



## INDIAN CONSTITUTION AND EDUCATIONAL RIGHTS

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### ABSTRACT

Indian Constitution and Education Rights is needed a very important topic and it is the need of hour to understand the educational rights and how Indian Constitution speaks about imparting education to all sections of the society.

**Keyword:** Education, Constitution of India, Educational Rights, Violations, Illiteracy

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### INTRODUCTION

Many people get confused with the word "Education". According to some people "Education" is a degree, an academic title, which is the source of their identity, which helps in getting jobs and career high status. However, according to me "Education" has different meaning. I divide it in two parts i.e. "Education" and "Literacy"! It is to be noted that being educated is different from being literate. Literacy can help us in getting jobs and settle in our career. It is helpful in raising the standard of living and creating a status in society. But, "Education" helps us understand the difference between Truth and Untruth! Education gives us the sense of right and wrong!

Do we really feel that the current situation of education in the country helps us to discern between the truth and untruth? Does today's education bestow impartial/unbiased education to all? Do we really think that today's educational system and institutions are teaching comparative and scientific approach to the students to see the world? My answer to these questions is "Straight No..!"

I firmly believe that the current educational system has imposed the modern mental slavery on students. Higher the education, more the mental slave...More the education, greater the proud feeling... higher the education, highest the demands of dowry and patriarch feeling. Everything has become mechanical and commercial!

### DISCUSSION

Dr. B.R.Ambedkar has always seen education with a different perspective. According to him, education can solve any problems of the country, but he was particular about what type of education should be given and to which class of people. Explaining the importance of the education he says, <sup>1</sup>"Can education destroy caste? The answer is 'Yes' as well as 'No'. If education is given as it is to-day, education can have no effect on caste. It will remain as it will be. The glaring example of it is the Brahmin Caste. Cent percent of it is educated, nay; majority of it is highly educated. Yet not one Brahmin has shown himself to be against caste. In

<sup>1</sup> What Are The Prospects of Democracy In India – Dr.B.R.Ambedkar

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*fact an educated person belonging to the higher caste is more interested after his education to retain the Caste System than when he was not educated. For education gives him an additional interest in the retention of the Caste System namely by opening additional opportunity of getting a bigger job. From this point of view, education is not helpful as means to dissolve caste. So far is the negative side of education. But education may be solvent if it is applied to the lower strata of the Indian Society. It would raise their spirit of rebellion. In their present state of ignorance they are the supporters of the Caste System. Once their eyes are opened they will be ready to fight the Caste System."*

The point to be understood from the above statement of Dr.B.R.Ambedkar is, education can be very instrumental in annihilation of caste system, untouchability and inequality provided the education is given to the suppressed classes. Because educated youngsters will revolt against injustice and inequality, education will help them to inspire for the same. That's the reason why Dr.Ambedkar promulgated several articles for education such as Art.15, 21A,28,30,38,39,41,45,46,47 in the Indian Constitution to ensure that quality education been given to every citizen of this country irrespective of their Caste, Class, Race, Religion, Gender and Place of Birth. But unfortunately at one side we see the total corporatization of education system where Article 21A and Article 42 speaks about Free and Compulsory Education until the age of 14 years, and at the other hand the government is less interested in providing necessary infrastructure and developments to the government schools. The deteriorated conditions of government schools are so pathetic that several schools are at the door steps of closing down. The quality of education in the government schools is so degraded that the students can't even think of competing with the corporate schools.

Article 15 of the Indian Constitutions speaks about Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth<sup>2</sup>. In several instances in the recent past we have seen that the kids from low castes and Muslim families have been denied for sitting in the school classrooms and learn along with the other student. Despite constitutional right, the ignorance toward the fundamental rights speaks about the intentions of few fundamentalists who don't want to abolish inequality on the grounds of religion, race, caste, sex or place or birth.

Article 21A provides Right to education<sup>3</sup>. This article was Inserted by the 86th Amendment in December, 2002 and passed by the Parliament in July, 2009. The provisions of the Act came into force from 1st April, 2010. Earlier this right was enshrined in Art.45 of the Constitution under Directive Principles of State Policies. But seeing the non implementation of the article and absence of larger sections of kids being far from education, an amendment being made in Art.21A for Right to Education. After this amendment providing education has been made a fundamental right and no one shall be kept away from basic educations.

