

## ~~SUDHAKARITY~~

### Q1. Preamble of the constitution : The ideals ?

The constitution of India was framed by a constituent Assembly. This Assembly was an indirectly elected body. It had laid down certain ideals to be included in the constitution. The ideals included commitment to democracy, guarantee to all the peoples of India justice, equality and freedom. It had also proclaimed that India will be Sovereign Democratic Republic. The constitution of India begins with a preamble. The preamble contains the ideals, objectives and basic principles of the constitution. The salient features of the constitution have evolved directly and indirectly from these objectives which flow from the preamble.

The preamble is like an introduction or preface of a book. As an introduction, it's not a part of the content, but it explains the purposes and objectives with which the document has been written. So is the case with the "preamble" to the Indian constitution. As such the "preamble" provides the guide lines of the constitution.

1. Sovereignty → Sovereignty is one of the foremost elements of any independent state. It means absolute independence i.e. a government which is not controlled by any other power internal or external. A country can not have its own constitution without being sovereign. India is a sovereign country. It is free from external country control. It can frame its policies. India is free to formulate its own foreign policy.

India is a sovereign nation both internally and externally. Indian constitution does not recognise legal supremacy of any other country. India is not only subject to interference of any other state or external power with respect to its internal as well as external policies. Sovereign power lies in the people of India.

The word "sovereign" implies - that India neither a dependency nor a dominion of any other nation, but an independent state. (Till the passage of the Indian Independence Act 1947, India was a dependency of the British Empire. From August 15 1947 to January 26 1950 by declaring India's political status was that of dominion in the British common wealth of Nations. India ceased to be a British dominion on January 26 1950 by declaring herself a sovereign republic. However Pakistan continued to British Dominion until 1956).

India internally and externally sovereign - externally free from the control of any foreign power and internally, it has a free government which is directly elected by the people and makes laws that govern the people. She allies in peace and war. Nehru said in 1949 thus: We took pledge long ago to ~~passive~~ achieve Purna Swaraj. We have achieved. Does a nation lose its independence by alliance with another country.

Hence the term could also be understood in two different ways:

- Domestic sovereignty is actually control over a state exercised by an authority organized within the state.

- ~~Interdependent sovereignty~~ sovereignty is the actual control of movement across states' borders assuming the borders exist.
- International legal sovereignty is formal recognition by other sovereign states.
- Westphalian sovereignty: Westphalian sovereignty is the principle of international law that each nation state has sovereignty over its territory and domestic affairs to the exclusion of all external powers on the principles of non-interference in another country's domestic affairs, and that each state is equal in international law.

The sovereignty empowers India to either acquire a foreign territory or cede a part of its territory in favour of a foreign state.

## ACTIVITY - 2

Q. What is the Meaning, Nature and classification of Human rights?

### Meaning of Human Rights

Human beings are born equal in dignity and rights. These are moral claims which are inalienable and inherent in all individuals by virtue of their human nature, irrespective of caste, colour, creed, and place of birth, sex, cultural difference or any other consideration. These claims are articulated and formulated in what is today known as human rights. Human rights are sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.

### Nature of Human Rights

1. Human Rights are Irreducible.

Human Rights are conferred on an individual due to very nature of his existence. They are inherent in all individuals irrespective of their caste, creed, Religion, sex and nationality. Human Rights are conferred to an individual even after his death. The different religions indifferent religions bear testimony to this fact.

2. Human Rights are Essential and Necessary.

In the absence of human rights, the moral, physical, social and spiritual welfare of an individual is impossible. Human rights are also essential as they provide suitable conditions for material and moral upliftment of the people.

3. Human Rights associated with human dignity :-  
 To treat another individual with dignity irrespective of the fact that the person is male or female, rich or poor etc. is concerned with human dignity. For e.g. In 1993, India has enacted a law that forbids the practice of carrying human excreta. This law is called Employment of Manual Scavengers and Drug Latrines (Prohibition) Act.

4. Human Rights are Irrevocable :-

Human Rights are Irrevocable. They can not be taken away by any power of authority because these rights originated with the social nature of man in the society of human beings and they belong to a person simply because he is a human being. As such human rights have similarities to moral rights.

5. Human Rights are given under four headings i.e. Purpose of life :-

Human life has a purpose. The term "human Right" is applied to those conditions which are essential for the fulfillment of this purpose. No government has the power to cancel or take away the rights which are sacrosanct, inviolable and immutable.

6. Human Rights are Universal :-

Human Rights are not monopoly of any privileged class of people. Human Rights are universal in nature without consideration and without exception. The values such as divinity, dignity and equality which form the basis of these rights are inherent in human nature.

