

INDIAN CONSTITUTION AND COTEMPORARY EDUCATIONAL PRACTICES AND ISSUES IN INDIA

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Introduction

Since ancient time, India's vision of education has taken attention especially of the people across the present Asian geo-political region. After independence with the broader insights of educationists and generous constructive political leadership, the country has transformed its educational vision and put efforts to turn the vision into reality at the different points of time. The contemporary, particularly after the onset of the liberal policy (1990s), the country's educational vision followed by necessary support systems has not been inferior to any developed country with the given degree of diversity rather according to its strength it is labelled as one of the attractive and largest system (the 3rd largest, after the USA and China) of education in the world. There are some fundamental questions, which are on demand to be addressed and looked into critically by the practitioners especially by the teachers' community, student-teachers and other stakeholders who believe in the constructive role of education in society at the juncture where often education is being taken for granted as dosage for capacity building for an individual in knowledge driven society.

We the Indian believe in, and ideally guided by our 'constitutional ideals: justice, equality, liberty, fraternity, democracy, secularism, socialism etc' while visualizing educational goals and formulating various policies, plans and laws. So, the fundamental questions for discussion and discourse should be-what are the visions of Indian education in general? Do the visions accord to the ideals of the constitution? If yes, to what extent? If not, to what extent? Are the prevailing educational theories and practices embedded with the ideals embodied in the constitution? If not, to what extent? What could be the best alternative, at a given point of time to make education more productive interms of realizing the ideals of the Constitution? These are the lager issues and concerns in this course of study (subject/ paper).

Contemporary Visions of Education

The vision of contemporary Indian education could be largely conceptualized in the following directions:

1. To produce an able social individual (who could understand the social dynamics and challenges, face them with sound rationale);
2. To produce an active citizen (who can hold up critical understanding, appreciates and practices rights and duties);
3. To develop or enrich human resource and channelize it in different productive directions (such as in the field of art, literature, science, economy etc).

Constitution: the constitution of India is the largest written document of the world. It guides the people of the land (India) during formulation of different policies, plans and laws and interpretation of the laws.

Preamble (and National Ideals): it is an introduction to the constitution of India. It introduces with the words “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 and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of 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” (Basu, 2008).

Description and explanation of the terms (ideals) in relation to vision and practices of education in India

Justice: justice could be defined as the rights and opportunities, including those of spaces and liberties, an individual should have to live a relatively complete life. However, it has broader meaning. Any attempt to define it may not be sufficient. Broadly the idea of justice can be conceptualized in three major domains such as *social, economic and political*. **Social justice** implies that everybody should have a dignified social life position without fear, abhorrence and inferiority. The document, that is the constitution of India, clearly says that social justice is fundamental right (could be interpreted from the Articles 15 and 17 and at

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many other points of references in the constitution) which is justifiable in the court of law in case of its infringement in any form. In the words of Greek philosopher Aristotle “Man by nature is a social animal; an individual who is unsocial naturally and not accidentally is either beneath our notice or more than human. Society is something that precedes the individual. Anyone who either cannot lead the common life or is so self-sufficient as not to need to, and therefore does not partake of society, is either a beast or a god. ” So, therefore it simply suggests that practically man cannot afford to live outside society. Contradiction is that man is often narrowly ascribed with the multiple identities such as caste, creed, sex, community etc. The ascriptions are not the end and bad themselves rather they are the root points and means of exploitation and violation of individual’s rights, the undeniable fact of the Indian society. However, we should keep in our mind that it is very difficult to have a perfectly just society but it is felt, and sometimes has been a reality in removing remediable injustices prevailing in our society and societies across the world (protection of women rights, tribal rights and rights of socio-economically backward classes).

Here the issue is injustice and concern is efforts for its remediation and advancing towards bringing down the incidents of injustice in society. So, when we say that social justice is denied we require to identify the fields or areas of social injustices and sound reasons for them as well. The field could be a place of worship, public amenities such as tube well, means of communication and transport such as road, railways, public institutions like schools and colleges. The field could be a family, village, *panchayat*, district and State of the individual. These are the fields where human lives have chances to grow. For example when an individual (male or female) gets legitimate equal opportunity in family affairs while making a decision or he/she is treated just as a member of society without any discrimination we assert justice is done.

