

**CONTEMPORARY INDIA
AND EDUCATION**

Authors :

Well Experienced Teacher Educators

4th Semester

SECOND YEAR

Course - XIV

**TEACHERS CHOICE PUBLICATIONS,
GUNTUR - 522 002**

Course - XIV

Second Year, 4th Semester

CONTEMPORARY INDIA AND EDUCATION

PRICE : Rs. 140/-

© **TEACHERS CHOICE PUBLISHERS**
Contact Nos.: 9441660790, 9948057858

The authors and the publisher appreciate you for using this book in your academic activities. Information contained in this book has been obtained from the sources believed to be reliable and is correct to the best of their knowledge. However, they do not guarantee the accuracy or completeness of any information published here in and they shall in no event be liable for any errors and omissions or damages arising out of the use of this information. Any disputes may be settled in Guntur Jurisdiction only. Required professional, technical or other services may be obtained from suitable persons or experts for any specific purpose. Suggestions are welcome for improving the book.

INDEX

- 1) **Normative Vision of Indian Education : India Constitution 4 - 12**
- 2) **Education as Fundamental Right 13 - 34**
- 3) **Contemporary Indian Schooling : Concerns and Issues 35 - 58**
- 4) **Understanding Exclusion in schooling 59 - 64**
- 5) **Secondary Education : Concerns and Issues 65 - 76**

UNIT - I
NORMATIVE VISION OF INDIAN
EDUCATION : INDIAN CONSTITUTION

1. Write about Constitution of India basic features i.e a) Fundamental Rights. b) Directive principles of state policy. c) Federal structure.

Ans. The Constitution of India provides for fundamental rights by devoting a complete and separate part (Part III) to these rights and classifies them under six categories. These six fundamental rights are as under:

FUNDAMENTAL RIGHTS

(1) **Right to Equality (Arts. 14-18)**

It guarantees to all citizens -

(i) equality before law; (ii) prohibition of discrimination on the grounds of religion, race, caste, sex, place of birth; (iii) equality of opportunity in the matter of public appointment; (iv) abolition of untouchability; and (v) abolition of titles, excepting military and academic distinctions.

(2) **Right to Freedom (Arts. 19-22)**

The Constitution guarantees to all citizens -

(i) freedom of speech and expression; (ii) freedom to form peaceful assembly and without arms; (iii) freedom to form associations and unions; (iv) freedom of movement throughout the territory of India; (v) freedom to reside and settle in any part of the country; and (vi) freedom to practise any profession, occupation, trade or business.

All these rights are, however, subject to restrictions that may be imposed by the State in the interests of -

(a) sovereignty and integrity of India; (b) the security of the State; (c) friendly relations with foreign powers; (d) public order, decency or morality; or (e) in relation to contempt of court, defamation or incitement to offence.

(3) **Right against Exploitation (Arts. 23-24)**

This right includes -

(i) prohibition of traffic in human beings and forced labour. But the State may impose compulsory service for public purposes; and (ii) prohibition of employment of children below the age of 14 years in factories, mines and any hazardous work.

(4) **Right to Freedom of Religion (Arts. 25-28)**

This group includes -

(i) freedom of conscience and the right to freely profess, practice and propagate religion; (ii) freedom to manage religious affairs; (iii) freedom from the payment of taxes for promotion of any particular religion; and (iv) immunity from attendance at religious instructions or worship in educational institutions.

(5) **Cultural and Educational Rights (Arts. 29-30)**

These include -

(i) protection of language, script or culture of the minorities; (ii) right of minorities to establish and administer educational institutions; and (iii) prohibition of denial of admission into any educational institution maintained by State or receiving aid out of State funds on account of religion, race, caste or language.

(6) **Right to Constitutional Remedies (Art. 32)**

It guarantees the right to move to the Supreme Court for the enforcement of the fundamental rights. The Supreme Court has the powers to issue directions or orders or writs including writs in the nature of Habeas corpus, Mandamus, Certiorari, Prohibition and Quo warranto. Parliament may, by law, empower any other Court in addition to Supreme Court, to exercise within its jurisdiction all or any of the powers conferred on the Supreme Court. But the Right to constitutional remedies may be suspended during a proclamation of emergency.

