

## 1. Details of Module and its structure

Module Detail	
<b>Subject Name</b>	Education
<b>Paper Name</b>	Educational Administration, Management & Leadership in School Education
<b>Module Name/ Title</b>	CONSTITUTIONAL PROVISIONS AND POLICY FRAMEWORK FOR DECENTRALISED EDUCATIONAL GOVERNANCE IN INDIA
<b>Module Id</b>	e-PG EDN 13.25
<b>Pre-requisites</b>	Basic understanding of Educational Administration
<b>Objectives</b>	<p>After studying this module, the student will be able to:</p> <ul style="list-style-type: none"> <li>• Discuss the constitutional provisions related with elementary education to higher education</li> <li>• Acquaint the knowledge of constitutional provisions regarding educational administration for different sections - minorities, weaker sections, women etc.</li> <li>• Enhance the knowledge regarding educational provisions given in different lists-union, state and concurrent</li> <li>• Discuss the policy framework for decentralised educational governance in India</li> <li>• Understand the conceptual framework for policy formulation</li> </ul>
<b>Keywords</b>	Constitutional provisions, decentralised educational governance, etc.

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## 1. INTRODUCTION

Equality and inclusiveness are the basic features of a true democratic society. Inequality exists due to various demographic variables such as religion, ethnicity, geographical conditions etc. This diversity expresses the need of democratic decentralisation to increase people's participation in every sphere of national life. Decentralisation has a special significance in India as it advocates for a shift of decision-making centers closer to the people at the grass root level. This decentralisation in education is a complex process as it can result in significant changes in educational system, in educational management, teacher-training, designing curriculum, etc. Changes in education system certainly causes changes in social system because education is potential sub-social system responsible for socialisation and social change. This can directly promote social democracy.

## 2. Constitutional provisions for decentralised educational governance in India

Our Constitution laid down that in the eyes of law everyone should have an equal status, everyone should have liberty of thought, expression, and to practice his own faith and belief, and the dignity of each individual should be assured.

[https://en.wikipedia.org/wiki/Constitution\\_of\\_India](https://en.wikipedia.org/wiki/Constitution_of_India)

All these provisions have vital significance for our education. The Forty-Second Amendment, 1976 brought about drastic changes in the Indian Constitution. Before 1976, Education as a whole was a State Subject and the Central Government used to play only an advisory role. A lot of controversy continued for some time regarding the constitutional provisions of education. The persons connected with educational administration felt that Education should be the joint responsibility of the Central and State government. In 1976, this controversy was put to rest by the constitutional amendment. The amendment which is known as the Forty-Second amendment of the Indian Constitution received the acceptance of the President on December 18, 1976. Accordingly, education was put on the Concurrent list. The implications of making

education a concurrent subject is that both the centre and the states can legislate on any aspect of education from primary to University level. By having education in the Concurrent list, the Centre can implement directly any policy decision in the states. The amendment was suggested by a Committee headed by S. Swaran Singh.

### 3. Three lists of the constitution

There are three lists which are as follows:

- (a) List I (Union List)
- (b) List II (State List)
- (c) List III (Concurrent List)

#### **Union List:**

List-I includes items which are of great interest to the nation. The centre has exclusive powers to make laws in respect of the items in List-I.

#### **State List:**

List-II includes items of local interest. The states have the power to make laws to cover items in List-II.

#### **Concurrent List:**

List-III includes items which concern both the center and the states. In List-III Centre and States both can legislate. Now, education comes under Concurrent List and for this both the Central and State Governments become meaningful partners in it.

Parliament (The Centre) has the exclusive power to make laws in respect of the institutions and union agencies mentioned in entries 63, 64, 65 and 66 of 'List I- Union List'.

**(i) Entry 63 of List I (Union List):** is related with institutions of National importance .

**(ii) Entry 64 of List I (Union List):** is related with institutions of Scientific and Technical Education. It reads as, "Institution for scientific and technical education financed by the Government of India entirely or in part and declared by Parliament law to be institutions of national importance."

**(iii) Entry 65 of List I (Union List):** reads: "Union agencies and institutions for –

- a) Professional, vocational or technical training, including the training of police officers
- b) The promotion of special studies or research
- c) Scientific or technical assistance in the investigation or detection of crime.

**(iv) Entry 66 of List I (Union List):** is related with Coordination and determination of standards in institutions for higher education or research and scientific and technical institutions. This entry is of vital importance as it vests on the Union Government the sole responsibility to ensure that higher education or research, scientific and technical education are not dropped in the hands of any state to harm the national interests.

**(v) Education and cultural relations with foreign countries:** Entry 13 of the List I (Union List) which reads: “Participation in international conferences, associations and other bodies and implementing decisions made by them. Indian Education Commission has interpreted this provision as Government of India’s responsibility for maintaining educational and cultural relations with other countries; participation in the work of the U.N. and its specialised agencies, especially UNESCO.”

**(vi) Education in Union Territories:** Article 239 of the constitution talks about education in union territories. Naturally, education in the Union Territories comes under the purview of the Centre. Thus, the Government of India is responsible for education in union territories.