### 1. Human Rights are Limited

Man is a social animal and belongs in a civic society, which always put certain restrictions on the enjoyment of his rights and freedoms. Human rights as such are those limited powers or claims which are contributory to the common good and which are recognized and guaranteed by the state, through its laws to the individuals. As such each right has certain limitations.

### 2. Human Rights are Dynamic

Human Rights are not static they are dynamic. Human Rights go on expanding with socio-eco-cultural and political developments within the state. Judges have to interpret laws in such ways as are in tune with the changed social values. For eg. The right to be relieved from sickness has now been extended to include free medical treatment in public hospitals under the Public Health scheme, free medical examination in schools and the provisions for especially equipped schools for the physically handicapped.

### 3. Rights are Limits to State Power

Human Rights are to imply that every individual has legitimate claims upon his or her society for certain freedom and benefits. So, human rights limit the state's power. These may be in the form of negative restrictions on the powers of the state from violating the inalienable freedoms of the individuals or in the nature of demand on the state as positive obligations of the state. For

4

any 8th freedom that are enumerated renders the right to liberty forbid the state from interfering with the individual.

### Classification of Human Rights

Human Rights can be broadly classified on five bases. They are:

- Civil Human Rights
- Political Human Rights
- Economic Human Rights
- Social and Cultural Human Rights.
- Development Oriented Human Rights.

a) The seventeenth, eighteenth, nineteenth centuries contributed and strengthened the civil and political rights which assured civil and political liberties. The civil and political human rights because they provide protection and guarantee individual liberty to an individual against the state and its agencies. Liberty rights also referred to as Blue Rights are the first generation of Human Rights.

b) The twentieth century contributed to the development and strengthening of economic, social and cultural rights and the rights of minorities as well. These rights aim at promotion of the economic and social security through economic and social upliftment of the weaker sections of the society. These rights are essential for dignity of personhood as well as for the full and free development of human personality in all possible directions. These rights ensure a harmonious

of economic welfare of the masses and their basic material needs recognized by the society as essential to civilized living.

- (4) The evolution of human rights have taken place over centuries. The twentieth century witnessed the crystallized of the philosophy of Human Rights when the United Nations adopted the UN charter 1945, The universal Declaration of Human Rights, 1948 and the International covenants on Human Rights with further emphasis to protection of rights of women, Abolition of slavery, Racial Desecration, civil and political Rights, Economic, Social and cultural Rights and most importantly the Rights of children. The development oriented rights belong to the twentieth century which is essential to maintain world peace as well as right to clean and wholesome environment along with environment protection and improvement

## ACTIVITY - 5

5

Q.3. Meaning and Nature of Equality of Educational Opportunity?

Ans: Equality of educational opportunity includes provision of education for all, irrespective of religion, caste, creed, sex and location. It doesn't mean identity of educational opportunity but it means best suited to the intelligence and aptitude of every student. Therefore, the national policy of Education (NPE) 1986 emphasized that equality of education means "to provide for equal opportunity to all not only in access but also in the condition for success".

Ordinarily equality of opportunity means to give equal chance to every individual for the development of his capacity. The concept of equality of opportunity can be interpreted in two ways such as horizontal equality and vertical equality. The horizontal equality treats all constituents in equal manner whereas the vertical equality requires special consideration to bring about equality of opportunity.

Constitutional provisions for Equality of Education

The constitution of India article 45 provides for the provision of educational opportunities to all people of the country. Since education is one of the most important means for development, it is through education that one can aspire to achieve higher status, position and emolument. So every individual should have similar opportunities for getting education.

Articles of Indian constitution stress the equality of educational provision :-

- Article 26(1) :- It states that education is a fundamental Right. No person should be denied admission to educational institutions on the grounds of caste, colour, creed, religion or any one of them.
- Article 21(A) :- The 93rd Amendment of the Directive principles of state policy declared, "the state shall endeavour to provide free and compulsory education for all children until they complete the age of 14 years." This, it provides equal opportunity to all primary education for all children.
- Article 41 :- The state shall promote with special care the education and economic interests of the scheduled caste and scheduled Tribes and the weaker sections of the society.

## ACTIVITY

Q4. Write the definition of exclusion.

Ans → Exclusion:

Exclusion is defined as the process by which individuals and population groups face barriers in relation to their access to public goods, resulting in inequitable social attainments, capabilities, development, justice, and dignity outcomes. The barriers may arise from a number of causes including through social or state neglect, social or state discrimination, tacit or active social or state denial, social or state violence and dispossession, customary practices and cultural norms and /or by facility design and implementation of state laws, policies and programmes or a combination of all of these.