(ii) DIRECTIVE PRINCIPLES OF STATE POLICY**Directive Principles**

The Constitution framers were anxious to establish a welfare State, but due to certain limitations and conditions of the country, they were not in a position to establish a fully welfare state forthwith. So in order to keep the government on the right track and make a sincere effort towards the establishment of a Welfare State, they formulated certain principles to guide the government, no matter to whatever party it may belong, in the right direction. These principles are called the Directive Principles of State Policy. They can be classified under the following four heads;

(a) Socialistic Principles

(1) Adequate means of livelihood for all citizens. (2) Fair distribution of wealth and material resources among all classes and to prevent concentration of wealth in a few hands. (3) Equal pay for equal work for men as well as women. (4) To secure just and humane conditions of work and maternity relief.

(b) Gandhian Principles

(1) To organize village Panchayats and to endow them with such powers and authority as may be necessary to enable them to function as units of self-government. (2) To promote cottage industries on individual or co-operative basis in rural areas. (3) To safeguard and promote the educational and economic interests of the Scheduled Castes and Scheduled Tribes. (4) To bring about the prohibition and consumption of intoxicating liquor. (5) To organize Agriculture and Animal Husbandry on modern and scientific lines and in particular prohibit slaughter of cows.

(c) Liberal Principles

(1) To secure uniform and liberal code of law for all citizens of India. (2) Free and compulsory education up to the age of 14 years. (3) To separate the judiciary from the executive. (4) To raise the standard of nutrition and standard of living of the people. (5) To protect monuments of historical and

national interest. (6) Equal justice and free legal aid to the economically backward classes. (7) Participation of workers in the management of organizations engaged in any industry. (8) Promotion and improvement of environment and safeguarding of forests and wild life.

(d) Principles relating to International Peace and Security

(1) To promote international peace and security. (2) To maintain just and honourable relations between nations. (3) To foster respect for international law and treaty obligations. (4) To encourage settlement of disputes by arbitration.

Federal Features of the Indian Constitution

Governments have been classified into unitary and Federal based on distribution of power between national and regional governments. In a federal setup there is a two tier of Government with well assigned powers and functions. In this system the central government and the governments of the regions act within a well defined sphere, co-ordinate and at the same time act independently.

The federal polity, in other words, provides a constitutional device for bringing unity in diversity and for the achievement of common national goals. Hence, India was made a Federal system of government.

The Indian federal system of today has many such characteristics which are essential for a federal polity. The main federal features of the Indian Constitution are as follows:

1. Written Constitution: The Indian Constitution is a written document containing 395 Articles and 12 Schedules, and therefore, fulfils this basic requirement of a federal government. In fact, the Indian Constitution is the most elaborate Constitution of the world.

2. Supremacy of the Constitution: India's constitution is also supreme and not the handmade of either the Centre or of the States. If for any reason any organ of the State dares to violate any provision of the Constitution, the courts of laws are there to

In order to ensure the impartiality of the judiciary, our judges are not removable by the Executive and their salaries cannot be curtailed by Parliament.

6. Bicameral Legislature: A bicameral system is considered essential in a federation because it is in the Upper House alone that the units can be given equal representation. The Constitution of India also provides for a bicameral Legislature at the Centre consisting of Lok Sabha and Rajya Sabha. While the Lok Sabha consists of the elected representatives elected by the State legislative Assemblies. However, all the States have not been given equal representation in the Rajya Sabha.

7. Dual Government Polity: In a federal State, there are two governments- the national or federal government and the government of each component unit. But in a unitary State there is only one government, namely the national government. So, India, as a federal system, has a Central and State Government.

2. Write about Preamble of the Constitution.

Ans. The Constitution of India begins with a Preamble which describes the nature of the Indian State and the objectives it is committed to secure. K.M. Munshi describes the Preamble as the political horoscope of the constitution. Thakur Dass Bhargava says Preamble is the most precious part and the soul of the constitution.

The Preamble reads: We, the People of India having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic, Republic and to secure to all its citizens; justice, social, economic, political; Liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and to promote among them all; Fraternity, assuring the dignity of the individual and the unity and integrity of the nation;

In our Constituent Assembly this, twenty sixth day of November 1949 do hereby Adopt, Enact and Give to ourselves this Constitution.
The words 'Socialist', 'Secular' and 'Integrity' were initially

ensure that dignity of the Constitution is upheld at all costs.

3. Rigid Constitution: The Indian Constitution is largely a rigid Constitution. All the provisions of the Constitution concerning Union-State relations can be amended only by the joint actions of the State Legislatures and the Union Parliament. Such provisions can be amended only if the amendment is passed by a two-thirds majority of the members present and voting in the Parliament (which must also constitute the absolute majority or the total membership) and ratified by at least one-half of the States.

