

**Educational Journey in the State of Jammu and Kashmir: Facts, Figures and Interventions**

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**ABSTRACT**

*Education is the backbone of any enlightened society. No society can dare to exist without making apt and ample preparations for imparting quality, standard education to its members. The rejuvenation in education is leading to an enormous advancement in our society. The national literacy rate is on the rise and enthralling everyone, be it in terms of caste, sex or status etc. The educational institutions are increasing in number and toting up the knowledge and intellectual strength of our society. The govt. led institutions for an adequate time have been the main source of education and now the privatization has a lot changed the scenario of life. The govt. schools have always remained fundamental means of education for the children of huge poor masses of India who cannot afford heavy expanses of privately led institutes. Even though the modernization and the privatization is a major contributor to education but on the other side our govt. schools are also play an increasingly active role in imparting the quality education in the State. Since the State of Jammu and Kashmir is only the state in the country which has a distinction of formulating its own policies for the system of education as such the present paper attempts to give a detailed picture of the journey of education in the State of Jammu and Kashmir in the light of its special status. An attempt has also been made to highlight the special features of the RTE Act of the State of Jammu and Kashmir.*

**Keywords:** Education, RTE, Jammu and Kashmir, Constitutional Provisions.

**Introduction**

Jammu & Kashmir State is one of the States of Indian Union. It is also well known as paradise on the earth is the northern state of India with population more than one crore as per Census figures and covers the area of approximately 2,22,236 sq. Kms. The state has three regions namely, Jammu, Kashmir and Ladakh and further subdivided into 22 districts for administration and carrying out developmental programmes. The State has its own Constitution besides the Constitution of India and enjoys the special status under article 370. Topography of the J&K comes in the way of rising adequate infrastructure and is further compounded by terrorism and militancy, which have taken a heavy toll of life and public property besides throwing normal life out of gear. Education could not run away from this calamity as most of the educational institutions in rural areas were destroyed and loss of schooling hours immensely affected the learning outcomes. In the National Educational Scenario, State is subsumed as educationally backward in reference to the established indices namely literacy rate, dropout rate, teacher pupil ratio and the absorption pattern of the educated persons. The troubling features are low literacy rate, higher drop-out rate, mismatch between education and employment. The State strictly adheres to the National Education Policy and with the exponential growth of the institutional framework and reach of services as a consequence of sustained investment folio

through plan strategy; improvement in every parameter is visible. The improvement is more pronounced in the field of female literacy. Education is one of the most precious means in achieving gender equity and empowerment of women.

Like other parts of country traditionally education in the state of Jammu and Kashmir was imparted through indigenous institutions. In case of Muslims these indigenous institutions were connected with the mosques, where the boys were taught to read Arabic so that they may be able to read Quran. Likewise Brahmans had their indigenous institutions, where Sanskrit was taught so that boys may be able to read the sacred Hindu religious books. To these two languages Arabic and Sanskrit, Persian was added and then certain amount of arithmetic was taught. There were no regular schools and pathshalas (Biscoe, 1998:23). The people of the Jammu and Kashmir state have been living under oppressive feudal regimes for centuries. They had been badly exploited under Afghan, Sikh and Dogra rule. The population was largely illiterate. The miserable conditions of the people, the educational backwardness of the state and its people, and the absence of prominent centers of learning were attributed at this time much more directly to Dogra rulers rather than to religious beliefs and community practices. The demand for education in the state was inextricably tied up with the struggle against oppressive feudal policies by which the state was governed (Khan, 2005:150,151). The beginning of social reform in the state emerged from within the communities at the turn of the nineteenth century. Both Hindu and Muslim subjects of the Dogra Maharajas started to organize themselves and voice their grievances. These developments compelled Dogras to take some measures to improve the educational conditions of the people in the state. Maharaja Gulab Singh (1846-1857), the first Dogra ruler of the state made no efforts to educate the masses. It was during the reign of his successor, Maharaja Ranbir Singh (1857-1885) that a few steps were taken to regenerate the social life of the people. He was the first Dogra ruler to take an interest in the education of the state. He established a few regular schools and Pathshalas. When the Punjab University was established in 1867 he made a generous contribution to it (Om, 1986: 20). The first state school was opened in Jammu in the early 1860s and another such school was opened in Srinagar in 1874. The curriculum however followed the traditional pattern and education was imparted in Persian and Sanskrit (Khan, 2005:155).