However, the stark realities of social injustice we notice in our Indian society are: gender biased treatments, indifferent treatments to divorcees, old ages, social sanction/exclusion against the commission of inter-caste marriage, untouchability, suppression of socially disadvantageous groups by advantageous groups, bonded and child labouring, underestimation of the traditional beliefs and practices such as- worships etc; underestimation and ill-treatment of linguistic minority in heterogeneous circumstances even in educational institutions etc.

Economic Justice implies the banishment of poverty, not by expropriation of those who *have*, but by the multiplication of the national wealth and resources and equitable distribution thereof amongst all who contribute towards its production. The ideal of economic justice is to make equality of status meaningful and life worth living at the best removing inequality of opportunity and of status. To ensure economic justice in the country there have been many efforts such as land reforms, positive discrimination in job sectors (reservation policy), industrialization in tribal infested areas, Mahatma Gandhi National Rural Employment Guarantee Programme (MGNREP-a poverty eradication programme) etc. However, often the efforts like industrialization, its nature and consequences, has brought diminutive short-lived benefit to people than irreparable severe damage, in other words, has violated socio-economic justice.

Take for instance a family could not profess a profession; say pottering the only skill and source of livelihood because of the availability of the products of the technique based large scale industry and that led to acute poverty. Despite of the State intervention, in the form of poverty mitigation programme, the intensity of poverty coupled with complex demands of socio-economic environment exempted the family members from availing various opportunities such as quality food, health incentives and education and eventually reduced its minimum required capability to cope with the given situations in the society of other world. There may be many reasons for the deprived lives of the family. But the first and root one could be the factor of arrival of the so called quality products of industry. It should be noted here that there was complete field for economic justice where there were means of production, family, society (other small administrative units of the State) and State. But despite of their presence the justice for the family was denied. This all happened in the hands of members of society and the State because that was a remediable created injustice, if there could have been timely remediation, in the form of social acceptance of the goods and services provided by the family and adequate livelihood incentives in a guided manner by the State agencies. However, the situation, poverty, for the family did not only deny economic justice that is to possess sustainable economic capacity in their society, which appears to be other world for them, but also apparently other kinds of justice such as social and political. This situation may be measured in the view of *matsyanyaya*, 'justice in the world of fish', where a big fish can freely devour a small fish. "We are warned that avoiding *matsyanyaya* must be an essential part of justice, and it is crucial to make sure that the 'justice of fish' is

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not allowed to invade the world of human beings. The central recognition here is that the realization of justice in the sense of *nyaya* is not just a matter of judging institutions and rules, but of judging the societies themselves. No matter how proper the established organizations might be, if a big fish could still devour a small fish at will, then that must be a patent violation of human justice as *nyaya*” (Sen, 2009).

In the example given earlier that the family could have managed to sustain its economic capacity if their economic capital ‘pottery’ continued to function but because of the abrupt industrialization and surging of so called quality products they lost their perennial source of livelihood and economy. The other alternative could be, the family could have been well prepared and capacitated with the help of education and skills by the State power before inviting challenges and changes in the name of quality products produced by the large scale industry (*Big Fish*). Here, it was a case-issue of remediable injustice if the State had acted there promptly and carefully.

Political justice implies every individual who attends the age limit, 18 years, is eligible for choosing his or her candidate (political representative) by casting a vote in election, popularly known as universal adult franchise (in India). According to the requirement of the different political positions, especially in terms of age factor (18, 21, 30 and 35), all adults, if they fulfil the criteria, are also have right to contest in the election as the process of government formation and governance, in the vision of education it is termed as developmental participation. This right/justice is becoming vital in determining the nation welfare and goodness in a given period of time and for better future. But in the recent past and even in the present time it has been found that political positions are being misused or used for serving personal purpose instead of public, the issues of corruption and communal violence led by political figures, are the stark examples. The issue is that, kinds of people representatives we have are largely determined by our citizenry, a choice we would make and efforts we would put during election. And therefore the so called active citizenry is now highly questionable especially at the juncture where around 75% people are considered as literate and considerable population of people (around 15%) have access to higher education. However, it cannot be a one sided problem as it is often blame that there is lack value laden education. There is no doubt the ‘education’ value laden of course there are some discrepancies during practices, which has very limited capacity to determine the political processes of a country. This limited capacity has to be future nourished and facilitated in numerous informal

