



## CONSTITUTIONAL PROVISIONS REGARDING 'EDUCATION FOR ALL' IN INDIA

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### Abstract

*Indian culture is diversified by the region, religion, language and class. There are diverse schools in India. To sustain the society locally and globally its Teachers' responsibility to treat the student in multicultural manner for inclusion. The objectives of this study were to trace out the route of Elementary Education as fundamental right towards the equitable Society, to analyze the provisions about Elementary education and to study the role of concerns for Elementary Education as Education for all. With the help of analytical method various documents, Government Resolutions and references were analyzed and organized. It is concluded that,*

- 1) The journey of Fundamental Right to Elementary Education and Education for All in India started during British Rule (1880) and stops at Right To Education Act 2009.*
- 2) To provide quality Elementary Education or Fundamental Right and Education for All the following constitutional provisions help it for inclusion of every child.*
  - *Right To Education Act: 2009*
  - *Education of Minorities: Article 30*
  - *Education for Weaker Sections: Article 15, 17, 46*
  - *Equality of Opportunity in Educational Institutions: Article 29(1)*
  - *Instruction in Mother -Tongue: Article 26 (1)*

*As Education play a vital role for making a equitable society, it's a duty of Teacher community to make inclusion of all the sections for equitable society.*

*Keywords: Constitutional Provisions, Fundamental Right, Education for All, Right to Education.*



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### 1. Introduction:

Elementary schools exist worldwide as the basic foundational institution in the formal educational structure. Elementary schooling, which prepares children in fundamental skills and knowledge areas, can be defined as the early stages of formal, or organized, education that are prior to secondary school An important part of elementary schooling is socialization with peers and the creating of an identification of the child with the community and nation.

UNESCO believes that education is an essential human right and achieving this for all children is one of the biggest moral challenges of our times. The Right to education is an integral part of the organization's constitutional mandate which expresses 'the belief of its founders in full and equal opportunities for education for all' and 'to advance the ideal of equality of educational opportunity'. In addition, the right to education is enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

In comparing elementary schools in the United States with those of other countries, some distinctions in terminology are necessary. In the United States, *elementary* education refers to children's first formal schooling prior to secondary school. In school systems in many other countries, the term *primary* covers what in the United States is designated as elementary schooling. In American elementary schools, the term *primary* refers to the first level, namely kindergarten through grades one, two, and three.

### **1.1 Multicultural Aspect for Inclusion:**

Multicultural Education (ME) is a progressive approach for transforming education that holistically critiques and addresses current shortcomings, failings and discriminatory practices in education. It is grounded in ideals of social justice, education equality and dedication to facilitating education experiences in which all students reach their full potential as learners and as socially aware and active beings, locally, nationally and globally. ME acknowledges that schools are essentials to laying the foundation for transformation of society and elimination of oppression and injustice – Paul Gorski (2000)

Multicultural Education is a philosophical concept built on the ideas of freedom, justice, equality, equity and human dignity as acknowledged in various documents, such as U.S. declaration of Independence, constitutions of S.A. and U.S. and Universal declaration by Human Rights adopted by the United Nations.

Indian culture is diversified by the region, religion, language and class. There are diverse schools in India. To sustain the society locally and globally its Teachers responsibility to treat the student in multicultural manner. The teacher should be prepared for that. So its new need to introduce Multicultural Education for inclusive society.

### **2. Need of the study:**

- Being a Teacher Educator, to study the historical development of elementary education as a fundamental right & Education for All is necessary.

- With this study we wanted to know the constitutional provisions about the elementary education as fundamental right and Education for All.

### **3. Significance of the Present Study :**

- i) This study focuses historical development towards Elementary Education as a fundamental Right. This study is focused on constitutional provisions of Education for All.
- ii) The responsibilities of the concerns i.e. Government, local body, Teachers, Teacher Educators, School managing committee & parents and the society has been defined in this study.
- iii) It will be helpful to sensitize the concerns for the implementation the act as Education for all.