Article 30 gives Right to minorities to establish and administer educational institutions on their own so that they can educate themselves in their own institutions<sup>4</sup>. The state has to provide necessary funds and assistance for establishing educational institutions of the minorities. Article 38 of Part IV of Directive Principles of State Policies talks about the State to secure a social order for the promotion of welfare of the people. The promotion of welfare of people lies in quality education, health and sanitation. The constitution of India directs the state to take necessary steps to do so. But unfortunately during the past 65 years of independence the social, economical and educational conditions of the people are considerable low compared to the other countries.

Article 39 speaks about Certain principles of policy to be followed by the State and direct its policy towards securing adequate means of livelihood, equal pay for equal work, and care of health and strength of

<sup>2</sup> The Constitution of India – Wikipedia Page

<sup>3</sup> 86<sup>th</sup> Amendment – The Constitution of India

<sup>4</sup> The Constitution of India – Wikipedia page



the workers, men and women etc.<sup>5</sup> similarly Art.41 directs the state to take steps within its limit to make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in any other cases of undeserved wants.<sup>6</sup>

Article 45 originally mandates the state to provide free and compulsory education to children between the age of six and fourteen years. But until the 86<sup>th</sup> Amendment in 2002<sup>7</sup>, this provision was highly neglected by the state governments. Seeing this parliament amendment the constitution in 2002. It has been converted into a fundamental right under Art.21A. Now, right to education is a fundamental right and the citizens can go to court for violation of this right.

I firmly believe that the degraded condition of the educational system especially in the government schools is the part of serious conspiracy. It is to be noted that more than 70% of the population lives in the urban, sub-urban and villages. Most of them belong to poor families their kids studies in government schools. The system understands well that, if quality education is been given to these classes of people, they will certainly revolt and raise voice against injustice, inequality and other social issues.

The latest Education for All Global Monitoring Report (GMR) released worldwide by the UNESCO acknowledges the headway made by India in improving access to education but the country's population of illiterate adults has been identified as the drag factor.

India currently has the largest population of illiterate adults in the world with 287 million. This is 37 per cent of the global total. While India's literacy rate rose from 48 per cent in 1991 to 63 per cent in 2006, "population growth cancelled the gains so there was no change in the number of illiterate adults," the report stated<sup>8</sup>. According to the report, India, despite spending a considerable amount on education, has reduced its expenditure on education from 13 per cent of the entire government budget in 1999 to 10 per cent in 2010.

In India, 4% of our children never start school. 58% don't complete primary schools. And 90% don't complete school. If we believe in UNESCO's report only 10% kids of the total population completes their college education. We have to understand that the percentage of poor kids among college going is trivial!<sup>9</sup>

According to the CIA World Fact book, almost 75% of the world's 775 million illiterate adults are concentrated in ten countries (in descending order: India where almost 30 million young women are illiterate) China, Pakistan, Bangladesh, Nigeria, Ethiopia, Egypt, Brazil, Indonesia, and the Democratic Republic of Congo).<sup>10</sup>The point to be noted here is if we compare the total population of the other eight countries, we see that their geographical areas are equal to India's few states, but still India is among the highest illiterate population, how shameful !

The country which was famous for world known universities such as Nalanda, Takshashila, Vikramshila, Odantapuri, where thousands of foreigners used to come and took education in Indian Universities, we were the ones who gifted knowledge and education to the whole world..! But sadly in the current conditions we are considered among the highest illiterate countries of the world! The rulers of this great nations must introspect on what they have given to its citizens except Poverty, inequality fanaticism and injustice....!