4. Division of Powers: In a federation, there should be clear division of powers so that the units and the centre are required to enact and legislate within their sphere of activity and none violates its limits and tries to encroach upon the functions of others. This requisite is evident in the Indian Constitution.

The seventh Schedule contains three Legislative Lists which enumerate subjects of administration, viz., Union, State and Concurrent Legislative Lists. The union List consisted of 97 subjects, the more important of which are defense, foreign affairs, railways, posts and telegraphs, currency, etc.

The State List consisted of 66 subjects, including, interalia public order, police, administration of justice, public health, education, agriculture etc. The Concurrent List embraced 47 subjects including criminal law, marriage, divorce, bankruptcy, trade unions, electricity, economic and social planning, etc. The Union Government enjoys exclusive power to legislate on the full authority to legislate on the subjects of the State List under normal circumstances. And both the Centre and the State can't legislate on the subjects mentioned in the Concurrent List. The residuary powers have been vested in the Central Government.

5. Independent Judiciary: In India, the Constitution has provided for a Supreme court and every effort has been made to see that the judiciary in India is independent and supreme. The Supreme Court of India can declare a law as unconstitutional or ultra vires, if it contravenes any provisions of the Constitution.

not there in the Preamble. These were added by the 42nd Amendment (1976) of the Constitution.

Preamble Features:

1. The Source of Authority: Popular Sovereignty:

The Preamble categorically accepts the principle of Popular Sovereignty. It begins with the words: 'we the People of India'. These words testify to the fact that the people of India are the ultimate source of all authority. The Government derives its power from them.

II. Nature of State:

The Preamble describes five cardinal features of the Indian state:

(1) India is a Sovereign State: The preamble proclaims that India is a sovereign state. Such a proclamation denotes the end of rule over India. It testifies to the fact that India is no longer a dependency or colony or possession of British Crown. As a sovereign independent state, India is free both internally and externally to take her own decisions and implement these for her people and territories.

(2) India is a Socialist State: In 1976, the Preamble was amended to include the word 'Socialism'. It is now regarded as a prime feature of the State. It reflects the fact that India is committed to secure social, economic and political justice for all its people. India stands for ending all forms of exploitation as well as for securing equitable distribution of income, resources and wealth. This has to be secured by peaceful, constitutional and democratic means. The term 'India is a Socialist state' really means, 'India is a democratic socialist state.'

(3) India is a Secular State: By the 42nd Amendment, the term 'Secular' was incorporated in the preamble. Its inclusion simply made the secular nature of the Indian Constitution more explicit. As a state India gives special status to no religion. There is no such thing as a state religion of India. India guarantees equal freedom to all religions. All religions enjoy equality of status and respect.

(4) India is a Democratic State: The preamble declares India to be a Democratic State. The Constitution of India provides for a democratic system. The authority of the government rests

upon the sovereignty of the people. The people enjoy equal political rights. The people freely participate in the democratic process of self rule.

They elect their government. For all its acts, the government is responsible before the people. The people can change their government through elections. The government enjoys limited powers. It always acts under the Constitution which represents the supreme will of the people.

(5) India is a Republic: The Preamble declares India to be a Republic. Negatively this means that India is not ruled by a monarch or a nominated head of state. Positively, it means that India has an elected head of state who wields power for a fixed term. President of India is the elected sovereign head of the state. He holds a tenure of 5 years. Any Indian citizen can get elected as the President of India.

III. Four Objectives of the Indian State:

The Preamble lists four cardinal objectives which are to be "secured by the state for all its citizens".

These are:

(1) Justice: India seeks to secure social, economic and political justice for its people.

(i) Social Justice: Social Justice means the absence of socially privileged classes in the society and no discrimination against any citizen on grounds of caste, creed, colour, religion, sex or place of birth. India stands for eliminating all forms of exploitations from the society.

(ii) Economic Justice: Economic Justice means no discrimination between man and man on the basis of income, wealth and economic status. It stands for equitable distribution of wealth, economic equality, end of monopolistic control over means of production and distribution, decentralisation of economic resources, and securing of adequate opportunities to all for earning their livelihoods.

(iii) Political Justice: Political Justice means equal free and fair opportunities to the people for participation in the political process. It stands for the grant of equal political rights to all the

UNIT - 2
EDUCATION AS FUNDAMENTAL
RIGHT

1. Write the meaning, nature and classification of Human Rights.

Ans. After the Universal Declaration of Human Rights by the UN General Assembly on December 10, 1948, the concept of Human Rights assumed a significance of its own though earlier than this, International Labour Organisation in 1920 also initiated the Conventions on the rights of workers to form unions and organisations, abolition of forced labour and right to collective bargaining.

