



INDIAN CONSTITUTION AND EDUCATION: AN OVERVIEW

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As we all know that India is a Democratic country and it depends on the democratic values that ensures all round development including culturally, socially, educationally and economically of individuals. India is a multilingual, multi-religious and multicultural nation. We can define India in terms of its diversity of language, religion, caste and culture. It has 29 states, 7 union territories, 22 constitutionally recognized languages also has several religions and cultures. On one hand diverse nature of Indian society is strength in itself, and on the other hand it creates lots of problems or issues. In this case education is basic elements to get succeeded in all round development (culturally, socially, educationally and economically) of individuals. Above all education plays very significant role to development and empowerment to every nation. After the independence this is the reason the makers of the Indian constitution to make a well balanced constitution and above all, to secure justice, equality and liberty, they have taken lots of initiatives. In this paper, an attempt was made to discuss the various constitutional provisions regarding education and how Indian constitution secures educational rights of its citizens.

Keywords: *Education, Indian Constitution, Preamble, Democratic Country.*



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1. INTRODUCTION

"Without education, wisdom was lost; without wisdom, morals were lost; without morals, development was lost; without development, wealth was lost; without wealth, the Shudras were ruined; so much has happened through lack of education," says Mahatma Phule. "It is the education which is the right weapon to cut the social slavery and it is education which will enlighten the downtrodden masses to come up and gain social status, economic betterment, and political freedom," says Dr. B.R. Ambedkar.

Education plays a very important role in the development and empowerment of every nation and is such an aspiration of the country which leads to nation

prosperity and nationalization. Through education we can inculcate the ethos and values of Indian democracy in the citizens. May be due to this reason the intellectuals of India framed the Indian constitution and implemented the policies related to the development of education from time to time. The Constitution of a country includes the guiding principles for the administration and development of the nation. Keeping in mind the provisions of the Constitution, its vision and aims, the policies for a country are developed. Education is a major aspect of the Constitution, which provides a base for developing various policies for public education in the country. Addressing educational and many other related issues

in India, is a challenge for the country as diversity and pluralism play an important role in the socio-cultural set up. So it is difficult to provide equal opportunity to every citizen of the country. Still, we consider the diversities and pluralism of our society as our strengths but not the weaknesses. Continuous efforts have been made to bring all types of diversities and pluralism to mainstream society. To achieve this, various special provisions including education have been included in the Indian Constitution include deliberations upon the constitutional provisions regarding education that happen to be the fountain head of all policies, rules and regulations enacted for educational administration.

2. INDIAN CONSTITUTION

2.1. Meaning of Constitution

The term constitution is derived from the Latin constitutes, which means "to build up, establish," and the suffix -ion, which means "to act, state, or condition." The Constitution is known as the supreme law of the land. All the other Legislation must follow it. It has a set of rules that govern the Government and its interactions with the citizens. A constitution is concerned with two primary aspects: first, the relationship between the various levels of Government and second, the relationship between the Government and the people. Dr. Bhimrao Ramji Ambedkar drafted the Indian Constitution. Our Indian constitution reflects people's wants & needs, principles, and values. The foundation of the constitution is secularism. The new liberal India has a liberal constitution that equally views every citizen and grants them equal rights. Therefore, educational literacy is crucial for underprivileged & backward class people to be aware of the constitution and their lawful rights & duties.

2.2. Definition of Constitution

According to Patrick Henry "The Constitution is not an instrument for the Government to restrain the people. It is an instrument for the people to control the Government".

In other words, A constitution is superior to all other laws of the country. No law can be enacted which is not in accordance with the constitution. A constitution is the source of power and authority of government. It tells the government about

- the powers of particular government bodies
- what things a government agency can or cannot do

3. NEED AND IMPORTANCE

Father of the constitution Dr. Babasaheb Ambedkar once in an assembly said: "However good a constitution may be, it is sure to turn out bad because those who are called to work it happen to be a bad lot". To make it count everyone has to have faith, courtesy,

and devotion towards it. People should sincerely abide by the law & order. If they will solely perform their lawful responsibilities and duties towards the community then the constitutional aim can be fulfilled. To become knowledgeable and live a well-respected life, it's important to take the support of education as it saves from various events that a person may encounter such as exploitation, slavery, deceit, injustice, etc. In earlier times the basic needs were food, shelter, and clothes but now education and health should also be counted equally important in them. We as humans always crave to get our needs fulfilled. People with hectic lives don't have much time to look after themselves. The government should fulfill the fundamental needs of the people by running various activities and campaigns through different events to introduce different laws, schemes, etc. for the public welfare and awareness regarding their rights. It is the responsibility of the government to safeguard civilian lives and their dignity so that the number of illiterate population can be reduced and crimes that take place due to a lack of awareness and knowledge of the law can be taken care of. To do so, various projects, schemes and plans should be executed according to the need of the hour. In current times, the media has this crucial responsibility to inform people about their rights and aware them of their legal responsibilities.