**(vii) Economic and Social Planning:** The entry 20 of List III (Concurrent List) relates to Economic and social planning which is the concurrent responsibility of the centre and the states. The entry 20 reads: “Economic and Social Planning.” As economic and social development is intimately connected with education, the government of India and the state government have to work jointly in preparing and implementing national plans for education.

**(viii) Vocational and Technical Training of Labour:** The entry 25 of List III (Concurrent List) relates to education for which parliament and legislature of any State (subject to certain provisions) have power to make law. The entry 25 reads: “Vocational and Technical Training of Labour.”

**(ix) Free and Compulsory Education:** The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right . The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

Substitution of new article for article 45 – Presently, article 45 of the Constitution reads, “The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.”

One more article i.e. article 51A–(K) is also added in the constitution which reads as “ who is a parent or guardian should provide opportunities for education to his child or ward, as the case may be, between the age of six and fourteen years.”

Source:[https://en.wikipedia.org/wiki/Educational\\_inequality](https://en.wikipedia.org/wiki/Educational_inequality)

**(x) Education of Minorities:** Article 30 of the Indian Constitution relates to certain cultural and educational rights to establish and administer educational institutions.

**(xi) 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.

It states, “The state shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, of the Scheduled castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.” It is one of the Directive principles of State Policy.

**(xii) Instruction in Mother-tongue:** There is diversity of languages in our country. After the beginning of Independence, Mother- Tongue has received special emphasis as medium of instruction and subject of study. In the Constitution of India under Article 350 A, it has been laid down that the study of one’s own language is a fundamental right of the citizens.

Secondary Education Commission (1952-53) also recommended that the mother tongue or the regional language should be the medium of instruction throughout secondary school stage. Even Kothari Commission (1964-66) has also said that at college and university stage, mother-tongue should be the medium of instruction.

**(xiii) Promotion of Hindi:** The Indian Constitution makes provision for the development and promotion of Hindi as a national language. Article 351 directs to promote the spread of the Hindi language

#### **4. Policy Framework for Decentralised Educational Governance in India**

In India, the principal aim of the education system has been to provide free and compulsory elementary education to all the children between the age of 6-14 years, and provide equal opportunities to all irrespective of gender, caste and class. In order to achieve these aims, educational policies have been formulated and they have been suggesting various means to achieve this target. Policy directives have been provided by various committees and commissions. While some of the committees have looked into the specific level of education (e.g. Radhakrishnan Commission on Higher Education, Secondary Education Commission or Mudaliar Commission on secondary education), others have concentrated on all levels and aspects of education of the specific groups.

#### **5. Conceptual Framework for Policy Formulation**

A policy change as a response to a problem or set of problems in the sector must start with an analysis of the existing situation of the educational sector. In addition to the analysis of the sector itself, policy analysis should consider a number of aspects of the social context, including political, economic, demographic, cultural and social issues which are likely to affect the decision making and even implementation processes of the education sector.

The general character of a country (i.e. location, geography, population, culture and social stratification patterns) has obvious implications for educational policy formulation and implementation. This makes the process of educational policy making more difficult in a number of ways. Typically different groups have different values about the role of education. Conflicts and struggles are particularly acute in India which consists of variety of socio-cultural and economically disadvantaged

sections of the population. The distribution of access to basic educational facilities across the states is unequal and uneven. Therefore, while formulating the education policy, the differential educational development across the states have been kept in consideration and therefore emphasis has been on the reduction of regional, social and gender disparities.

## **6. Contextual points to be kept in mind while formulating policy**

- **Political Context**

An analysis of the political environment is necessary for an understanding of the national decision making process. The comparative value of education and the role that education must play in the socio-political process in a democratic country like India where various political parties have been coming in power and have been defining educational goals and priorities as per their political ideology. They have been implementing various programmes to achieve the target set in their educational policies.

- **Economic Context**

Before formulating the educational policy, an assessment of financial and human resources is essential. It is important to estimate the financial resources of the country in order to assess what the economy requires from the education sector and what the education sector expects to face from the rest of the economy, particularly in terms of general infrastructure and financial resources.

The economic growth rate is important not only for estimating the likely need for certain kinds of skills but also for estimating the future amount of slumped resources. This is necessary because, as the rate of growth increases, more funds are often made available to education, in the similar way, as it decreases, the allocation to education are among the first cut.

- **Diagnosis of educational scenario**

Educational policy analysis starts with an identification and understanding of the major sectorial issues relevant to the country. These issues may be explored under different categories like:

- (i) Access to educational opportunities and how to further improve it
- (ii) Equity in the distribution of educational services



- (iii) Structure of the education system
- (iv) Internal efficiency like dropout rates, repetition rate, promotion rate, etc.
- (v) External efficiency
- (vi) Institutional arrangements for the management of the sector

While analysing the above issues the analysis should reflect on the progress made over the years as the meeting of one educational need or solution of one problem frequently creates another. For example, the expansion of the system and provision of new facilities naturally lead to concern about the quality of the education provided and capacity of the educational system to handle a larger education system. A historical and evolutionary perspective on the dynamics of policies across time allows the educational planners and policy makers a better understanding of why a particular policy is being advocated at that moment. By studying the past, one also estimates the time required to achieve the goals set by the policy.