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situations. So, therefore practising of political right does not always comply with the value of justice. One has to understand the given situation and act accordingly. That means practising of one's own right in justifiable direction which ensures justice at individual as well as collective level.

Liberty: the term 'liberty' (originally taken from the French Revolution, 1789-1799) means the absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities. The preamble secures to all citizens of India liberty of thought, expression, belief, faith and worship through their fundamental rights, enforceable in the court of laws, in case of their infringement. The philosophy behind this ideal of the constitution, where educational goals are set in is that, human being borns free and he needs liberty to develop his being to the fullest extent according to his own wills and desires. However, liberty should not be confused with that license which may empower an individual to violate his right to life as well as the rights of other rather is a capacity to live a life as he wishes. So, therefore the liberty of any form of expression is justified till it does not violate the rights of other. Fundamental rights and human rights (as interpreted in the recent time) do not have value unless there is capacity to put them into practices.

Equality: barring certain exceptions the term 'equality' means absence of special privileges to any section of the society and provision of adequate opportunities for all individual without any discrimination. The preamble of the Constitution secures to all citizens of India equality of status and opportunity. This embraces three dimension those are civic, political and economic. However, to secure equality of status and opportunity we treat this idea 'equality' differently. That means the strategic idea of equality is applied equally in relatively equal situations and differently in unequal situations either that is matter of power and position for national interest as the position of the President of India etc or a matter of getting access to empowering facilities by the deprived sections of society.

Fraternity: it means a sense of brotherhood. The constitution promotes the feeling of fraternity by the system of single citizenship and Fundamental Duties (Article 51-A). It says that it shall be duty of the every citizen of India to promote harmony and spirit of common brotherhood amongst all people of India transcending religious, linguistic, regional or sectional diversities.

Secularism: implies absence of any State religion. In other words State (that is the Government) cannot provide any special support for the protection and propagation of any particular religion. All religions are treated equally. Every individual has his/her own liberty and capacity to keep faith on and thereby practices of religion (Fundamental Right, Article. 25-28).

Democracy: the term 'democratic' is used in broader sense in the preamble of Constitution. It embraces political, social and economic democracy. In India political democracy implies indirect participation in the political affairs of the country. The citizens of the country like India technically do not participate directly in the political decision making processes but they do participate there indirectly through their political representatives. The terms social democracy implies a way of life which recognises liberty, equality and fraternity. However, Dr. B.R Ambedkar says "the principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over many. Equality without liberty would kill individual initiative" (B. Shiva Rao).

Possibilities in Education in the process of protecting and promoting justice: whether it is a matter of social, economic or political injustice all these are taken up as issues in general discourse and debates in public life. These three domains of justice (where we conceive injustice) are interrelated and inter-affected. However, the situation when the issues remain as issues is a kind of stagnation and decline in the process of jurisdiction and the state of social order comes under the trap of standstill and peril. But, when the issues are taken up seriously in discussion, discourse and debates in public life in general, including those of in the court of laws, and in academic life in particular it shows the concerns at different levels and rays of hope for justice remain alive. However, the political agenda of education is to empower, equip and skill an individual so that he/she could ensure or protect justice at individual as well as collective level cutting across its wider spectrum (social, economic and political). The strength of education is to enable an individual for making informed productive practices in real life situations that we all more or less witness.