### **4. Objectives :**

- i) To study the historical development of constitutional provisions of Education for All towards inclusion.
- ii) To analyze the constitutional provisions about the Elementary Education as a inclusive policy.

### **5 Historical development of 'Education for All' towards Fundamental Right in India:**

Fundamental Right to Elementary Education in India has a great history for the establishment. Its journey starts during British rule & stops in the year 2010 in the form of Right to Education Act. Here is the actual journey of Education for All.

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| 1870 | - The U.K. Govt. agreed the law of free and compulsory education for all the citizens.   |
| 1880 | - On the basis of U.K. Govt. there was a demand for free and compulsory education in India.  |
| 1882 | - Hunter commission was established for the establishment of educational system in India. Mahatma Phule had suggested very important recommendation that, There should be the compulsory primary education for the boys and girls upto minimum 12 years. |
| 1883 | - In Baroda, the king had started free and compulsory education for Amrali Tahesil.  |
| 1906 | - The above scheme was adopted for whole Baroda Sanstan.   |
| 1913 | - Gopal Krishna Gokhale had suggested for free and compulsory  |

- education.
- 1918 - Vallabhbhai Patel had successor to pass the bill for free & compulsory primary education in Mumbai.
  - 1918-1930 - British Govt. Pass this bill for all states of India.
  - 1944 - It was decided to achieve the goal of free and compulsory education within 40 years (1984).
  - 1947 - Free and Compulsory primary education as a fundamental right was refused by the constitutions advisory body and the decision was taken to consider this as a directive principle
  - 1950 - Directive Principle : Article 45 was come into existence for FCE, in which state will endeavor to provide free and compulsory primary education to all the children up to the age of fourteen within ten years of the adoption of the constitution.

**At International level :**

- 1990 - The EFA movement is a global commitment to provide quality basic education for all children youth and adults. The movement was launched at the world conference on Education for all in 1990. In Jomtin conference Education as a fundamental Right was accepted.
- 1993 - Child Right conference was organized by United Nations. According to that conference, education is the International Right of every child in the world.

**5.1 Development towards “Education for all” in India:**

On the basis of National & International background of movements of ‘**Education for All**’ , in 1993 the Hon. Supreme court gave the decision : The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right, however, is not absolute right. It contents and parameters have to be determined in the light of Article 45 & 47.

“Every child/citizen of this country has a right to free education until he completes the age of fourteen years. There-after his right to education is subject to the limits of economics capacity and development of the state.”

By this decision of Supreme court, the developments towards fundamental Right were happened. This was a step towards the inclusion for dynamic and equitable society.

## **5.2 Fundamental Right of Elementary Education 2001 :**

The 83<sup>rd</sup> bill was amended and reintroduced as Constitution (93rd Amendment) Bill 2001 in the parliament with the following provisions :

- After Article 21, 21(A) is added : The state shall provide free and compulsory education to all children of the age 6-14 years in such a manner as the state may by law determine.
- Article 45 - The state shall Endeavour to provide early child care and education for all children until they complete the age of six years.
- Article 51 (A) - (K) 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 6 to 14 years.

By the Fundamental right of elementary education 2001, It is mandatory to us to provide quality elementary education. With the provision made in this bill child can appeal in the court for its justice.

## **5.3 Right To Education Act:**

With reference to Fundamental right of Elementary Education & in Article 21, The Right to protection of life and personal liberty is referred. To fulfill the expectations mentioned, Government of India has been taken the efforts to access, participation and Quality. Though the Govt. of India has been taken efforts, we were far away in the universalization & education for all ! To make the provisions by law, Government of India thought about Right To Education (RTE) Act.

In 2005 the first draft about RTE was designed. By the various phases and parliamentary procedures on 27th Aug 2009. RTE was published in Gazette. It was noticed as a law on 3rd Sep. 2009 as **The children's Right to free and compulsory Education Act 2009**. The law came into effect in the whole of India except J & K from 1st April 2010.

