

# Indian Constitutional Provisions on School Education

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## **ABSTRACT**

The present articles deals with Indian Constitutional Provisions On School Education. The Constitution makes the following provisions under Article 45 of the Directive Principles of State Policy that, “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 children until they complete the age of fourteen years.” The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

## **INTRODUCTION**

Right of children to free and compulsory education till completion of elementary education in a neighbourhood school. It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. ‘Free’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. It makes provisions for a non-admitted child to be admitted to an age appropriate class. It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.

## **FREE AND COMPULSORY EDUCATION**

The Constitution makes the following provisions under Article 45 of the Directive Principles of State Policy that, “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 children until they complete the age of fourteen years.” The expression ‘State’ which occurs in this Article is defined in Article 12 to include “The Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of

the Government of India.” It is clearly directed in Article 45 of the Constitution that the provision of Universal, Free and Compulsory Education becomes the joint responsibility of the Centre and the States.

In the Constitution it was laid down that within 10 years, i.e., by 1960 universal compulsory education must be provided for all children up to the age of 14, But unfortunately, this directive could not be fulfilled. Vigorous efforts are needed to achieve the target of 100 percent primary education. The Central Government needs to make adequate financial provisions for the purpose. At the present rate of progress it may, however, be expected that this directive may be fulfilled by the end of this century.

## EDUCATION FOR WEAKER SECTIONS

Article 15, 17, 46 safeguard the educational interests of the weaker sections of the Indian Community, that is, socially and educationally backward classes of citizens and scheduled castes and scheduled tribes. Article 15 states, “Nothing in this article or in clause (2) of Article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the scheduled tribes.” Under Article 46 of the Constitution, the federal government is responsible for the economic and educational development of the Scheduled Castes and Scheduled Tribes

It 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 Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.” It is one of the Directive Principles of State Policy.

- A) **Secular Education:** India is a secular country. It is a nation where spirituality based on religion, had always been given a high esteem. Under the Constitution, minorities, whether based on religion or language, are given full rights to establish educational institutions of their choice. Referring to the constitutional provisions that religious instructions given in institutions under any endowment or Trust, should not be interfered with even if such institutions are helped the State. Article 25 (1) of the Constitution guarantees all the citizens the right to have freedom of conscience and the right to profess, practice and propagate religion.
- B) Article 28 (1) states, “No religious instruction shall be provided in any educational institution if wholly maintained out of state fund.”
- C) Article 28 (2) states, “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 to such institution.”
- D) Article 28 (3) states, “No person attending any educational institution by the state or receiving aid out of state funds, shall be required to take part in any religious instruction that may be imported in such institutions or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person a minor, his guardian has given his consent thereto.”
- E) Article 30 states, “The state shall not, in granting aid to 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.”

## SUMMARY

The Indian constitution has formulated several clauses and articles that possess a direct or indirect bearing on education. Its preamble is the embodiment of the aspirations, character, and values that represent the country. Under the Indian Constitution, many educational obligations have been entrusted to the Central Government of India. Education is one such national aspiration that can pave the way for India towards national integration and prosperity. Through education, the cultivation of Indian democracy's ethos and values can be fostered among the citizens.

The Indian Constitution provides the following provisions for education in India:

1. Right of free and compulsory education (Article 45)
2. Right to education (Article 21A)
3. Education for women (Article 15(1)(3))
4. Promotion of education and economic interests of SC, ST and other weaker sections (Article 46)
5. Religious education [Article 25, 28(1)(2)(3)]
6. Education of minorities, protection of interests of minorities (Article 29)
7. Right of minorities to establish and administer educational institutions (Article 30)
8. Instruction in mother-tongue at the primary stage (Article 350-A)
9. Promotion of Hindi (Article 351)
10. Education in union territories (Article 239)
11. Fundamental duty to provide the opportunity for education [Article 51(A)]

## AIMS AND ROLE OF CONSTITUTIONAL PROVISIONS IN EDUCATION

These constitutional provisions play a significant role in the modern education system and development of India. The constitution is regarded to be a lighthouse that guides the country and offers assistance to the government currently ruling to develop the society in all aspects. The main aim of drafting the Constitution is to prevent deviation of the governing wings from the objectives, aims, and principles that have been set for the all-round development of a nation including all sections of the society, and ensuring everyone gets priority in growth and development.

India is a democratic, socialistic, and secular republic country. It is working to increase growth and social justice across the country through measures targeted at the nation's welfare at a fast pace. The people who are not receiving enough opportunities can seek guidance from these provisions of the Constitution. The articles that enable the government to run the administration for the achievement of the nation's overall development including all political, academic, social, economic, and cultural are covered by the Indian Constitution.

Articles 12 -35 of the Indian Constitution promise fundamental civil liberties to the citizens so that all Indians can lead a life characterized by peace and harmony. In the violation of the same, it shall be secured from judicial courts.