

# **Educational Constitutional Provisions In India**



**Study Of Education**

# THE INDIAN CONSTITUTIONAL FACTS

1. India got Independence on August 15, 1947.
2. There was a great need to formulate a constitution to administer the country. So a constitution committee was organised by the government of India to draft a constitution for the country.
3. Dr. Rajendra Prasad was elected as the head of the committee and Dr. B.R Ambedkar was elected as the Chairman of the Drafting Committee.
4. This Committee drafted the constitution of India after the hard work of 2 years, 11 months and 18 days.
5. This constitution was regulated in the country on January 26, 1950.
6. The constitution of a country is the basic document which may be regarded as the source of legislations.
7. The constitution of India has provided a large number of clauses and articles which have a direct or indirect bearing on education.
8. Its preamble reflects the national ethos, values and aspirations. It gives the direction to the nation to go ahead and achieve its aim.

# CONSTITUTIONAL PROVISIONS REGARDING EDUCATION IN INDIA

The constitution of India provides for the following main areas of education in the country:

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



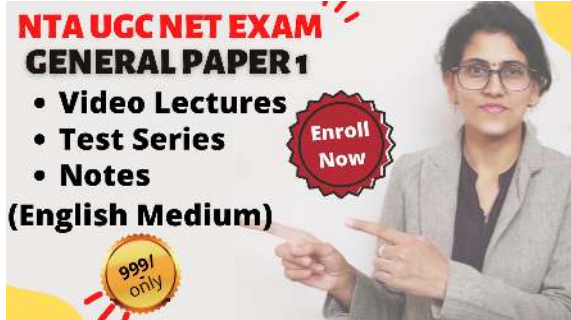
**NTA UGC NET EXAM**  
**GENERAL PAPER 1**

- Video Lectures
- Test Series
- Notes

(English Medium)

Enroll Now

999/only



**एनटीए यूजीसी नेट परीक्षा**  
**सामान्य पेपर 1**

- Video Lectures
- Test Series
- Notes

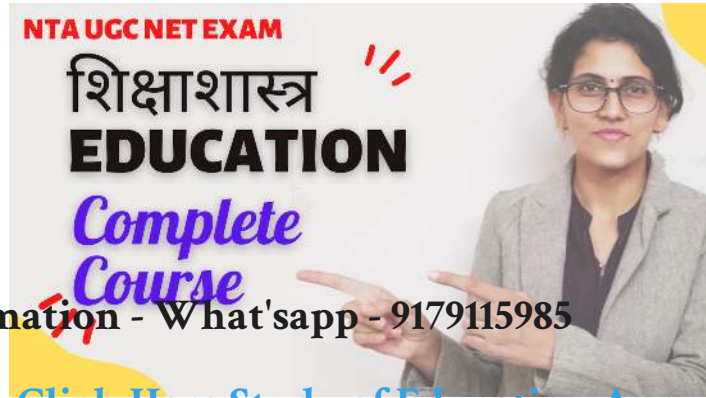
(हिंदी माध्यम)

Enroll Now

999/only



**NTA UGC NET EXAM**  
**शिक्षाशास्त्र**  
**EDUCATION**  
*Complete Course*



For More Information - What'sapp - 9179115985

Download App - [Click Here Study of Education App](#)

**NET GENERAL  
PAPER 1 NOTES  
ENGLISH**

UPDATED STUDY MATERIAL

DOWNLOAD NOW



**नेट जनरल  
पेपर 1 नोट्स  
हिंदी**

UPDATED STUDY MATERIAL

DOWNLOAD NOW



# Free and compulsory education

Provision of early childhood care and education to children below the age of six years:

a) **Article 45:** The state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

## Right to Education

1. **Article 21A-** The state shall provide free and compulsory education to all children of the age 6 to 14 years in such manner as state may, by law determine (86<sup>th</sup> amendments, Act 2002).
2. **93rd Amendment (Primary Education a Fundamental Right)-** Now by 93rd amendment of the constitution the primary education has made a 'Fundamental Right'. It has become a legal right.