In the contemporary time through the space of educational theories and practices starting from school to university level it has been partly attempted to develop a broader sense of justice in individual while enabling him to understand and appreciate the ideals (liberty, equality, fraternity, secularism, socialism, democracy) of the constitution and facilitating social interaction often in a homogeneous set up. With the help of educational theories and practices to some extent we have succeeded in conserving the ideals of the Constitution. The present days practices in education have widened the mind of an individual to understand him/her as well as other. As a result spaces of individual liberty and rights as human have been respected. Despite steep oppositions and bigotry within the diversity and huge landscape endeavours in institutional practices have reduced the incidents of injustice either through infusing sense of tolerance in individual towards other liberty, rights and opportunities. It has protected the liberty and rights of the deprived sections of society of course by intervention of the State. But has apparently led to relatively better social order in absolute term by reducing the practices of oppression and suppression. This has not only held the individual interest but also at the same time it has helped us in holding the feeling fraternity and thereby credentials of democracy.

However, the attempts in theories and practices in contemporary Indian education could be labelled as partial attempts because there are no common arrangements and practices in place to ensure justice for the common or majority without neglecting the interest of the minority rather there are different arrangements for different capacities, which often being resulted as means and root causes of creating injustice and imbalances in society. For example there are different types of schools which demand different economic capacities in return to the production of different quality products, students.

To some extent education has enabled individual to perform his duties, practise rights and appreciate other rights as well as provided and guided by the laws of the land (India). This might have happened either due to his/her greater knowledge and understanding capacity about human life and need of social order or due to stringent legal provisions against the violation of rights. So, education has the capacity to check and balance the conflict of interests if it is well directed and extended to mass.

The provision of Right to Education (RTE) and implementation of positive discriminatory strategy that is reservation of seats in the educational institution for the individual from socially and economically backward classes, Scheduled Caste and Scheduled Tribe or in

employment sectors are strategic endeavours to bring down the incidents of injustices or in other terms to promote and protect justice at different levels (that is social, political and economic) by the State. The deep rooted deprivation from the social facilities such as education, medical etc and economic capital such as knowledge, skills and immovable assets like a piece of land for cultivation, and political decision making processes has been checked to some extent due to the accessibility of these marginalized sections of society into information and knowledge through formal practices in schools, colleges and universities. Their capacity is information, knowledge and small immovable asset. This capacity enables them make choices according to their own reasons which protects justice at the individual level.

Knowledge and understanding about rights and duties makes an individual assertive and that does not mean bloody fight rather it means to negotiate and bring the problem to the public in democratic manner. There are issue like *naxalism* and communalisms often instigated by the divested political interest in the guise of fight for justice or in other words fight for rights and opportunities. We are until date unable to address these issues adequately through education as we visualise to produce active citizen from the educational institutions. Active citizenry here means to understand and appreciate the rights of other and to bring prudent and altruistic political representatives who make laws and determine policies and plans for the greater causes. And this capacity to understand and appreciate each other can balance the conflicting interests and check the incidents of injustices.

However the visible fact is that besides other capitals (movable and immovable assets) quality and kind of education, in terms of demand, determines one's social, economic and political chances and the former (that is the quality and kind of education) is determined by the kinds of arrangements and practices prevailed there. Following points/questions should be looked into while initiating and holding discussions and debates in educational institutions in particular and in different public and private platforms in general on the issue like ensuring justice for a better social order:

1. Do the different educational arrangements, based on economic capacity, help us in determining justice or in establishing a better social order?
2. Do the different educational arrangements really help us in realizing economic democracy and better economic order?

3. Do the different educational arrangements, based on economic capacity, really infuse a sense of justice in individual especially while dealing with diverse situations?
4. Are there justified practices in educational institutions to uphold and facilitate individual growth and development?
5. Are parents and members of society serious about value based education of individual?
6. Do they facilitate adequate social environment at home and other informal situations so that an individual get supports to value laden education and eventually conform to larger social expectations and cooperate in sustaining a better social order?

Constitutional provisions on education that reflect these ideals: implicit concerns and issues

Provision in the Part IIIrd, Fundamental Rights under Articles 29-30

Provision in the Part IVth, Directive Principles of State Policy under Article 46

The RTE Act, 2009

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