

## Constitution of India: Opportunities And challenge in the Education Field

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### Introduction :

**T**he Constitution of India is supreme law of our country .It is the longest written constitution of any sovereign countries in the world .The constitution was adopted by Indian Constitution Assembly on 26<sup>th</sup> November 1949 and came to effect on 26<sup>th</sup> January 1950.India celebrates these two days as National Law Day and Republic Day. The major portion of the Indian subcontinent was under British rule from 1857 to 1947.When the Constitution of India came to force on 26<sup>th</sup> January 1950,it repealed the Indian Independence Act. India ceased to be dominion of the British Crown and became a sovereign democratic republic .The Constitution declares India a sovereign ,socialist ,secular, democratic republic ,assuring it citizens of justice ,equality ,and liberty ,and endeavors to promote fraternity among them .Our Constitution contains originally 395 Articles ,22 Pars and 8 Schedules .But from September 2012 it contains 448 Articles ,25 Parts ,12 Schedules ,5 Appendices and 100 Amendments.

### Role of Dr. B.R Ambedkar In drafting Indian Constitution

Role of B.R Ambedkar in drafting Indian Constitution has been immense .With the independence of India on 15<sup>th</sup> August 1947 the leadership of Indian National congress invited Dr.Ambedkar to serve for the nation as the first law Minister-which is gladly accepted .Few Weeks later he was also appointed as the Chairmen of the Constitution Drafting Committee ,charged by the assembly to write India's New Constitution .The text that was prepared by Dr.B.R Ambedkar also offered constitutional assurances and security for a wide range of civil liberties for individual citizens, which included freedom of religion ,the elimination of untouchability and the banning of all types of

discrimination .The Constitution of India was adopted on 26<sup>th</sup> November 1949 by the Constituent Assembly .In 1951,Dr.B.R Ambedkar at last submitted his resignation as a member of the cabinet ,following the standing in parliament of his draft of the Hindu Code Bill that required explaining gender equality in the laws of inheritance ,marriage and the economy .

### Parts of Indian Constitution

Part –I The Union and its territory ,Part II citizenship ,Part –III Fundamental Rights ,Part –IV Directive Principles ,Part –IV-A Fundamental Duties ,Part –V .The Union ,Part –VI .The States ,Part-VII. Repeated by Const.(7<sup>th</sup> Amendments),1956,Part –VIII. The Union Territories ,Part –IX. The Panchayats ,Part –IX-A. The Municipalities ,Part –IX-B. The Co-operative Societies ,Part –X. The scheduled and Tribal Areas ,Part-XI Relation between the Union and the States Part –XII Finance ,Property ,Contracts and Suits ,Part –XIII Trade ,Commerce and Intercourse with the Territory of India ,Part –XIV Services under the Union and states ,Part –XIV-A Tribunals ,Part –XVElections,Part –XVI Special provisions relating to certain classes ,Part-XVII Official Language ,Part-XVIII. Emergency Provisions,Part-XIX Miscellaneous ,Part –XX Amendment of the Constitution ,Part –XXI Temporary,Transitional and Special Provisions, Part –XXII Short title Commencement ,authoritative text in Hindi and repeals.

### Implementation and Enforcement of Right to Education in India

Education has an immense impact on the human society .One can safely assume that a person is not in the proper sense till he is educated .It trains the human mind to think and take the right decision .It is important that adults trained the young of their society in the knowledge and skills they would need to master and eventually pass on .It is universally