# **Education for women**

## **a) Article 15-**

This article is regarding no discrimination against any citizen on grounds of sex, religion, race, place of birth .

Article 15 (3) of the constitution empower the state to make any special provision for women and this include their education also.

Article 15(1) provides that, the state shall not discriminate against any citizen on grounds of sex, religion, race, place of birth .

# **Promotion of Education and Economic Interest of SC, ST and Other Weaker Sections**

## **a) Article 46 -**

It lays down, "The state shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, of the schedule castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation". It is one of the directive principles of state policy.

# Provision for Religious Education

- **Article 25- Right to Propagate Religion**

**Article 25(1)** of the constitution guarantees all the citizens a right of freedom of conscience and the right to profess, practice and propagate religion.

- **Article 28 Freedom as to attendance at religious instruction**

**Article 28** relate to 'Freedom as to attendance at religious instruction or religious worship in certain educational institutions'. This article has three clauses.

**Article 28(1):** states, No religious instruction shall be provided in any educational institution wholly maintained out of state funds."

**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 in such institution."

**Article 28(3):** lays down "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 a consent there to".

# Protection of interests of minorities

## Article 29-

**Article 29** relates the protection of interest of minorities it lay down

1. "Any section of the citizen 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".

# Right of minorities to establish and administer educational institutions

## Article 30

It relates to 'Right of minorities to establish and administer educational institutions.

1. "All minorities whether based on religion or language shall have right to establish and administer educational institutions of their choice".
2. "The states shall not discriminate against any educational institution in respect of grant-in-aid, on the ground that it is under the management of a minority whether based on religion or language".



# Instruction in mother-tongue at the primary stage

## Article 350-A

**Article 350-A** relates to facilities for instruction in mother-tongue at the primary stage. It lay down as, "It shall be the endeavor of every state and of every local authority with 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 receiving the provision of such facilities.

**Article 350-B:** provides for the appointment of a special officer for linguistic minorities with the object of investigating into the matter relating to safeguards provided for linguistic minorities under the constitution.

## Promotion of Hindi

### Article-351

**Article 351** is related to promotion of Hindi. The constitution also provides for the development and propagation of national languages, Hindi. According to article 351, it is the special responsibility of the centre to develop the national language i.e. Hindi so that it may serve as a medium of expression for all the elements of the composite culture of India. For this there is a directorate of Hindi in the Central Ministry of Home Affairs.

# Education in the Union Territories

## Article-239

**Article 239** of the constitution states," Save as otherwise provided by Parliament by how, every Union Territory shall be administered by the President acting to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify."

This means that every union territory has its own education department and the responsibility of education in union territory has been under union or centre government.

## Fundamental duties to provide opportunity for education

### Article 51A

**Clause 'K'** - It shall be the duty of every citizen of India who is parent or guardian to provide opportunities for education to his child or as the case may be, wards between the age of six and fourteen years.

# **SHARING OF RESPONSIBILITIES BETWEEN CENTRAL GOVERNMENT AND STATE GOVERNMENT**

The National Policy of Education (1986) revised in 1992 has described the relationship between the central and state government as that of a 'meaningful partnership'.

The 1986 policy in part 3, Para 13, has observed, "The constitutional Amendment of 1976, includes education in the concurrent list. While the role and responsibilities of the states in regard to education will remain essentially unchanged, the union Government would accept a larger responsibility to reinforce the national and integrative character of education, to maintain quality and standards, to study and monitor the educational requirements of the country as a whole with regard to manpower for development, to cater to the needs of research and advanced study, to look after the international aspect of education, culture and human resource development and, in general to promote excellence at all levels of educational pyramid throughout the country. There are three lists-

**(i) List-I Union List**

**(ii) List-II State List**

**(iii) List-III Concurrent List**

# List-I Union List

This list contains **96 subjects** out of these **7 subjects** are related with **education**.

**Entry 13:** Participation in international conferences, associations and other bodies and implementing of decisions made there at. This entry contains educational and cultural relationship with foreign countries.

