

CONSTITUTIONAL VALUES ON INDIAN EDUCATION

Opinion of Author

In this article, we will discuss the significance of Indian constitutional values on education and the aims of education. The purpose of this article is to recognize the fundamental rights of education for citizens. It also analyzes the challenges in fulfilling formal education, non-formal education, and informal education. There will be a discussion of the objectives and features of constitutional obligations regarding education. Changing perspectives in education are unimaginable; therefore, understanding various levels of educational policy and framework is crucial. This aspect will be discussed in detail. Moreover, at the end of this article, I will highlight the aims of education in contemporary Indian society. However, the core of this article is to determine the constitutional obligations of education. This article aims to help teachers instill in their students the concepts and aims of education provided by the Indian constitution.

1.1 Introduction

The Constitution of India exhibits several distinctive features. One of the most significant constitutional provisions in India is ensuring free education for all its citizens. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, represents the consequential legislation envisaged under Article 21-A. This article mandates that every child has the right to a full-time elementary education of satisfactory and equitable quality in a formal school that meets essential norms and standards.

It is obligatory for state governments and local bodies to ensure that every child receives education in a school within their neighborhood. The Constitution has also made specific provisions for the weaker sections of society to promote, with special care, their educational and economic interests. When changes occur in the modes of living for individuals and their social relations are influenced, these changes are termed as social changes. People need to adapt to these changes to protect themselves from social injustice and all forms of exploitation. Therefore, education stands out as the primary means to overcome these

challenges, and the government of India has implemented various constitutional provisions and guidelines to promote the education of its people.

1.2 Salient aspects of Indian Constitution

The Constitution of India encompasses several salient features, and these features have influenced key elements directly and indirectly, as outlined in the objectives of the preamble. However, constitutions are generally fall into two categories as in the form of written constitution and unwritten constitution. The Indian Constitution is holds all the title and it is the worlds longest and most comprehensive constitution to date. Therefore, the Indian Constitution is supreme, as it lays down the framework defining fundamental principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles, and the duties of citizens.

The majority of the provisions in the Indian Constitution were adopted from other nations' constitutions, as well as from the Government of India Act. Consequently, the Indian constitution is considered federal in nature, while also containing a large number of unitary features in spirit. These features have been identified as fundamental rights, preamble, secularism, directive principles, independence of the judiciary, federalism, liberal democracy, rule of law, and republicanism.

1.2.1 Preamble of the Constitution

A preamble is an introductory statement in a document that explains the document's philosophy and objectives. The ideals behind the Preamble to India's Constitution were laid down by Jawaharlal Nehru's Objectives Resolution, adopted by the Constituent Assembly on January 22, 1947. There was also a proposal to include Gandhi's name in the Preamble. The Preamble secures justice, liberty, and equality for all citizens of India and promotes fraternity amongst the people. Therefore, it is considered as the soul of the constitution because the preamble is referred to as the preface, highlighting the entire constitution.

There are four main core elements of the Indian preamble, which are known as the source of the Indian Constitution, the nature of the Indian State, the objectives of the Constitution of India, and the date of adoption of the Indian State. The preamble indicates the ultimate sovereignty of the people of India. Even though there are some important keywords in the Preamble of India, such as:

1. Sovereign
2. Socialist;
3. Secular;
4. Democratic;
5. Republic;
6. Justice;
7. Liberty;
8. Equality; and
9. Fraternity.

India's constitution is not dominated by any external power; therefore, the state has independent authority. Even the preamble mentions people as the source of the Constitution. This means that citizens of India have the power to elect heads and other representatives of the state, and they also have the power to criticize them. Although the preamble of the Indian constitution represents the main key concepts adopted by the constitution, the concept of amending the constitution refers to revising any element or act of the constitution. These principles are represented in numerous provisions of the constitution. Therefore, the Indian Constitution is known as a living document, also referred to as a living record since it can be changed or revised.