The UN Charter in 1945 affirmed faith in the fundamental human rights and appointed a Commission on Human Rights under Mrs. E. Roosevelt. This declaration was the outcome of the latter's deliberations A.A. Said aptly remarked "The concept of Human Rights may be difficult to define but impossible to ignore". The Human Rights are concerned with the dignity of the individual-the level of self esteem that secures personal identity and promotes human community.

The human rights as proclaimed by the UN Assembly find their origin in the concept of natural rights as espoused by political philosophers like Locke and Paine. Vincent holds "Human rights are the rights that everyone has and everyone equally by virtue of their very humanity. They are grounded in our appeal to human nature".

So, Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

2. Characteristic Features Nature of Human Rights:
(i) They are essential for every human being. They cannot be categorized as the preserve of one particular nation but are in

people without any discrimination. The Constitution of India provides for a liberal democracy in which all the people have the right and freedom to participate.

(2) Liberty: The Preamble declares liberty to be the second cardinal objective to be secured. It includes liberty of thought, expression, belief, faith and worship. The grant of Fundamental Rights (Part III) including the right to freedom is designed to secure this objective. Liberty of faith and worship is designed to strengthen the spirit of secularism.

(3) Equality: The Preamble declares Equality as the third objective of the Constitution. Equality means two basic things:

(i) Equity of status i.e. natural equality of all persons as equal and free citizens of India enjoying equality before law.

(ii) Equality of opportunity i.e. adequate opportunities for all to develop. For securing the equality of status and opportunity, the Constitution of India grants and guarantees the fundamental Right to Equality.

(4) Fraternity: Promotion of Fraternity among the people is the fourth objective to promote Fraternity among all the people and psychological unity among the people. It is designed to secure dignity of the individual and unity and integrity of the nation.

In its final paragraph, the Preamble specifies the important historical fact that the Constitution was adopted on 26 November, 1949. It was on this day that the Constitution received the signatures of the President of the Constituent Assembly and was declared passed.

V. Self-made Constitution:
The Constitution of India is an adopted, enacted and self-made constituent Assembly acting as the elected representative body of the people of India. The Preamble states the philosophical foundations of the Constitution India and enumerates its objectives.

It constitutes a key for the interpretation of the Constitution. Through, its Preamble, the Constitution commits itself to Democracy, Republicanism, Socialism, Secularism, Liberalism and Welfare State. The Preamble states the objectives which the Constitution is committed to secure for all the people of India.

fact the possession of mankind as a whole. (ii) Just like that of moral rights the element of their enforcement lies in the individual's conscience. (iii) They cover legal rights which are safeguarded by the law of the land. They also comprise fundamental rights which are included in the constitution of a particular country. (iv) The human rights are universal. They are provided to members of the human society as a whole whether or not some section of them are aware of them or not. (v) If human rights are infringed in any part of the world, besides persuasion, even force by alien powers - the votaries of the human rights is permissible, for their enforcement. (vi) The Human Rights are not unbridled. They are to be restricted in the interest of public peace, political security, morality and social decency. Each state has its own cultural standard and norms of civilization, in the light of which reasonable restrictions are indispensable. This shows that human rights are not limitless. They have to function within boundary of civilized norms and cultural legacy of a country.

Classification (or) Categories of Human Rights:

The Human Rights may be grouped under five categories viz. Civil, Political, Economic, Social and Cultural.

(A) Civil Rights:

The Civil Rights as enumerated in the Human Rights are: (i) All human beings are born free and equal in dignity and rights. All are equal before the law. (ii) Everyone has the right to life, liberty and security to persons. (iii) None is to be held in slavery or servitude. Hence Slave Trade in all its forms is to be prohibited. (iv) No one is to be subjected to arbitrary arrest, detention or exile. (v) Everyone has the right to freedom of thought, conscience and religion.

(B) Political Rights:

The following are the political rights:

(i) Every one possesses the right to take part in the Government of his country, directly or indirectly through freely chosen representatives. (ii) Everyone has access to public services in the country. (iii) The 'will of the people' is the basis of authority of government. This 'will is to be expressed through periodical

elections to be held on the basis of Universal and equal suffrage. The election shall be held by secret ballot. (iv) Everyone is entitled to right to a nationality. No one shall be arbitrarily deprived of it.