4. THE CONSTITUTION OF 1950

Constituent Assembly passed the Constitution on November 26, 1949, and it came into force on January 26, 1950. January 26 was decided to celebrate the unilateral declaration of independence by Purna Swaraj in 1930. India had become the Republic of India on that day.

5. OBJECTIVES OF INDIAN CONSTITUTION

The Constitution's goals were articulated in a resolution proposed by Pt. Jawaharlal Nehru and ratified by the Legislative Council on January 22, 1947. The resolution's central tenets were as follows:

- India should be declared an independent sovereign republic by Resolve.
- To create a democratic Community with equitable self-government to all its component members.
- The people give the union government and the governments of the constituent elements all of their power and authority.
- To ensure and safeguard the safety of all Indians. Moral, fiscal, and political justice are all important.
- equality of position, opportunity, and legal standing.
- the freedom of thinking, speech, religion, faith, worship, affiliation, and action

- Minority groups in underdeveloped and rural regions and the impoverished and perhaps other backward groups have proper protections.
- Maintaining the Nation's territorial sovereignty and right of self-determination on ground, sea, and air under the equity and law of civilized countries. To ensure India's legitimate and respected position in the globe.
- Assist in the advancement of world peace and humanity's well-being. These goals are enshrined in the Constitution's Preamble.

6. SAILENT FEATURES OF THE INDIAN CONSTITUTION

- The world's longest Constitution
- Assembled from a myriad of perspectives
- Adult Universal Franchise
- Solitary Citizenship
- Independence of the Judiciary
- Constitution of a Quasi-Federal Republic
- The Parliamentary system of Government
- Rigidity and Flexibility in Balance
- State Policy Directive Principles
- Fundamental Duties
- Fundamental rights

7. INDIAN CONSTITUTION PREAMBLE

The Preamble of the Indian Constitution is a concise statement outlining the fundamental values, objectives, and guiding principles of the Constitution. It was adopted on November 26, 1949, and became effective on January 26, 1950. The Preamble outlines India's objectives of becoming a Sovereign Socialist Secular Democratic Republic, ensuring justice, social, economic, and political rights for all citizens. It also emphasizes the importance of liberty, equality, and fraternity, promoting individual dignity and unity. The Preamble serves as a guiding light for the country's governance and legal system, reflecting the core values and principles that the Indian state and its citizens strive to uphold.

8. GOALS OF EDUCATION ENVISAGED IN THE CONSTITUTION

- Training the citizens.
- Achieving social and national integration.
- Providing education for all.
- Equalizing education opportunities.
- Achieving the modernization of Indian society.
- Achieving human resource development.
- Inculcation of social and moral values.
- Achieving socio cultural development.

9. CONSTITUTIONAL PROVISIONS FOR EDUCATION IN INDIA

Education is assigned a revolutionary role in Dr. Ambedkar's concept of social progress and his vision of a just and equal society. The vision for education in the emancipation of socially deprived people of India is adequately expressed in his words: "Coming as I do from the lowest order of the Hindu society, I knew what is the value of education. The problem of raising the lower order is deemed to be economic, this is a great mistake. The problem of raising the lower order in India is not to feed them, to clothe them and make them serve the higher-order... the problem is to remove from them that inferiority complex which has stunted their growth, ... to create in them the consciousness of the significance of their lives for them and the country... of which they have been cruelly robbed by the existing order... Nothing can achieve this except the spread of education. This, in my opinion, is the panacea of our social troubles." (Bhattacharya, 2002) Not only Ambedkar, but we also find that movements to abolish the caste system and end discrimination, all over the world, have always proposed education as the primary means to overcome oppression (Omvedt, 1993). To make education mainstream, the Constitution of India provides ample scope in its provisions to educate the country people. Education is both a union and state subject in the Indian Constitution. It means that its expansion and progress are the responsibility of both the centre and the state. every child under the age of 14 is entitled to free and compulsory education under our constitution. It is the responsibility of the centre and the state to ensure that every individual has the necessary knowledge, skills and attitudes to carry out his responsibilities as a responsible and cooperative citizen, so that the proper functioning of democracy in the country as well as at the international level, can be maintained with limited resources in all aspects such as social, economic, political, educational and familial among others. Education is both a Union and a State subject in the Indian Constitution. It means that its expansion and progress are the responsibility of both the centre and the state. Every child under the age of 14 is entitled to free and compulsory education under our constitution. It is the responsibility of the Centre and the States to ensure that every individual has the necessary knowledge, skills, and attitudes to carry out his responsibilities as a responsible and cooperative citizen, so that the proper functioning of democracy in the country, as well as at the international level, can be maintained with limited resources in all aspects such as social, economic, political, educational, and familial, among others. The Constitution contains a number of articles and clauses that directly or indirectly address education

and divide educational responsibilities between the Centre and the States. In a nutshell, the Indian Constitution includes provisions for each and every sector. Therefore, the main lists of the constitution are as follows –