accepted that education empowers the people for the full development of human personality ,strengthen the respect for human rights and helps to overcome exploitation and traditional inequalities of caste ,class and gender .In this background, “Implementation and Enforcement of Rights to Education in India” attempts to analytical study of rights to education in India .This project is divided into four chapters ,First chapter concentrates on the historical prospective of Indian Education system which deals with the demand for free education in pre-independence period. The second chapter deals with various committees and national policies formed in relation to fulfillment of the demand of free and compulsory education. The fourth chapter concentrates on the administrative steps taken by the government for the enforcement and implementation of free and compulsory education in India. This chapter also shows the some lacunas in programmes and gives some data about present situation .This Project also suggests some ideas to make programmes Effective. Right to Education is now a fundamental Right for all children in the age groups of 6 to 14 years, every child up to the eight standards ,free of cost ,irrespective of class and gender .Part III of the Constitution of India gives all force to every child to get free and compulsory education through Art.21 and insertion of Art.21-A by 86<sup>th</sup> Amendment is also landmark in this respect .Thanks to scheme like SSA and MDM Scheme ,which are providing almost all necessary requirements to the ‘Future of India’ Enrolment rates in school have gone up, as the number of schools is rising through these scheme. The progress rate in rural literacy is also rising through the initiative of SSA .The SSA ,initiated to universalize quality education ,has brought about positive changes by increasing accountability of schools to the community through greater involvement of village education committees and parents –teacher association .In primary schools especially enrolment and attendance of girls is increasing .The MDM Scheme is helping in taking care of nutritional needs of the students .However ,realization of the objective of ‘Education to All’ is not going to be very easy-not when the school system in the country, especially those rural areas continue to be plagued of poor infrastructure ,shortage of teachers, their lack of training motivation besides

poverty and livelihood issues that are responsible for the huge drop out of rates.

### **Reservation in India**

#### **• Education System in India**

Indian is a huge country with a massive population of over 1.2 billion people from different ethnicity and religious .There is also a rigid caste system prevailing in the country .In the face of given stratification in the country ,the governments faces a challenge of making education because it is the only way to secure a brighter future for the country .It requires participation form all groups and people from all ethnicities and castes .For this purpose reservation or quota system was introduced in the education system of India.

#### **• Effective Constitution for Promoting Equality in Education**

The constitution of India lays strong foundation for unbiased and equal education opportunity for the inhabitants of the nation .According to the Article 15(I)of the constitution ,it clearly states that the state shall not discriminate any person on the grounds of his religious background his caste ,race ,ethnicity ,gender and place of birth or any of them .Article 15(4) further emphasizes on the fact that the state has the liberty and power to make special provisions in an attempt to advance the condition of socially and educationally background classes or scheduled castes or tribal’s nation.

#### **• Reservation Quota System**

Reservation or Quota system was introduced in the country with a clean intention of making education accessible to the under privileged caste and minorities of the state .For this purpose ,different reservations for been introduced like ,reservation .It gives special emphasis on bringing classes ,reservation for scheduled castes etc. The proportion of Scheduled Castes (SC) and Scheduled Tribes (ST) within the entire population comprises of almost 22.5%.For them, a reservation quota of 22.5% has been decided. The percentage distribution of reservation quota for different groups is as follows :

Scheduled Caste -15%,Scheduled Tribes - 7.5%,Other Background Classes (OBC) -

27%, Total reservation -49.5%. The most important Part about Reservation is the motivation behind it .Its effectiveness and results are entirely dependant on that motivation .What will happens to a country ,where the candidate scoring 6% marks in the qualifying examination is becoming teacher ,beating 66% and compromising the many students that will study under him/her ?Qualifying marks for an entrance test is less for some as compared to others. The Definition of background is mixed with caste, is it necessary that a person from background caste is poor and depressed in society and is it really worth to sacrifice the talent for making that persons from backward caste is poor and depressed in society and is it really worth to sacrifice the talent for making that person a part of such a facility that he will not be able to contribute into ,leaving the ones who would have been able to .Age ,Percentage ,chances and many other Relaxation are foolish and would not seem realistic for someone who is not used to it .What will someone expect from a lifeguard who doesn't know how to swim and intelligence officer who just barely passed the IQ test ,a doctor appointed because there was seats left of the quota? How safe would you feel travelling over a bridge made by an unskilled engineer ? The Reservation system is being used as a revenge system ,as well as a strategy of collecting votes .Revenge for the deeds this generation has'nt done. Imagine Reservation in Defense and sports. Admitting those of lower capability just for the sake of policies, crafting a future of defeats and failures .The same thing is happening with India as well ,it may be not so evident from outside ,from inside eating up everything

### **Favouring Reservation System**

Since the introduction of reservation system in India ,a lot of controversy has been attached to it .There are people who are in favor or quota system and consider it a positive step towards making education accessible among the masses without any discrimination .The students of these castes and group have always had difficulties in attaining education with normal people in normal institutes which is why they lag behind .They have an equal right for education and quota system is a medium

which gives them a fair chance to stand in the queue and prove their worth and talent against students of upper castes and majority.