**Entry 62:** National libraries and national organizations come under this entry.

**Entry 63:** Central Universities (Banaras Hindu University, Aligarh Muslim University, Delhi University and other Universities of National impact) comes under this entry.

**Entry 64:** Institutions for scientific and technical education financed by the government of India wholly or in part and declared by parliamentary law to be institutions of national importance comes under this entry.

**Entry 65:** Consists of Union agencies and institution for a) Professional, vocational or technical training, including the training of police officers; or b) The promotion of special studies or research. c) Scientific or technical assistance in the investigation or detection of crime.

**Entry 66:** Arrangement, for higher education and research comes under this entry. It contains coordination and determination of standards in institutions for higher education or research and scientific and technical institution.

**Article 239:** Education in union territories comes under the central responsibility.

## **List-II State List**

It consists of **61 subjects** out of these **2 subjects** are related with **education**.

**Entry 11:** Contains university education.

**Entry 12:** This contains library, museum and other memorable historical places which are not approved or we can say which are cared by both centre and state.

## **List-III Concurrent List:**

This list is of **47 subjects**, out of these following **6 subjects** are related with **education**.

**Entry 25:** Technical, medical and university education which is not related with centre list (63-66), so centre and state government both can make laws on it.

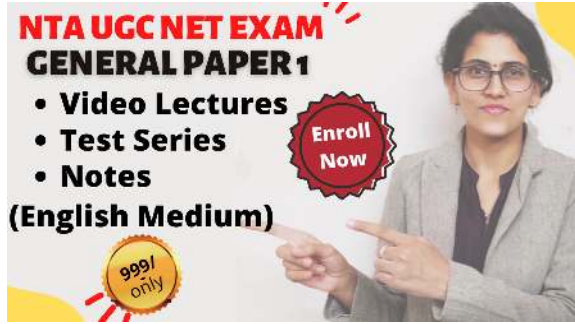
**Entry 26:** According to this, centre and state government both can take necessary steps for the development of law, maintenance of health and of other professional education.

**Entry 39:** Newspapers, books and printing presses.

**Entry 47:** Fees in respect of any of the matters in this List, but not including fees taken in any court.

**Entry 10.** Trust and Trustees.

Entry 28:Charities and charitable institutions, charitable and religious endowments and religious institutions.



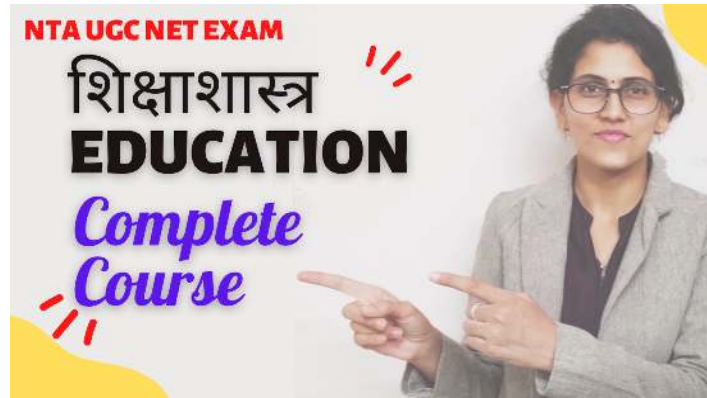
**NTA UGC NET EXAM**  
**GENERAL PAPER 1**  
• Video Lectures  
• Test Series  
• Notes  
(English Medium)  
Enroll Now  
999/only



**एनटीए यूजीसी नेट परीक्षा**  
**सामान्य पेपर 1**  
• Video Lectures  
• Test Series  
• Notes  
(हिंदी माध्यम)  
Enroll Now  
999/only

For More Information - What'sapp - 9179115985

Download App - [Click Here Study of Education App](#)



**NTA UGC NET EXAM**  
**शिक्षाशास्त्र**  
**EDUCATION**  
*Complete Course*



**NET GENERAL PAPER 1 NOTES ENGLISH**  
UPDATED STUDY MATERIAL  
DOWNLOD NOW



**नेट जनरल पेपर 1 नोट्स हिंदी**  
UPDATED STUDY MATERIAL  
DOWNLOD NOW