1.2.2 Fundamental Rights of Indian Citizens

Understanding fundamental rights is crucial because as they serve as the backbone and ensure equality of opportunity. Fundamental Rights constitute a charter of rights outlined in the Constitution of India. They are essential for safeguarding the human rights of all citizens. They are also instrumental in ensuring that all citizens live in peace and harmony. These fundamental rights are sections of the Indian Constitution that provide and safeguard people's rights, considered basic human rights for all citizens of India, irrespective of their gender, caste, religion, or creed. While there are many fundamental rights in the Indian constitution, even though, six specific ones are considered most fundamental for ensuring equality of opportunity. These are mentioned below along with the constitutional articles related to fundamental rights in the Indian constitution.

1. Right to Equality (Article 14-18)
2. Right to Freedom (Article 19-22)

3. Right against Exploitation (Article 23-24)
4. Right to Freedom of Religion (Article 25-28)
5. Cultural and Educational Rights (Article 29-30)
6. Right to Constitutional Remedies (Article 32)

1.2.3 Fundamental Duties of Indian Citizens

Fundamental duties and rights are two of the most crucial concepts in the Indian Constitution. Fundamental rights represent the entitlements of citizens, while fundamental duties embody the responsibilities that citizens bear toward their country and fellow citizens. Understanding these two concepts is vital due to their close relationship as major features. Therefore, fundamental duties are an inalienable part of fundamental rights. The inclusion of the Fundamental Duties of Indian citizens in the Constitution was carried out through the 42nd Amendment. Fundamental rights denote the rights available to the people, while fundamental duties signify the obligations of citizens. The fundamental duties are addressed in Article 51A under Part-IV A of the Indian Constitution.

1. To abide by the Constitution and respect the National Flag and the National Anthem;
2. To cherish and follow the noble ideals which national struggle for freedom;
3. To uphold and protect the sovereignty, unity and integrity;
4. To defend the country and render national service;
5. To promote harmony and the spirit of common brotherhood amongst all the people;
6. To value and preserve the rich heritage;
7. To protect and improve the natural environment;
8. To renounce practices derogatory to the dignity of women;
9. To develop the scientific temper, humanism and the spirit of inquiry and reform;
10. To safeguard public property and to abjure violence;
11. To strive towards excellence in all spheres of individual and collective activity;
12. To provide opportunities for education to children.

1.2.4 Directive Principles of State Policy and Education

The Constitution has outlined certain directive principles of state policy, which, though not justifiable, encapsulate the philosophy of overall social development. These principles assert that the state shall strive to promote the welfare of the people by securing and protecting it effectively. Thus, it has to establish a social order in which justice of social, economic, and

political shall permeate. Therefore directive principles of state policy should establish social and economic democracy through the welfare state. Therefore, it becomes the duty of the state to apply these principles in making laws, as per Article 37.

Directive principles consistently ensure the welfare of the people by securing a just social order, including proper working conditions for workers and the full enjoyment of leisure, social, and cultural activities. Therefore there is no need for any constitutional amendment; simple legislation by the Parliament is adequate to implement the directive principles as applicable laws, according to Article 245, as they are already enshrined in the constitution. Articles 36-51 under Part IV of the Indian Constitution; deal with the directive principles of state policy, which are divided into three categories.

1. ***Socialistic Principles***: It has aim at providing social and economic justice under various articles, Article 38, 39, 39A, 41, 42, 43, 43A, and 47.
2. ***Gandhian Principles***: It is based on Gandhian ideology used to represent under various articles, 40, 43, 43B, 46, 47, and 48.
3. ***Liberal-Intellectual Principles***: It has reflected the ideology of liberalism under various articles, 44, 45, 48, 49, 50, and 51.

