

Secondly, we can notice a politics of particularism with narrow sectarian approach primarily claiming certain democratic demands for only a selective group or community. This politics is aptly expressed among the excluded groups although it is more organized in the case of *dalits*.²⁸ With such sectional mobilizations it was difficult to sustain the concept of undifferentiated, deprived Muslim community fighting for its due share in polity. After Mandal Commission caste became the primary identity for getting benefit of affirmative action. Certainly OBC Muslims receive benefits of reservation, but their strength is very nominal in the whole community which is educationally as well as economically backward.

²⁶ Aiyar Yamini, *Minority Rights, Secularism and Civil Society*, EPW, Vol XXXIX, Oct. 2004.

²⁷ Taylor Charles, *Politics of Recognition*, Oxford: Blackwell, 1994.

²⁸ Maidul Islam, *Rethinking The Muslim Question in Post-Colonial India*, Social Scientist, Vol. 40, August 2012.

Impact of Educational Backwardness of Muslims on Secular Nature of the State

Secularism in India is understood as all religions being treated equally by the state. There shall be no discrimination by the State on the ground religion. Yet Muslims are continuously facing marginalization and alienation at so many levels. This disturbs the very foundation of secular and socially just nature of Indian state. The status and condition of Muslims is very much contradictory to the same. It is however very important to understand the nexus between Secular nature of the State and Educational empowerment of the minorities and especially, the Muslims. As from the very beginning there have been much visible tensions between Hindus and Muslims which cannot be ignored.

There are many questions which need to be addressed related to this issue. What is coming in the way of their development? Is it because of the communalization in our country that's stopping the empowerment of this particular community? It brings out the secular-communal debate in India. It has been evident from the empirical data given in the reports that since independence SC/ST's have still shown considerable change and development in the education sector by the government policies of affirmative action where as the development of Muslims in educational sector has been stagnant. It is questionable that if the Muslim community is even worse off than the Schedule caste and Schedule tribes than why the government has not implemented affirmative action for the Muslims. Therefore it calls on an urgent basis for the formulation of such policies which bring about the desired changes and development.

Recommendations and Suggestions

On the basis of all the observations regarding the status of minorities especially Muslims when it comes to accessibility to education and their economic development these points are to be taken into consideration:

- There is a need to lay down special emphasis on setting up of primary schools in all the localities and

make sure that a minimum level of school education is made compulsory by every state.

- Muslim children must be treated at par with the children of other sections of the society and must be entitled to similar educational provisions and policies
 - *Madarsa*, where the Muslim children are sent for their schooling must be made technically equipped with the education tools of the new era.
 - The government schools must be made easily accessible to the Muslim children especially girls as the non-availability of the institution hampers their entire development process.
 - More and more female participation must be appreciated in the education sectors and they must be provided with all the essential commodities and facilities required for their subsistence and security i.e., appointment of female teachers
- Introduction of scholarships must be made for promoting students to go for professional and technical studies in order to raise their standard of living through their economic upliftment.
- Certain training programmes must be conducted by the local authorities for the people who are lacking technical skill which would be highly beneficial for the Muslim community as most of them are involved in skill based professions.
 - Also, their talent must be recognized and given due acknowledgment.
 - There shall be proper implementation of the policies and schemes formulated for the benefit of the minority communities.
 - Affirmative policies should be formulated to extend the benefits to the backward sections of Muslims.

Conclusion

Muslim community of India has been kept deprived from the very beginning. The data from the various reports show various levels of inequality and discrimination faced by them. It can be said that the Indian State in its entirety failed to actively realize the rights of Muslim community and respond to their backwardness. Though the Constitution of India through introduction of certain Articles (Art. 25-29) has tried to resolve the issue of

Muslims being deprived of many opportunities in India but the present figures show that their status remains the same as being the minority and ironically the one which constitutes the highest percentage of minority. Despite of the various attempts made by the legislators as well as the governments the status of Muslims has not raised to a considerable level. It has been seen that the SC's and ST's have developed in the educational sector at a higher rate than the Muslims. Their condition has been identified as even worse than the worst-offs of our country. It is high time that we realized that educational backwardness hinders the social and economic upliftment of any community too. There are certain lacunas in government policies such as lack of policies including affirmative action for the community. A push is however required to make them reach the desired standards. There has been a flood of plans and policies pertaining to the social, economical and educational upliftment of Muslims but still Muslims as a community which forms a part of minority in India are lacking far behind other disadvantaged groups like SC and STs. The precise reason for this is not only the fallacies and non-implementation of public policies rather it is also certain customs and traditions of their community which are making them to move at a comparatively slower rate. The pace at which the community is heading towards development in educational sector poses serious threats to the secular nature of the State and makes it questionable. As per the observations made by the various committee report and data analysis it has been observed that India has failed to recognize their educational rights. Also the status of Muslim women is such that they do not get a chance to receive any education in particular as they are kept in *pardah*. Therefore, these problems need to be addressed by the authorities and sincere efforts should be made to improve their conditions. On the basis of the recommendations made by the Sachar Committee female education and participation in education system must be promoted so as to improve their living conditions as well as their status. Secondly, all the governmental policies pertaining to the subject must undergo scrutiny and proper checks and balances must be maintained to keep an eye on the efficacy of these policies and how far they are proving to be productive for the purpose they are being framed. The

data collected on the status of Indian Muslims is an eye-opener for the State and society as well. It therefore calls for change in existing policies and prevailing systems in India. Education is a tool which will bring change in the existing conditions and would amount to over-all development as well. Also not only would it advantage that particular community but would ultimately contribute in the growth of the entire nation. This problem has to be addressed in its entirety. There is lack of proper implementation of these steps or initiatives taken or schemes formulated, which needs to be focused upon. Though, there have been serious efforts made by the government in uplifting the status of the minorities especially Muslims and certain steps have been taken in furtherance of the same but still there is a lot required to be done.