In 1854, Reverend Robert Clark who was on tour to Kashmir, on return forcefully represented the needs of the Kashmiri people to the Christian Missionary Society in London. He received much support for his views and a requisition was sent to the Christian Missionary Society to start work in Kashmir. It was decided that the first concern of these missionaries should be to work for the improvement in the deteriorated health of the people of the state. The popularity of the medical work of these missionaries encouraged them to pay attention to the astounding problem of mass illiteracy. It took many years to allay ignorance, fight chauvinism and dispel distrust through perseverance and patience of these Christian Missionaries (Bazaz, 1959: 206-210). A change in the medieval educational system was brought in 1880 when the first school on modern lines was established by the Christian Missionary Society of London on the outskirts of Srinagar. The founder of the school was J.Hinton Knowles. However, the response was not satisfactory. The school was latter shifted to the city in 1890 and was named after reverend Biscoe, who took over in 1892. The school to this day is one of the foremost educational institutions in Srinagar and has played an important and positive role in bringing in and spreading modern education in Kashmir. Modern education turned out men gifted with an entirely new

outlook on life. It opened up opportunities and broadened the access to the coveted government services (Khan, 2005:155). In 1907, Maharaja Pratap Singh (1885-1925) appointed a conference to formulate a scheme for imparting education to his subjects. In 1909, he again stressed upon the need to draw up a scheme for making primary education free and compulsory throughout the state. A. Mitra, the then Education Minister, who was an ardent supporter of the scheme, however, stood against the introduction of any law of compulsion for many social and other reasons. Many private institutions had now started receiving grant-in-aid from the government. It was Maharaja Hari Singh (1925-1950) who adopted 'Compulsory Primary Education Regulation' in 1930 and made it applicable in Srinagar, Jammu and many other towns with immediate effects later on (Rekhi, 1993: 82). According to the census report of 1901, there was one high school in Srinagar, 16 primary schools and 19 indigenous branch schools in the valley. The first high school in Jammu and Srinagar came into existence in 1890 and 1892 respectively. College education was available only outside the state and very few families could afford the expense while others could not avail of the opportunity. As the residents of Kashmir were loath to leave their homes to go to the Punjab or elsewhere for receiving training in institutions there, alternative arrangements were made in the State. Colleges were established in Srinagar and Jammu in 1905 and 1907 respectively. Sri Pratap College was the first college in Srinagar established in the year 1905. The College was affiliated to the Banaras Hindu University and was open to both men and women but it remained predominantly a male institution. Sri Pratap College was the only institute of higher education in Kashmir till the 1940s. Another college, Amar Singh College was established as a technical school in the 1930s, in the memory of the late Raja Amar Singh and given the status of a degree college as late as 1942 (Khan, 2005:156). The education achieved much progress between 1889 and 1915 which is evident from the fact that in 1889, there were only two high schools, one at Jammu and the other in Srinagar, eight village schools (seven in Jammu and one in Kashmir) and a few Sanskrit schools. While in 1915, there were two colleges one each at Srinagar and Jammu, one technical institute, nine high schools, thirty-two middle schools, one normal school, 304 primary schools, two special schools and 309 private indigenous schools. During this period there was not only quantitative expansion of education but also qualitative (Om, 1986: 48).

### **Educational Journey in the State of Jammu and Kashmir: Facts and Figures**

The Constitution of India places Education in the "concurrent list" for all states of the country except for J&K in which case it comes to be in the "State List". The state therefore has freedom to legislate and make policies of its own on the whole spectrum of education. That apart, the state of J&K has a history of an inclusive approach and out-reach, trying to draw upon the best of practices across states and learning from experiences emerging in the national educational scenario. Educational policies and processes in the state are fundamentally guided by the National Policy of Education (NPE)1986, POA of 1992, Millennium Development Goals etc.