1.2.5 Characteristics of the Directive Principles

The novel feature of the Indian constitution is the directive principle of state policies, which imposes social and economic obligations on the Government (Union and State) to establish a welfare society. Therefore, no government can afford to ignore them, as the Directive Principles of State Policy are an integral part of the Constitution of India. They provide guidelines for the government to follow in framing laws and policies. Hence, Directive Principles are a crucial aspect that must be considered when interpreting the Constitution. However, Directive Principles are not absolute, and Parliament has the authority to amend them as deemed necessary for new laws and policies. There are several characteristics that define Directive principles. These include:

1. It is not enforceable by any legal process;
2. It has conflict with Fundamental Rights;
3. It is not justifiable in a court of law;
4. It is based on the philosophy of socialism;

5. It's meant for the guidance of future generations;
6. It cannot be enforced by any legal process;
7. It has subject to change from time to time;
8. It can be amended or repealed by the Parliament;
9. It does promote social, economic and political justice;
10. It is aim at promoting the common good of the people;
11. It is directed towards the establishment of a welfare state;
12. It is not static and can be changed according to the needs of the people;
13. It's meant for the long term welfare of the people and not for immediate gains;
14. It is not permanent and can be changed according to the changing needs of society;
and
15. It's lay down the principles which should guide the government in framing laws and policies.

1.2.6 State policy on education

Since the country gained independence in 1947, the Indian government has sponsored a variety of educational programs to address the issue of illiteracy. Based on the report and recommendations of the Kothari Commission, the National Policy on Education has been restructured many education policies to achieve national integration and foster greater cultural and economic development. Therefore, the state's education policies also ensure educational development because every child has a constitutional right to education. In 2019, the Ministry of Education released a draft of the new education policy, which underwent several public consultations. The state shall endeavor, within ten years from the commencement of this constitution, to provide free and compulsory education for all children until they reach the age of fourteen. Provisions of State Policy and Education in India include:

1. Free and compulsory education;
2. Place of mother tongue;
3. Women's education;
4. Official language of the union;
5. Education of minorities;
6. Education for weaker sections;
7. Language safeguards;

8. Equality in educational institutions; and
9. Higher education and research.

The task of education is to take the lead in organizing a society according to the envisioned pattern. The constitution has made vital provisions for education. When the new Constitution of India became effective on 26th January 1950, education was placed in the Concurrent list, granting the Centre the authority to directly implement any policy decision in the States. However, it has divided powers between the Centre and States, designating some powers as concurrent. Therefore, both the Centre and the States can legislate on any aspect of education, from the primary to the university level.

1.3 Right to Education Act

The Right to Education Act was enacted on 4th August 2009, describing the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21A of the Indian Constitution. With this, India has moved towards a rights-based framework addressing illiteracy, imposing a legal obligation on both the central and state governments to implement this fundamental right as enshrined of the Constitution. This act is the first legislation in the world that places the responsibility of ensuring enrollment, attendance, and completion on the Government. However, it outlines specific responsibilities for the center, state, and local bodies for its implementation. Because Act has to serves as a building block to ensure that every child has the right to receive quality education.

Moreover, there are no direct school fees or indirect costs like uniforms, textbooks, mid-day meals, or transportation to be borne, as the government provides free of cost until a child's elementary education is completed. Central and state governments shall share all these financial responsibility. The National Commission for Protection of Child Rights (NCPCR) has been designated as the agency to monitor these provisions (Right to free and Compulsory Education (RTE) Act). Every school under government undertaking must comply with infrastructure and teacher norms for an effective learning environment.

Therefore, the state has to ensure adequate support to teachers, leading to improved learning outcomes for children. This Act is one of the most important reforms in the Indian education system. According to the Right to Education Act, 25% of seats in recognized schools should be reserved for economically weaker sections, disadvantaged groups, or girl children.

Therefore, it is responsible for increasing the enrollment rate, centre, state government and local authorities need to keep track of children's enrollment.

1.4 Challenges to fulfill the Constitutional Obligations

The Indian model of federalism incorporates major features of both a federation and a union. The Indian Constitution is not strictly classified as federal or unitary. Therefore, India, with its diverse regional aspirations and identities, is a country that required the constitution makers to consider every aspiration of various regions while ensuring unity and integrity. However, the Indian Federation did not result from the coming together of states to form the federal union of India.