(c) Economic Rights:

(a) Economic rights on the basis of the healthful living: The following economic rights have been included in the charter on the Human Rights:

(i) Everyone possesses the right to own property. (ii) Everyone has the right to social security. Social security system impels a government to pay monthly allowance to the needy, the distressed, the disabled and the old who are devoid of any income or earn a very meagre income not enough for subsistence. (iii) Everyone is to be assured right to work. In erstwhile Soviet Union and Communist China work is guaranteed to all able bodied persons. The erstwhile Soviet Union adopted, a famous maxim - "He who does not work neither shall he eat". The right includes right to rest and leisure. (iv) Everyone is to get equal pay for equal work. Discrimination on the basis of sex is not desirable. In India, women labour and child labour are invariably engaged on comparatively less remuneration in the fields or factories which is a violation of human rights and law does not permit it.

(D) Social Rights:

The Social Rights enumerated in the Declaration are as follows:

(i) Men and Women of adult age have the right to marry and set up a family. Marriage is to be arranged with the full consent of the would be spouses. (ii) The family is the natural and fundamental units of society. It is entitled to full protection both by the state and the society. (iii) Everyone has the right to Education. Education is to be made free at the elementary stage. In case of India, Primary Education up to the age of 14 has been made free and compulsory now, after the passage of Right to Education through an amendment in the Constitution. Previously also the provision existed in the Directive Principles.

(E) Cultural Rights:

Everybody possesses the right to participation in the cultural

What is the UN Convention on the Rights of the Child?

Human rights belong to all people, regardless of their age, including children. However, because of their special status - whereby children need extra protection and guidance from adults - children also have some special rights of their own. These are called children's rights and they are laid out in the UN Convention on the Rights of the Child (CRC).

Significant features of the UN Convention on the Rights of the Child (CRC)

- ✦ Applies equally to both girls and boys up to the age of 18, even if they are married or already have children of their own.
- ✦ The convention is guided by the principles of 'Best interest of the Child' and 'Non-discrimination' and 'Respect for view of the child'. It emphasises the importance of the family and the need to create an environment that is conducive to the healthy growth and development of children. ✦ It obligates the state to respect and ensure that children get a fair and equitable deal in society. It draws attention to four sets of civil, political, social, economic and cultural rights.

Right to Survival Includes

- ✦ Survival ✦ Protection ✦ Development ✦ Participation
- ✦ Right to life. ✦ The highest attainable standard of health.
- ✦ Nutrition. ✦ Adequate standard of living. ✦ A name and a nationality.

Right to Development includes

- ✦ Right to education. ✦ Support for early childhood care and development. ✦ Social security. ✦ Right to leisure, recreation and cultural activities.

Right to Protection includes freedom from all

forms of

- ✦ Exploitation. ✦ Abuse. ✦ Inhuman or degrading treatment. ✦ Neglect. ✦ Special protection in special circumstances such as situations of emergency and armed conflicts, in case of disability etc.

Right to Participation includes

- ✦ Respect for the views of the child. ✦ Freedom of

life of the community. This enables everyone to enjoy the various arts and take part in the scientific advancement and its benefits.

2. Write about International Convention (CRC) and Indian Constitution related to Right of children.

According to international law, a 'child' means every human being below the age of 18 years. This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC), an international legal instrument accepted and ratified by most countries.

India has always recognised the category of persons below the age of 18 years as distinct legal entity. That is precisely why people can vote or get a driving license or enter into legal contracts only when they attain the age of 18 years. Marriage of a girl below the age of 18 years. Marriage of a girl below the age of 18 years and a boy below 21 years is restrained under the Child Marriage Restraint Act 1929. Moreover, after ratifying the UNCRC in 1992, India changed its law on juvenile justice to ensure that every person below the age of 18 years, who is in need of care and protection, is entitled to receive it from the State. There are, however, other laws that define a child differently and are yet to be brought in conformity with the UNCRC. But, as stated earlier, the legal understanding of the age of maturity is 18 for girls and 21 for boys.

This means all persons in your village/town/city below the age of 18 years have to be treated as children and need your assistance and support.

What makes a person a 'child' is the person's 'age.' Even if person under the age of 18 years is married and has children of her/his own, she/he is recognised as a child according to international standards.

The most significant of all international laws for children is the UN Convention on the Rights of the Child, popularly referred to as the CRC. This, together with our Indian Constitution and Laws, determine what rights all children must have.