The First time in the history of India a law was brought into force by a speech of Prime Minister, he stated that, "We are committed to ensuring that all children irrespective of gender and social category, have access to education, An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India." It means the process of Inclusions of the children was started by Act from this day.

Sam Carlson, the World Bank education specialist for India has observed that: The RTE Act is the first legislation in the world that puts the responsibility of ensuring enrollment, attendance and completion on the Government. It is the parent's responsibility to send the children to school in U.S. and other countries.

### **5.3.1 Inclusive Approach of RTE ACT 2009:**

- i) Right to free and compulsory education
  - Special provisions for children who are not admitted or who have not completed elementary education.
- ii) Duties of appropriate Government, local authority and parent.
  - to establish school
  - to share financial responsibilities
  - to provide free and compulsory elementary education to every child
  - to admit or cause to be admitted his or her child to an elementary education.
- iii) Responsibilities of school & Teachers
  - No child shall be held back, expelled
- iv) Protection of Right of child
  - Monitoring of child's right to education

### **5.4 Education of Minorities:**

Article 30 of the Indian Constitution relates to certain cultural and educational rights to establish and administer educational institutions.

(i) All minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(ii) 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.

### **5.5 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.

Under Article 46 of the Constitution, the federal government is responsible for the economic and educational development of the Scheduled Castes and Scheduled Tribes

### **5.6 Equality of Opportunity in Educational Institutions:**

Article 29(1) states "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."

The well-known Kothari Commission, 1964-66 recommended that Central Government should undertake the responsibility in education for the equalization of

educational opportunities with special reference to the reduction of inter-state differences and the advancement of the weaker section of the community.

### **5.7 Instruction in Mother -Tongue:**

There is diversity of languages in our country. After the dawn of Independence, Mother-Tongues have received special emphasis as medium of instruction and subjects of study. In the Constitution of India, it has been laid down that the study of one's own language is a fundamental right of the citizens.

Article 26 (1) states, "Any section of the citizens, residing in the territory of India or any part there of, having a distinct language, script or culture of its own, shall have the right to converse the same."

### **6 Conclusions:**

- 1 The journey of Fundamental Right to Elementary Education and Education for All in India started during British Rule (1880). In post independence era, due to social demand, Court order, the recommendations made by different committees & global pressure the Right To Education Act for free and compulsory education came into effect from 1<sup>st</sup> April 2010. This makes Inclusion more easy and by Act.
- 2 As per the directive principle of Indian constitution Article 45, it was the responsibility of state government for free and compulsory Elementary education, but from 1st April 2010 it is fundamental Right of child to free and compulsory elementary education and Education for all.
- 3 To provide quality Elementary Education or Fundamental Right and Education for All the following constitutional provisions help it for inclusion of every child.
  - Right To Education Act: 2009
  - Education of Minorities: Article 30
  - Education for Weaker Sections: Article 15, 17, 46
  - Equality of Opportunity in Educational Institutions: Article 29(1)
  - Instruction in Mother -Tongue: Article 26 (1)
- 4 For effective implementation of Elementary Education as Education for all, the integral responsibilities are given to different level of Management, Administrators, Teacher Educators, Teacher Trainee, School Teacher and Society. The integrated efforts will develop new learning environment for inclusion of every child of the society.



**As Education play a vital role for making a equitable society, it's a duty of Teacher community to make inclusion of all the facors of the society for education . It means that we shoud work for Education For Everybody and Education For All . It will promote the society equitable.**

#### **7. Contribution of Present Study:**

- This study will contribute for providing the guidelines to reconstruct the curriculum regarding the fundamental right to education.
- The present study will sensitize the readers to contribute for the Universalization of Elementary Education programme.
- This analytical study will give the guidelines to the Teachers, student Teachers and Teacher Educators about Constitutional provisions regarding Education for All.
- By the historical development of Elementary Education as a fundamental Right, the followers of this study are introduced by the social impact on the Government, to make the policy.
- It wil help to implement the inclusion policy more effectively.

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