Despite this, the federal form of government is considered the most suitable for a pluralistic country like India. This is because it needs to facilitate socio-political cooperation among different sets of identities. The Constitution of India was adopted on 26th November 1949, but it was formally implemented on 26th January 1950. It continues to serve India better than ever. However, various challenges have arisen in the way of its actual implementation. There are three major challenges in fulfilling the due process requirements:

1. Freedom;
2. Justice;
3. Equality; and
4. Fraternity.

These are many of the major challenges faced by the Indian Constitution. Although the constitution makers were very farsighted and provided many solutions for future situations, this is why India is performing well as a democracy. A large section of the Indian population is uneducated and, consequently, unaware of their rights mentioned under the Indian Constitution. This lack of awareness also hampers social development negatively.

Therefore, the Indian government needs to increase the amount of funds to enhance legal education among the Indian population. When we look at Article 21 in a literal sense, it contains the 'right to life and personal liberty,' but the mere right to life and liberty is meaningless if we do not include it within the ambit of Article 21.

1.5 Quantity and quality of teachers

Indian society has long recognized the value of knowledge and wisdom, even dating back to the early days of civilization. However, poor learning levels in government schools are a significant concern for the Indian education system but education plays a pivotal role in the development of every individual, enhancing their understanding and rational power. Therefore, the government has provisions to ensure that no child is allowed to be held back or expelled from school until Class 8. The Right to Education Act 2009 serves as the guiding tool for shaping new education policies.

Promoting education among Indian citizens is crucial to enhance their knowledge about the constitutional values of justice and freedom. The Right to Education Act ensures the necessary pupil-teacher ratio, although maintaining this ratio in every school is not enough without sensible and effective deployment of teachers to achieve educational goals. Furthermore, hiring teachers with good academic and professional training is essential to address poor teaching-learning outcomes exacerbated by the learning crisis.

According to the Ministry of Education's 2021-22 educational report, out of 6.3 million approved posts in government schools, only 5.3 million teachers are in position, leaving 16 percent of teacher posts vacant in India. This is the most worried situation in the system but only teacher can help students acquire knowledge and skills, enabling them to live well in this world. Therefore many of us are privileged to have had a great teacher who played a crucial role in bringing out the best in us and helping us achieve our goals. Committed and dedicated teachers contribute untiring efforts to building a nation as well social development.

1.6 Educational process extension with community

Parents and the community are important stakeholders in the educational process because only they can ensure the participation of a child in the institution. Articles 15, 17, and 46 safeguard educational interests, and without support from parents and the community, achieving these interests is not possible. Under Article 46 of the Constitution, the federal government is responsible for educational development; therefore, collaboration between the community and the school is a crucial factor. Community backing and participation are essential for educational development programs. However, India is a diverse society with different opinions and social beliefs; therefore, education should be treated equally for all sections of society.

According to Article 28(1) states that no religious instruction shall be provided in any educational institution, even it wholly maintained out of state funds. Although despite the diversity, all communities have both progressive and regressive practices. Therefore teachers have the responsibility to bring the positive practices to the forefront by inviting community members to share them with the children in school. The fundamental right of equality clearly signifies that, in the eyes of the law, no distinction can be made based on any position, caste, class, or creed. Moreover, the equality of opportunity is meaningless unless there are equal opportunities for one's education.

1.7 Implementation and funding of Right to Education

Education was declared a fundamental right in the 86th Amendment to the Constitution of India. This Act makes it obligatory on the part of the government, ensuring not only free admission but also mandating attendance and completion of elementary education. However, financial difficulties are faced by both the state and local authorities. Therefore, central and state governments share the financial responsibility for the Right to Education (RTE). Because providing free and compulsory education for children involves a considerable cost. Despite financial challenges, the state government still allocates many funds to various educational development projects because education enhances access to opportunities for a better life.

Education can help decrease poverty, reduce social inequalities, empower women and others marginalized. It also has ability to bring down social discrimination. Therefore, when it comes to financial support, the central government prepares estimates of expenditures, and state governments are provided a percentage of these costs. Essentially, this Act ensures free elementary education for all children, especially those in economically weaker sections of society. As a result, the Right to Education has become one of the transformative legislations in the Indian education system, although the national education policy has also brought about significant changes in education in India.

