UNIT 8: DEVELOPMENT OF EDUCATION IN INDIA SINCE INDEPENDENCE-I (CONSTITUTIONAL PROVISIONS REGARDING EDUCATION IN INDIA)

UNIT STRUCTURE

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8.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- describe the various constitutional provisions of education in India
- recognise the various issues of the Indian Constitution
- explain the significance of the provisions laid down in the Indian Constitution.

8.2 INTRODUCTION

We all know that India received freedom from British rule on 15th August, 1947. We also know that the Constitution of India came into force on January 26, 1950. The Constitution of India is a unique blueprint of Indian

democracy. It is like a mirror of the people of the country. From the study of the history of education during British rule we can easily understand that during that period, education was not developed properly. The British did not pay attention to spreading education. Therefore, education was completely neglected in pre-independent India. For that reason, the makers of the constitution created some vital provisions for the spread of education in the country. The various constitutional provisions regarding education in India are in accordance to our political, economic, social and cultural needs. The main objective of the provisions is to fulfil the need and aspiration of the people of the country.

To understand the spirit of the Indian Constitution we have to understand the Preamble of the Constitution. The preamble of the constitution states, "We the people of India having solemnly resolved to the Constitution of India into a Sovereign, Socialistic, Secular, Democratic Republic and to secure to all its citizens:

Justice- social, economic and political

Liberty- of thought, expression, belief, faith and worship.

Equality- of status and opportunity and to promote among them all.

Fraternity- assuring the dignity of the individual and the unity of the Nation.

The Constituent Assembly adopted our Constitution of 26 November, 1949.

Our Constitution provides us justice and equality in the eyes of law. According to the Constitution of India people should have liberty of thought, expression, and freedom to practice their own faiths and believes and the dignity of each individual should be assured.

8.3 VARIOUS CONSTITUTIONAL PROVISIONS REGARDING EDUCATION IN INDIA

The following sub sections highlight some of the Constitutional provisions regarding Education in India.

8.3.1 On Free and Compulsory Primary Education

The Constitution has made provisions for the Directive Principles of state policy. Article 45 under the Directive principles of state policy states, "The state shall endeavour to provide within a period of ten years from the commencement of this constitution, for free and compulsory education for all until they complete the age of fourteen years."

As per **Article 45** of the Indian constitution free and compulsory primary education will be provided by the state. Free and compulsory primary education will be for all the children within the age of 6-14 years. The target will be achieved within a period of ten years.

However, it is very unfortunate that though the target was ten years i.e., 1960, our government have not been able to achieve the target of universalisation of primary education.

8.3.2 On Right of the Minorities on Education

Many articles of the constitution protect the right of the minorities on education. These are Article 29, 30, 350(A), 350 (B). These are discussed below:

Article 29 of the Indian constitution advocated the protection of the minorities on education. The Article states that no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of the state funds, on grounds of religion, caste, language or any other such category.

Again, the clause (2) of the Article also provided adequate safeguard for the development of the economically and socially weaker sections of society, including the schedules castes and scheduled tribes.

This Article also states that any section of the citizens residing in the territory of India or part thereof having a distinct

language, script or culture of its own shall have the right to conserve the same.

The main features of Article 29 are:

- All citizens of India have the right to conserve their own language and culture.
- All citizens of the country shall have the right of admission in any educational institution maintained out of the state funds.
- No discrimination shall be made on the basis of religion, caste, language etc.
- It safeguards the development of the economically and socially weaker sections of the society.

Article 30 of the Indian constitution provides right of minorities to establish and administer educational institutions.

This Article states that all minorities, whether based on religion or language shall have the right to establish and administer educational institutions of their choice.

Article 30 (1A) states that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property as such as would not restrict or abrogate the right guaranteed under that clause.

Article 30 (2) states that the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Article 350 (A) states that every State and every local authority within the State to provides adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups, and the president may issue such directions to any State as he considers necessary or proper

for securing the provision of such facilities.

Article 350 (B) states that the President of India shall appoint a special officer for language minority people. The officer will supervise the implementation of the articles for language minority people provided in the Constitution.

8.3.3 On Principle of Secularism in Education

India is a secular country. The Constitution of India states that India is a Sovereign, Socialist, Secular and Democratic Republic. Originally it was Sovereign Democratic Republic. In its 42nd amendment it included the word Socialist and Secular. Constitution of India adopts religious neutral position in all aspects of life.

Article 28 (1) of the Constitution states that no religious instruction shall be provided in any educational institution wholly maintained out of state funds.

Article 28 (2) of the Constitution mentioned that nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

Article 28 (3) says that no person attending any educational institution recognised by the 'state or receiving aid out of state funds shall be required to take part in any religious instruction that may be conducted in such institution on in any premise attached thereto unless such person or, if such person is minor his guardian has given his consent there to.