### **Educational Journey in J&K: Retrospect**

1. The first two Schools of formal learning (for elite Hindus) are reported to have come up in Jammu during 1860-1873.
2. The first Printing Press was established by Maharaja Ranbir Singh at Jammu by the name of "Vidya Vilas Press" to translate books into Sanskrit for these two Schools.

3. In 1874, the Valley got its first formal School.
4. Then ,a School came to be set up in Srinagar(by Bisco ) initially as a PS which graduated to a High School .
5. By 1890 ,ten Schools were established in the state.
6. In 1899 , Mirwaiz Molvi Rasool Shah founded an Organization, Anjuman-i-Nusrat-ul-Islam to work for education of Muslims .The Organization set up their first School in down-town Srinagar in 1905.
7. 1909, Maharaja Pratap Singh, directed his Education Minister to draw a scheme for making primary education free and compulsory throughout the state ( The Minister dissuaded the Maharaja, though.)
8. Some other notable milestones in the state's journey of education are:-
9. Compulsory Primary Education Act (1930) passed by Maharaja Hari Singh (1925-1947) in the context of public demand.
10. Glancy Commission (1931) appointed by Maharaja Hari Singh.
11. Commission on Reconstruction of Education, commonly known as K. G. Sayyidain , set up in 1938.
12. The first Girls School in Srinagar was set up in 1912, by a Christian Missionary with 17 students.
13. In 1916 , the Government appointed Mr Sharp as Education Commissioner. Mr.Sharp made recommendations of far reaching importance about education of Muslims in the state.

**“Naya Kashmir” Manifesto (1944):**

On 12th July, 1943, Hari Singh, by a Royal Proclamation announced the appointment of a high power enquiry Commission to look into the working of Constitution of the State and the social and economic conditions of the State Subjects (Command Order, 1943). The Ruler instructed the Commission to make recommendations for further political reform and suggest measures for the economic uplift of the people in the State. In the Proclamation, Hari Singh declared that people of all communities and all faiths were equal. He appreciated the cordial relations prevailing among the various communities of the State and desired that these should be farther strengthened. Hari Singh further observed that the constitutional reforms introduced in the State, four years earlier, needed to be re-assessed and the utility of these reforms deserved to be re-examined. He pointed out that the Commission had been appointed to make recommendations on the basis of which constitutional reforms could be introduced in the State, which would permit wider participation of the people in the Government and the administration.

The Commission was constituted of twenty members. Rai Bahadur Ganga Nath, the Chief Justice of the State High Court, was appointed as the President of the Commission and Major General Janak Singh, a close relative of the Maharaja, the Vice-President. The other members of the Commission were Raja "Allah-dad Khan, Sheikh Azizudin, Mirza Mohammad Afzal Beg, Ghulam Mohammad Sadiq, Sardar Dhyan Singh, Wazir Ganga Ram, M. A. Hafiz, Sultan of Kathai, Lala Shiv Nath Nanda, Pandit Prem Nath Dogra, Pandit Anar Nath Purbi, Chowdhry Rahahmat ullah Khan, Colonel Sansar Singh, Aga Sher Ali, Lala Mul Raj Mengi, Pandit Amar Nath Kak, Surinder Mohini Shastri and Rinchen Chung . Wazir Tej Ram was appointed as the secretary of the Commission. In order to revamp the system of education in the State, the commission suggested the following interventions:

- All Citizens shall have the right to education, to be ensured by universal compulsory elementary education, free of charge.
- State scholarships shall be provided for poor students in the higher schools and universities.
- Mother-tongue shall be the medium of instruction.
- Free vocational, technical and agronomic education shall be organized for adult workers in the fields and factories.
- Women citizens shall be accorded equal rights with men in all fields of national life: economic, cultural, political, and in the state services, to be realized by affording women the right to work in every employment, upon equal terms and for equal wages with men.
- Women shall be ensured rest, social insurance and education equally with men. The law shall give special protection to the interests of mother and child.
- Provision of pregnancy leave with pay and the establishment of a wide network of maternity homes, nurseries and kindergartens shall further secure these rights.
- All children born in the state shall have equality of opportunity irrespective of antecedents of birth and parentage.
- The State shall watch and protect children as the “greatest wealth the world possesses”.
- In all questions of administration or legislation, be it medical, educational, domestic, municipal or industrial, interests of the child shall be a paramount consideration.
- Work in the state of Jammu and Kashmir shall be an obligation and a matter of honor to all citizens capable of work.

