



**TOWARDS STUDYING INDIAN NATIONAL CONSTITUTIONAL PROVISIONS
RELATED TO FEW EDUCATIONAL ASPECTS.**

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Abstract

This paper is confined to some of the educational aspects of Indian national constitutional provisions given in terms of education, religion, minorities, equity and gender along with vulnerable groups. The Constitution of India was formed in 1950 and was amended in 2006. The Indian Constitution has recognized the significance of education for social justice and change. It is a document which promises to bring social transformation. The Preamble paves way for to secure liberty of thought, expression, belief, faith and worship and equality of status and opportunity and to promote amongst the people a feeling of fraternity, ensuring the dignity of the individual and the unity of India. Literacy brings a mark for making the provision of equality of opportunity a reality. The objective mentioned in the Preamble contains the basic structure of the Constitution, which cannot be amended, and the preamble may determine the ambit of Fundamental Rights and Directive Principles of State Policy.

Key Words: National, Constitutional, Provisions, Education .



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Introduction:

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promises to bring social transformation. The Preamble paves way for a secure liberty of thought, expression, belief, faith and worship and equality of status and opportunity and to promote amongst the people a feeling of fraternity, ensuring the dignity of the individual and the unity of India. Literacy brings a mark for making the provision of equality of opportunity a reality. The objective mentioned in the Preamble contains the basic structure of the Constitution, which cannot be amended, and the preamble may determine the ambit of Fundamental Rights and Directive Principles of State Policy.

Education:

Art. 21A. states that, “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. (Eightysixth Amendment Act, 2002)’’whereas **Art. 41.** is about Right to work, to education and to public assistance in certain cases. It states that State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. On the other hand **Art. 45.** Is on provision for free and compulsory education for children.It states that (1) 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.(2) The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years. (Eighty-Sixth Amendment Act,2002).**Art. 46.** is based on promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. 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 social injustice and all forms of exploitation. **Art. 51A (k)**focuses on who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years. (Eighty-Sixth Amendment Act, 2002)

Religion

Art. 25. is on freedom of conscience and free profession, practice and propagation of religion.It states that ; (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.(2) Nothing in this article shall affect the operation of any

existing law or prevent the State from making any law.(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation I.- The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion. Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.**Art. 26.** gives freedom to manage religious affairs.Subject to public order, morality and health, every religious denomination or any section thereof shall have the right (a) to establish and maintain institutions for religious and charitable purposes;(b) to manage its own affairs in matters of religion; **Art. 28.** also gives freedom as to attendance at religious instruction or religious worship in certain educational institutions.(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.(2) 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.(3) 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 imparted in such institution 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 is a minor, his guardian has given his consent thereto.

Minorities:

Art. 29. is on protection of interests of minorities.It states :(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.(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 whereas **Art. 30.** Is on Right of minorities to establish and administer educational institutions.(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.(1A) 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 is such as would not restrict or abrogate the right guaranteed under that clause.(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 of a minority, whether based on religion or language. **Art. 350A.** is based on facilities for instruction in mother-tongue at primary stage. 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 or proper for securing the provision of such facilities. **Art. 15 (5)** reveals that nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30. (Ninety-Third Amendment Act, 2005).

Equality

Art. 14. is on equality before law. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. **Art. 15.** Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—(a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.(3) Nothing in this article shall prevent the State from making any special provision for women and children.(4) 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. **Art. 17.** Abolition of Untouchability.“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of

“Untouchability” shall be an offence punishable in accordance with law. **Art. 24.** Prohibition of employment of children in factories, etc. No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment

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Art. 39. Ascertains certain principles of policy to be followed by the State. The State shall, in particular, direct its policy towards securing (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Conclusion: There have been some of the specific amendments to the Constitution of India affecting education, as can be seen in 42nd, 73rd, 74th and 83rd Amendment Acts. These amendments pertain to provisions to enable education being included in the Concurrent List, devolution of powers to local bodies and making elementary education a Fundamental Right formally (from its present status of Directive Principles though this has been ruled as such through judicial interpretation even otherwise).