1.8 Right to Education Bill

In 2002, education was established as a fundamental right through the 86th Amendment to the Constitution. However, six years after this amendment, the Indian Union cabinet cleared the Right to Education Bill. Key provisions of this bill include a 25% reservation in private schools for disadvantaged children. It also outlines the duties of the respective authorities and

parents in ensuring a child's education. The Bill prohibits physical punishment, expulsion, or detention of a child, as well as the deployment of teachers for non-educational purposes other than census or election duty and disaster relief. These bills serve as enabling legislation to implement the constitutional right of granting every child free education.

The Supreme Court upheld the constitutional validity of the Rights of Children, directing every school, including privately run ones, to provide free education for socially and economically backward classes. However, certain norms and parameters have been established regarding infrastructure and student-teacher ratio. As per Article 21A of the Constitution's fundamental rights for a child's education, the bill emphasizes the importance of the school management committee (SMC) being socially connected to society by involving parents, social workers, and local elected representatives to promote the educational process.

1.9 Protection of right of children

There are certain basic rights guaranteed by the Constitution of India; therefore, every person has the right to be protected from neglect, exploitation, and abuse, both at home and elsewhere. The central government shall, by notification, constitute a body known as the National Commission for the Protection of Child Rights to exercise the powers conferred on and perform the functions under this Act. Apart from the protection of child rights, it also recommends measures for their effective implementation for other child skill development. This means that all other rights of a child can be upheld.

These protections also allow children to have access to their other rights of survival, development, growth, and participation. Therefore this protection is about keeping children safe from a risk or perceived risk to their lives; and the system has the responsibility to provide the necessary care and rehabilitation. India has a fairly comprehensive policy and legal framework addressing the rights and protection of children, providing opportunities to ensure that all children have equal access to quality protection services.

1.10 Constitutional provisions for education

The Indian Constitution serves as the fundamental law of the country and holds the highest legal authority. As it discussed earlier, it is evident how this laws are establishes and notably, there have been changes introduced by the 42nd Amendment, specifically with various educational responsibilities. The right to education has been reaffirmed, because the

Government is required to make adequate provisions for the implementation of the Right to Education Act, as it related to education. These acts serve as guidelines for every educational development law enforced in India, encompassing the basic structure of governance in the country. They are:

Article 15(1), (3): Education for women;

Article 15, 17: Safeguard the educational interests of the weaker sections of citizens;

Article 21A: Right to education;

Article 25, 28(1),(2),(3): Religious education;

Article 29: Education of minorities, protection of interests of minorities;

Article 29(1): Safeguard for admission into any educational institution;

Article 30: Right of minorities to establish and administer educational institutions;

Article 45: Right of free and compulsory education;

Article 46: Promotion of education and economic interests of weaker sections;

Article 51(A): Fundamental duty to provide the opportunity for education;

Article 239: Education in union territories;

Article 350-A: Instruction in mother-tongue at the primary stage;

Article 351: Promotion of Hindi;

These are some of the educational provisions that constitute a constitutional act to protect individual rights, establish a framework for governance, uphold the rule of law, provide stability, promote participation, and safeguard against tyranny. It also guarantees people fundamental freedoms, outlines the structure of the government, and ensures social accountability. Therefore, the constitution provides the foundational framework for a nation's governance, defining the structure of power, fundamental rights, and guiding principles. It ensures accountability, prevents abuses of power, and upholds the rule of law. A constitution safeguards citizens' liberties, maintains order, and serves as a cohesive national identity, fostering stability and democracy.

2.0 Conclusion

This article is an attempt to highlight some of the most important educational provisions provided by the Constitution. However, it is crucial to recognize that every provision in the Constitution holds its own significance. The article offers a detailed analysis of the education rights of Indian citizens, ensuring free and compulsory education for all children in the age

group of six to fourteen years as a fundamental right. It also underscores that education is the primary tool for guiding individuals in the proper and scientific exercise of their rights. Similarly, education plays a crucial role in guiding individuals to exercise their other fundamental rights, such as those related to belief, faith, worship, etc., as the Constitution of India also ensures equality of opportunity. Therefore, the Constitution supports educational development, enabling people to acquire knowledge and skills.