#### **Post-Independence Initiatives:**

- Directive Principles of State Policy of the J&K Constitution unveiled the goal of universal free education.
- Section 20(a) of J&K Constitution cast an obligation on the state to Endeavour to:-  
“Secure for every permanent resident the right to free education up to the University standard.”
- An Education Act came to be passed by the state legislature in 1968.
- Then came the J&K School Education Act of 1984.
- In a bid to catch up with changing trends, the 1984 Act was replaced by J&K School Education Act of 2002.
- Rules under the said Act were promulgated on 18<sup>th</sup> March, 2010 ( SRO 123).

#### **National Scenario:**

- Amendment of Article 51 in Part IV-A (Fundamental Duties) of the Constitution of India by addition of the following clause (k) of after clause (J) envisaging a new duty for citizen parents in regard to education of their children:-
- “(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years”.
- The RTE Act came into force on April 1<sup>st</sup> 2010.
- Model Rules under the Act came to be notified by the MHRD.

**Progression to RTE in India:**

- In 1993, the Supreme Court held free elementary education to be a fundamental right of children in the famous Unni-Krishnen case:

*“The citizens of this country have a fundamental right to education. The said right flows from Art.21. The right is, however, not an absolute right. Its content and parameters have to be determined in the light of Articles 45 and 41. In other words, every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter, his right to education is subject to the limits of economic capacity and development of the state.”*

- 86<sup>th</sup> amendment to Constitution of India(December-2002).
- Free and Compulsory Education Bill-2004.
- Right to Education Bill(June-2005)which came up as a CAFE initiative.

**Right to Education Bill (August-2005)**

- In 2006, instead of a Central Legislation, the states were asked to do their own Bills based on the Model Right to Education Bill, 2006
- In 2008-2009, the formulations of a Central legislation were revived, with passing (by Parliament) of the “Right of Children to Free and Compulsory Education Bill 2008” in Aug 2009
- The 86<sup>th</sup> Amendment Act inserted Article 21(a) (after Article 21) in the Constitution of India providing for right to education as a fundamental right:-
- “21(A). Right to Education.-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.”
- The 86<sup>th</sup> Amendment Act also introduced two other important provisions relating to education:-
- Substitution of the following new article for article 45 in part IV (Directive Principles of State Policy) of the Constitution of India:-
- “45. Provision for early childhood care and education to children below the age of six years.- The State shall Endeavour to provide early childhood care and education for all children until they complete the age of six years”
- The Right to Education , in fact, has its genesis in the resolution ,reproduced below, which was moved by Gopal Krishen Gokhelay in the Imperial Legislative Council on 18-03-1910.

***“I beg to place the following resolution before the Council for consideration.....the State should accept in this country the same responsibility in regard to mass education that***

*the Governments of most civilized countries are already discharging and that a well considered scheme should be drawn up and adhered to till it is carried out. The well being of millions upon millions of children who are waiting to be brought under the influence of education depends upon it.....”*

- RTE Act honors right of every child (6-14) to quality elementary education. The Act provides a platform to reach the unreached, with special provisions for the disadvantaged.
- 190 million children enrolled in elementary schools. The RTE Act seeks added investment for quality / child friendly education
- Inequities still persist-8 million children not attending schools, even today.
- Millions more not completing the full cycle of elementary education (8 years cycle of EE).

#### **Distinctive features of RTE Act.**

- Neighborhood Schools: RTE guarantees “Neighborhood Schools”  
Section 6 of the RTE Act provides
- “For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighborhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act”.
- Unaided private schools also under an obligation to admit a minimum of 25%(of their total intake)from disadvantaged groups in the neighborhood, without any screening test. (Expenditure on such education reimbursable by Govt. Appropriate Govt. / local authority).
- Emphasis on “inclusion” ending discrimination.
- Prescribing quality principles for teaching-learning processes
- An external constitutional body(NCPCR) to monitor implementation of the Act.
- Defining minimum norms and standards for the schools.
- Addressing emotional stress, anxiety related issues of children.
- Residential facility, at State expense, in case of a child who may otherwise have to drop out on a/c of migration of his parents
- Centre and State Governments to have concurrent funding responsibility, percentage of expenditure to be mutually worked out.