8.3.4 On Education of the Weaker Section

The makers of the Constitution realised that necessary steps should be taken for education of the weaker section and the scheduled castes. For the development of the nation, it is essential to provide education to all sections of the people of the country. Besides this,

for the strengthening of the democracy of our country we should provide education to all people of the country. To fulfil the above thoughts our Constitution included the article 46 which provides education for the weaker sections of the country.

Article 46 of the Constitution relates to the promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections. This article states, "The State shall promote with special care the educational and economic interests of the weaker sections of the people and, in particular of the scheduled castes and the scheduled tribes and shall protect them from special injustice and all forms of exploitation."

8.3.5 On Study of Hindi

Our national life and our national integration are connected with the development of Hindi language. Hindi language is considered our national language. Thus, promotion of Hindi language is deeply related with the development of our nation. To fulfil these objectives the Constitution of India included article 351 for promotion of Hindi language.

Article 351 of the Constitution of India under special directive states that 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 and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily, on Sanskrit and secondarily on other languages.

8.3.6 On Official Language

Article 345 of the Constitution of India states with regard to the official language or languages of a State that subject to the provisions of

Article 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State; Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution.

8.3.7 On the Place of Mother Tongue

The Constitution makes provision for the development of mother tongue as the medium of Instruction. Simply we can say that the language which we hear and pick up from our mother can be regarded as our mother tongue. Mother tongue is important for the development of basic thinking ability and expression of an individual. The Constitution of India realised the importance of mother tongue and included **Article 350 (A)** for its development.

Article 350 (A) states that, "It shall be the endeavour of every State and of every local authority within the state to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary of proper for securing the provision or such facilities."

8.3.8 On Higher Education and Research

The Constitution of India provides various provisions for the development of higher education and research. **Article 62, 63, 64, 65** and **66** makes various provisions for the development of higher education and research. These articles mentioned that the Parliament can make laws for establishment of autonomous Higher Educational Institutions (HEIs) for the development of higher education and research.



CHECK YOUR PROGRESS

Q 1: As per the ……..of the Indian Constitution, free and compulsory primary education for all children within the age group of 6-14 years will be provided by the state. (Fill in the blank)

Q 2: Which Article of the Indian Constitution advocates protection of the minorities with regard to education?

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Q 3: Article 30 of the Indian constitution provides right of ……to establish and administer educational institutions. (Fill in the blank)

Q 4: The Constitution of India says that India is a ……., ……..,…….. and ……. Republic. (Fill in the blanks)

Q 5: Article 62, 63, 64, 65 and 66 makes various provisions for the development of …….education and research.

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8.4 LET US SUM UP

- The Constitution of India came into force on January 26, 1950.
- As a sovereign democratic republic, the Constitution of India seeks to secure to its entire citizen's justice- social, economic and political.
- The Constitution of India has given the various guidelines for the development of education in India which are called as constitutional provision.
- Article 45 of the Indian Constitution provides free and compulsory primary education for all the children until they complete the age of fourteen years.
- Article 28 provides maintaining religious neutrality in education

- Article 350 (A), 29 (1) provide us language safeguards in education.
- Article 29 provides equality of opportunity in educational instructions
- Article 30 relates to the rights of minorities to establish and administer educational institutions
- Article 46 mentioned about education of the weaker section and scheduled castes
- Article 350 (A) mentioned about the development of mother tongue as the medium of Instruction
- Article 351 mentioned about the promotion of Hindi language.

8.5 FURTHER READING

1. Aggarwal, J.C. (2005). History of Modern Indian Education. New Delhi: Vikas Publishing House Pvt.Ltd.
2. Dash, B.N. (2014). History of Education in India. New Delhi: Dominant Publishers and Distributors Pvt. Ltd.

8.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: Article 45

Ans to Q No 2: Article 29

Ans to Q No 3: Minorities

Ans to Q No 4: Sovereign, Socialist, Secular and Democratic

Ans to Q No 5: Higher

8.7 POSSIBLE QUESTIONS

Short Questions (Answer each question in around 150 words).

Q 1: Write the main features of Article 29 of the Indian Constitution.

Q 2: What are the provisions stated in the Article 28 of the Indian Constitution?

Q 3: Write briefly on the Constitutional provisions on education of the weaker section of the society in India.

Long Questions (Answer each question in around 300-500 words)

Q 1: Discuss the Constitutional provisions regarding education in India.

Q 2: Describe about the article 28, 46 and 350 (A) of the Indian Constitution.

Q 3: Discuss the significance of Article 45 of the Indian Constitution.

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