- Union list
- State / Provincial List
- Concurrent list

The provision related to education in the Indian constitution comes under the concurrent list. According to this list, both the Central Government and the State Government can take decisions on the education level. Looking at the conditions and needs, both the state government and the central government can make changes in the education situation. The Indian constitution provides specific provisions for education in the following major areas of education:

9.1. Right of free and compulsory education

➤ Article 45:

“The state shall Endeavour to provide, within a period of 10 years from the commencement of this constitution for free and compulsory education for all children until they complete the age of 14 years.”

9.2. Right to education

➤ Article 21A:

“There shall be quality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.”

9.3. Education for women

➤ Article 15(1):

“the state shall not discriminate against any citizen on the basis of gender, religion, race, or place of birth.

➤ Article 15 (3):

“the constitution empowers the state to create specific provisions for women, including education.”

9.4. Constitutional Provisions for education of SC and ST in India

There are many provisions made in our constitutions for the upliftment of weaker sections of our society like, Article 14, 15, 46, 46, 338, 339 and 340. Out of many such articles, article 15 and 46 of the constitution give provisions related to the education of SC and ST (weaker sections) in India

➤ Article 46:

“The state shall promote with special care the educational and economic interests of the weaker sections of the society, particularly the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all types of exploitation”.

9.5. Education of minorities, protection of interests of minorities

➤ Article 29(1)

“Any section of the citizen, residing in the territory of India or any part there of having a distinct language, script or culture of its own, shall have the right to conserve the same.”

➤ Article 29(2)

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

9.6. Right of minorities to establish and administer educational institutions

➤ Article 30(1):

“All minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.”

➤ Article 30(2):

“The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management for minority, whether based on religion or language.”

9.7. Instruction in mother-tongue at primary stage

➤ Article 350 A:

“It shall be the endeavour of every state and every local authority to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups.”

9.8. Promotion of Hindi

➤ Article 351:

“It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.”

9.9. Education in union territories

➤ Article 239:

“Save as otherwise provided by Parliament by Law, every Union Territory shall be administered by the president acting through an administrator to be appointed by him with such designation as he may specify.”

9.10. Fundamental duty to provide the opportunity for education

➤ Article 51A Clause ‘K’

“It shall be the duty of every citizen of India who is parent or guardian to provide opportunities for education to his child or as

the case may be, wards between the age of six and fourteen years.”

10. CONCLUSION

Education is the most potent mechanism for the advancement of human beings. It enlarges, enriches and improves the individual's image of the future. A man without education is no more than an animal. Education emancipates the human beings and leads to liberation from ignorance. According to Pestalozzi, education is a constant process of development of innate powers of man which are natural, harmonious and progressive. It is said that in the Twenty First Century, 'a nation's ability to convert knowledge into wealth and social good through the process of innovation is going to determine its future,' accordingly twenty first century is termed as century of knowledge. The significance of education was very well explained in case of Brown V Board of Education, in following words: "It is the very foundation of good citizenship. Today, it is principal instrument in awakening the child to cultural value, in preparing him for later professional training and in helping him to adjust normally to his environment." It is said that child is the future of nation. Thus, Education is a beautiful combination of knowledge and thoughts. Mere knowledge is of no use but everything useful is indeed knowledge. Therefore, everyone should get a chance to get their education as it is their lawful right. Education liberates people from slavery and exploitation, it also helps them to differentiate between right and wrong, improving a person by their overall development and it build character, it teaches about injustice, and unlawful activities, and gives a purpose to their life. Education also improves their intelligence and identifies and brushes up on their skills. It helps them to create their own identity and get recognition in the society. Our constitution is famous worldwide for its continuous evolution, it is lawful, liberal, fraternal, secular, scientifically rational, and based on humanitarian grounds and plays an important role for protection of children's, children's rights and education for children. A nation's goals of achieving Global Sustainable Development by 2030 reaches possibility only when a nation highlights the importance of educating every child in the country. Thus it is essential that our political leaders, educational planners and administrators make their plans according to the institutions explicit and implicit to the constitutions so that the constitution may move towards progress.

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