### **Opposition against Reservation System**

The reservation system has called for a lot of controversy and criticism by the masses and different groups .People who oppose quota system state that they believe in merit and reservation is killing merit and true deserving candidates .Because a certain percentage of seats are already allotted to candidates who do not even meet the criteria ,it creates a disadvantage for the deserving candidates who have worked hard all year and scored good marks but could not get admission because of shortage of seats .This has ripple effect in the entire education system and the economy .If the actually potential candidates would not be given a fair chance higher education ,then quality graduates would not be produced in the market that could on international level .A pool of talented candidates may also leave the country and go to other countries for higher studies.

### **Bringing a Balance in the Education System**

The debate against or in favor of reservation or quota system is ongoing .Each group has their own fears and reservation which derives them in favor or against this system .It has also been politicize and sensitized by the media and politicians .Everyone has their vested interest in it .But the future of the youth and upcoming generations is at stake .Exposing the students of underprivileged group to a highly competitive higher education system are unfair to them.

They should be provided a fair chance for competing against normal students by setting up an educational infrastructure which accommodates them .Schools and colleges should be established for them that have regional accreditation .They should meet the criteria of quality education. This would prepare them for a fair chance at higher education. A few overlapping motivations that different people have

1. Spread the seed of education
2. Manage the scarce education resources
3. Redress the score the votebanks
4. Provide vindictive "justice"
5. Redress the imbalance .

Different people have different motivations .If the motivations of reservations are 1& 2,then it is good .If it is 3,4 and 5 ,then it is bad .If we really care about 1& 2 ,here is what could be done.

### Conclusion

If the Indian Constitution is our heritage bequeathed to us by our founding fathers, no less are we, the people of India, the trustees and custodians of the values which pulsate within its provisions! A Constitution is not a parchment of paper: it is a way of life and has to be lived up to .Eternal vigilance is the price of liberty and in the final analysis ;its only keepers are the people .Though ,the programs are implemented in right directions and there are some inconsistency regarding implementation .Our constitution wants to some immediate revolution for better results and strengthening inclusive education.

### References:

1. Austin ,Granville (1999).The Indian Constitution :Cornerstone of a Nation (2<sup>nd</sup> ed).Oxford University Press .ISBN 978-01-9564-959-8
2. Baruah,Aparajita (2007) ,Preamble of the Constitution of India :An Insight & Comparison Eastern Book Co.ISBN 978-81-7629-996-I
3. Basu,Durga Das (1981).Shorter Constitution of India ,Prentice –Hall of India .ISBN 978-0-87692-200-2
4. Das ,Hari Hara (2002),Political System of India.Anmol Publications.ISBN 81-7488-690-7
5. Dash Shreeram Chandra (1968),The Constitution of India :A Comparative Study ,Chaitanya Pub,House
6. Dhamija ,Dr.Ashok (2007) ,Need to Amend a Constitution and Doctrine of Basic Features ,Wardha and Company ,ISBN 9788180382536.
7. Ghosh Pratap Kumar (1966),The Constitution of India :How it Has Been Framed ,World Press.
8. Jayapalan ,N,(1998) ,Constitutional History of India .Atlantic Publishers & Distributers.ISBN 81-7156-761-4
9. Khanna,Hans Raj (1981).Making of India's Constitution ,Eastern Book Co.ISBN 978-81-7012-108-4
10. Rahulrai ,Durga Das (1984) ,Introduction to the Constitution of India (10<sup>th</sup> ed) ,South Asia Books,ISBN0-8364-1097-I
11. Sen,Sarbani (2007) ,The Constitution of India :Popular Sovereignty and Democratic Transformations.Oxford University Press .ISBN 978-0-19-568649-4
12. <http://www.quora.com/opensearch/description.xml>
13. <http://ireport.ccn.com/docs/DOC-1078588>
14. <http://madhurachadha.com/2014/08/30/quota-reservation-system-india-essay>.