#### **RTE Act Precludes:**

- Screening procedure / selection of one in preference to another other than by a random method.
- Private tuition (by Teachers)
- Capitation fees (including donation or any payment, other than that notified).
- Delay or dithering in admission, making it actionable.

- Delay or dithering in inter school transfer.

### State Strategy

- The J&K School Education Act (2002) inter alia provides for :  
Right to Elementary education in terms of section 4 as under:-

#### “COMPULSORY EDUCATION UPTO CLASS 8<sup>th</sup>:

The Government shall provide for free and compulsory education for children up to the level of Class 8<sup>th</sup> throughout the State within a period of 10-years from the commencement of this Act and, for this purpose, it shall take appropriate steps to provide the necessary facilities”.

- The J&K Act is however Scanty in scope and strength. For most part, the Act (and rules there under) deal with Private School issues.
- Contrarily, the RTE Act guarantees “right to education” as a fundamental right, casting an obligation on the State (rather than the parents) to ensure elementary education of children.
- In the review meeting with Hon’ble C.M. on August 6, 2012, followed by another round on 14<sup>th</sup> of May’2013, it was decided in principle to broad-base /augment the J&K School Education Act-2002 so as to make it compatible with the RTE Act.
- The draft J&K School Education (Amendment) Act worked, in sequel.
- Apart from representing an attempt to incorporate the quintessence of the RTE Act 2009, the draft document seeks to bring certain new provisions in sync. with the emerging educational scenario (moving beyond the RTE Act):-
- Right of children (age: 5 yrs) to seek admission to pre-primary (kindergarten) in a nearby school (As per the policy/orders in vogue, every Govt. School running Primary segment is mandated to have a KG Class)- .....provision to Section 3 (1)
- Formulation of Village Education Plan which, in turn, will provide the basis for the bottom-up paradigm of decentralized planning..... Section 10(2) (a)
- Inclusion of “children with special needs” in the definition of children “belonging to disadvantaged group” .....Section 2(e).
- More specifically precluding interview of, or interaction with child, parents or guardian for the purpose of selection for admission (in schools).....Section 2(1)
- Scope for punishment to any person causing interference with the child’s right to free and compulsory elementary education..... Section 12
- Compulsory need-based and quality-specific professional development programmes for teachers in private schools and opening up of DIETs and SIEs for enablement thereof, subject to certain terms and conditions ....provision to Section 9 (1).

### RTE as a Fundamental Right

- Article 21(a) of the Constitution of India not applicable to the state of J&K, as of now.
- The right of children to free and compulsory education up to class 8<sup>th</sup> is available in J&K as a legal right, though.



- Section-4 of the J&K school Education Act 2002 provides:

**“ The Government shall provide free and compulsory education for children up to the level of class 8<sup>th</sup> throughout the state within a period of ten years from the commencement of this Act and for this proposes it shall take appropriate steps to provide necessary facilities.”**

*For RTE to become a fundamental right in J&K ,like in other states of the country, it would be necessary that the state Government make a move to the GOI for extending application of Article -21(a) to J&K.*

### **Conclusion:**

Education is one of the most important indicators of social progress of a Nation. Both the State and GOI have been spending enormous funds on increasing enrolment, retention and providing quality education at the elementary level. To achieve this, the Government of India (GOI) introduced the Right of Children to Free and Compulsory Education (RTE) Act 2009 from 1st April 2010. The RTE Act had not been extended to J&K State as the 42nd constitutional amendment had not been adopted by the State. The education system in the State is governed by the Jammu and Kashmir School Education Act 2002 which contains provisions similar to the RTE Act. To achieve the goal of education for all, the GOI introduced two flagship programmes viz. Sarva Shiksha Abhiyan (SSA) and Mid-day Meal (MDM) scheme to support the State in creating, developing and strengthening the Elementary School System and increasing enrolment, retention and creation of necessary infrastructure for the school going children.

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