Due to the lack of quality education and poor conditions of government schools in sub-Urban areas and villages, over 60 Million children are forced into child labor in India. We, being an IT giant and the world's second-fastest growing major economy, has millions of child labors all under 14 years of age, some as young as

<sup>5</sup> ibid

<sup>6</sup> ibid

<sup>7</sup> 86<sup>th</sup> Amendment – 2002 – Constitution of India

<sup>8</sup> The All Global Monitoring Report ( GMR)

<sup>9</sup> Teach for India – NGO online portal

<sup>10</sup> Innovative Solutions To Community Development Initiative - Online Portal - <http://isdnigeria.org/>

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4 or 5, and all toiling hard just to get a square meal to keep body and soul from parting company.<sup>11</sup> Child labor is a dagger through India's soul. The country has the dubious distinction of being home to the largest child labor force in the world, with an estimated 30% of the world's working kids living here. You find children being exploited in restaurants, silk industry, carpet weaving, firecracker units, etc. 80% of child laborers reside in rural India, where they are forced to work in agricultural activities such as fanning, livestock rearing, forestry and fisheries. Reports say that there are more children under the age of 14 in India than the entire population of the United States. And children under 14 years of age account for about 4% of the total labor force in the country. Of these children, nine out of every ten work in their own rural family settings. Two out of every three working children are physically abused. Over 50% children were being subjected to one or the other form of physical abuse. 50.2% children worked seven days a week, 53.22% children reported having faced one or more forms of sexual abuse. 21.90% child respondents reported facing severe forms of sexual abuse and 50.76% other forms of sexual abuse.

Every second child reported facing emotional abuse. The Indian Constitution says that child labor is a wrong practice and standards should be set by law to eliminate it. The Child Labor Act of 1986 implemented by the government of India makes child labor illegal in many regions and sets the minimum age of employment at 14 years.<sup>12</sup>

After its independence from colonial rule, India has passed a number of constitutional protections and laws on child labor. The Constitution of India in the Fundamental Rights and the Directive of State Policy prohibits child labor below the age of 14 years in any factory or mine or castle or engaged in any other hazardous employment (Article 24).<sup>13</sup> The constitution also envisioned that India shall, by 1960, provide infrastructure and resources for free and compulsory education to all children of the age six to 14 years. (Article 21-A and Article 45).

We have to understand that the maximum population among the illiterate kids and child laborers dalit and Muslims children holds the highest percentage is a naked truth! All these children don't have proper learning, no hope, neither future nor appropriate guidance to excel in life. Nothing has changed during the past 65 years of independence and despite having the greatest constitution of the world. The children's are forced into modern slavery to live an undignified life without any future!

## **Conclusion**

I personally feel that we need to understand one thing very aptly ie we can't expect anything from the system. The governments are not cordial towards the poor and have nots! The governments are pro corporates! And to expect something from such corporatized government would be a big mistake on our part. Because, not the only educational system but also Healthcare, Medicine, Science, Politics, Industries, Service Sectors and all other areas, they have kept in their pocket. We can see with our naked eyes that their intention is to have all the powers in their pockets and to impose sanctions and slavery on everyone else!

All this while walking in front of our eyes, the big question lies upon us to introspect and question our self what we can do to overcome these problems? Greater question is can we challenge this powerful system! Can we give an alternative to this nation! Can we change the ongoing degradation of education system? The answer lies in Yes and No both! If we understand our duties and responsibilities towards the society and country as a whole, then certainly we can give an alternative. But, if we run away from our responsibilities giving excuses of our wife, kids, family, jobs then there would be no meaning to our life. The choice is totally ours...!

<sup>11</sup> Ministry for Human Resource Development – Online Portal

<sup>12</sup> The child Labor Act, 1986

<sup>13</sup> Art.24, 45 of the Constitution of India

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In our society, maximum numbers of employees are teachers. Most of them have completed their graduation, D.Ed, B.Ed and teaching in various schools, colleges, institutions and universities. And therefore I feel, the teaching class can play a vital role in nation development. We all know the degraded conditions of the schools and colleges. We also know that, it is highly impossible to compete with the world studying in such degraded schools and colleges. We cannot expect any students who belong to poor family and taking education in government schools and colleges that he will compete with corporate students and excel himself in the era of globalization. The biggest question lies before us to how we can change these precarious conditions.

I feel, the teachers should come forward and take up the responsibilities. They should start free classes in the fields of Competitive education, Technical and Academic Guidance and all such areas which can help a student to learn nuances of different fields and he could be able to compete with the world. If all the teachers who have sense of injustice and equality initiate this process on war foot, then I firmly believe that we can create a generation who will serve this country and society with utmost honesty and sincerity. And we have to do it otherwise we will be answerable to the coming generations..!

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