#### **7. National as well as state level bodies involved in policy making**

As we have discussed the salient features of educational policies since independence, it would be important to learn about the educational policy making bodies in India that helped in the formulation and implementation of policies for education. The twenty-five regulatory bodies are established by the Acts of Parliament to formulate policies on the subjects allocated to them like:

The University Grant Commission Act, 1956

- The All India Council for Technical Education Act, 1987
- The National Council for Minorities Educational Institutions Act, 2004
- The Copyright Act, 1957
- The Apprentices Act, 1961
- Bar Council of India, 1961
- Central Council of Homeopathy, 1973
- Central Council of Indian Medicine, 1970
- Council of Architecture , 1972
- Dental Council of India, 1948
- Distance Education Council, 1948
- Indian Nursing Council, 1947
- Medical Council of India, 1956
- National Council for Teacher Education, 1993
- Pharmacy Council of India, 1948
- Rehabilitation Council of India, 1992
- Indian Council for Agricultural Research

- State Council for Higher Education
- Veterinary Council of India, 1984
- Directorate General of Shipping, 1958
- The Institute of Chartered Accountants of India, 1949
- The Institute of Company Secretaries of India, 1980
- The Institute of Cost and Works Accounts of India, 1959
- Department of Electronics, Govt. of India
- National Council for Rural Institute, 1995

Educational management system has also been decentralised corresponding to the three tier system of Panchayati Raj Institutions (PRIs). Assuming that local institutions and agencies can better understand local priorities, problems and their solutions. So all the responsibilities of school management have been transferred to these local bodies. Democratic management of educational institutions has expected to increase equal access (equality) in education through creating inclusive setup which would cater to the local needs. This decentralisation has been proposed as a way to equality and '*quality in education*'. This equality in education will ultimately lead to equality in other walks of life and will result in inclusive society. Decentralisation has also been termed as '*democratic decentralisation*' as a part and parcel of democratic system. In other words, it is an essential component of democratic system. The basic tenets of democracy are equality, liberty, fraternity and justice. Owing to this nature of the system, it (democracy) needs decentralisation in all its aspects i.e. social, political and economical. Therefore, democracy is also known as *social democracy*, *political democracy* and *economical democracy*. Decentralisation has been defined as "*the transfer of decision making authority, responsibility and task from higher to lower organizational levels or between organisations*". Therefore, the Gram Sabha (council of all villagers) is responsible for adult education. Gram Panchayat (local self-governing institution at the village level) is responsible for formal education through primary and elementary school, ensuring enrolment, mobilising local communities/parents on their children's education, and undertaking school construction and maintenance. Panchayat Samiti (at the block level) and Zilla Parishad (District Panchayat) have the general functions of promoting education including construction, maintenance of school buildings,

hostels, provision of support to marginalised children in the form of scholarships, supply of books, Teaching-Learning (TL) materials, etc.

Thus, the rationale for decentralization rests on the political (actually, democratic) imperative that all those whose interests are affected by decisions ought to take part in the decision-making process. As far as the education of children is concerned, this means an important task for parents, community representatives, teachers and others in the decision

of various processes that comprise the education of children the articulation of its aims, decisions related to knowledge and curriculum, the teaching learning process and so on. Local institutions of self- government such as the Panchayats, can be seen as being representative of the collective voice of the people.

### **Summary**

Decentralisation has a special significance in India as it advocates for a shift of decision-making centers closer to the people at the grassroot level. This decentralisation in education is a complex process as it can result in substantial changes in educational system, in educational management, teacher - training, designing curriculum etc. Our Constitution laid down that in the eyes of law everyone should have an equal status. Everyone should have liberty of thought, expression, and to practice his own faith and belief, and the dignity of each individual should be assured. All these provisions have vital significance for our Education. The Forty-Second Amendment, 1976 brought about drastic changes in the Indian Constitution. Before 1976, Education as a whole was a State Subject and the Central Government used to play only an advisory role. . In 1976, education was put on the Concurrent list. The implications of making education a concurrent subject is that both the Centre and the States can legislate on any aspect of education from the Primary to the University level. In India the principal aim of the education system has been to provide free and compulsory elementary education to all the children between the age of 6-14 years, and provide equal opportunities to all irrespective of gender, caste and class. To achieve these aims, educational policies have been formulated and they have been suggesting various means to achieve this target.

Policy directives have been provided by various committees and commissions. A policy analysis should consider a number of aspects of the social context, including political, economic, demographic, cultural and social issues which are likely to affect the decision making and even implementation processes of the education sector. There are twenty-five regulatory bodies established by the Acts of Parliament to formulate policies on the subjects allocated to them like the University Grant Commission, the All India Council for Technical Education Act etc. The Constitution of the country adopted in 1950 made this explicit by directing all states to create local self-government bodies under the framework of *panchayati raj* through an electoral process. It was assumed that local institutions and agencies can better understand local priorities, problems and their solutions. Then, all the responsibilities of school management have been transferred to these local bodies. Democratic management of educational institutions is expected to increase equal access (equality) in education through creating inclusive setup of decentralisation.