~~Right to education lies in the grim and dark reality of millions of children in the country who, due to the specific nature of their vulnerabilities, continue to be deprived of an education. One such category of children namely urban street children are physically visible to policy makers every day but continue to be excluded from education system. Most severely and consistently excluded are women, Dalits, Adivasis, Muslims and persons with disabilities.~~

As estimated six million migrating children find their schooling interrupted and do not attend school, while at least 500,000 people were internally

displaced due to conflict and violence in India by the end of 2011. About 145,000 of the estimated 2.1 million living with HIV/AIDS in India in 2011 were children below the age of 15.

Children from such highly-excluded groups face formidable and often insurmountable barriers in their access to schooling due to the specific nature of their vulnerabilities. Despite high enrolment level, the large majority of children, particularly from Dalit, Adivasi or Muslim communities and children with disabilities, drop out without completing elementary education or school education till class X.

Poverty plays a vital role in exacerbating such exclusion from education. Poor children have lower educational participation indicators like enrolment and attendance and higher dropout rates. Since the incidence of poverty is higher in marginalized households including Dalit, Adivasi, Muslim and female-headed households and households with persons with disabilities, such groups are particularly vulnerable to impacts of poverty on education exclusion.

The exists difference between suspension and exclusion.

Suspension from school is an action taken by the principle to address irresponsible behaviours. Students aren't able to attend school for a period of time ranging from one to five days. The length of the suspension depends on the severity and frequency

of the irresponsible behaviour. Suspension from school is intended to

- Provide support for the student and the school through a problem solving conference.
- Protect the learning and safety rights of other members of the school community.
- Signal to community that irresponsible behaviour is not accepted by the school community.

Why are students suspended?

Principal suspends students when they have reasonable grounds to believe that the students,

- Has committed or threatened to commit a violent act.
- Has persistently refused to follow the school's behavior code and this threatens the good order of the school.
- Has threatened the safety and well-being of others eg - through harassment, verbal abuse, bullying.
- Has committed an illegal act.
- Is interfering with the rights of others.
- Is persistently and wilfully inattentive and indifferent to their school work.

During the suspension period a conference is held to address the cause of the suspension and negotiate a student development plan. The conference includes:

- The student
- The school principal or their representative.
- Parents or caretakers.

It may also include:

- A family support person invited by the parents - e.g. an extended family member or a social worker.
- Other staff who are directly involved - e.g. a teacher or a counsellor.
- Other people who may be able to contribute - e.g. an interpreter.

What is exclusion?

- Exclusion from school is response to a student's behavioural and learning problems. Students excluded from school cannot attend school for either:

- A set period of time ranging from four to ten weeks.
- The remainder of a term.
- The remainder of a semester for students over 16 yrs of age.

The length of the exclusion period is decided by the principal depending on:

- The severity and frequency of the irresponsible behaviour.
- The length of time needed for the student to achieve specific behavioural goals.

Why are students excluded?

- Exclusion from school is a very serious matter. Students may be excluded for persisting with the same sort of behaviour that leads to suspension or for more serious behaviour.

What happens when a student is excluded?

A notice of intention to exclude is given by the principal. The notice suspends the student for up to five days.

During this time a pre-exclusion conference is held.

The conference has the same participants, process and aims as a suspension conference. If the student is under 16 years of age, a behaviour coach from the local district education office will also be invited.

After consideration informed on from all parties and setting the necessary learning and behavioural goals for the students, the principals determine whether or not to proceed with the exclusion.

If the principals decides not to proceed with the exclusion, the student will return to school after the suspension period. If the exclusion is to go ahead:

→ the goals and the duration are determined.  
→ the appeal process is outlined to the student and parent or carer.

→ Students under 16 may be moved to another school, or referred to a learning center or an alternative programme.

→ A time is set for all parties to meet again and decide whether the exclusion goals have been met.

If the exclusion goals have been achieved the student's re-entry is planned. If the goals have not been achieved, the exclusion period may be extended.

#### Nature of Exclusion

All pupils in a school benefit when behaviour is good. High standards of behaviour are important in helping children to feel safe and learn well, and parents and carers play a key part in this.

The government advises schools to focus on promoting positive behaviour, helping to build self-

discipline and encouraging respect for others.

Exclusion from school is widely used as a disciplinary response to misbehaviour by students in the school system and the rate of exclusions is far higher during the secondary phase than the primary.

But schools also need sanctions to deter pupils from misbehaving - one of those sanctions is the case of exclusion.

There are two types of exclusions : fixed term exclusions and permanent exclusions.

- Permanent exclusion is a very serious move and is generally a last resort, if all else has failed. A child can be permanently excluded because of a single offence if the offence is very serious for example:
- Serious actual or threatened violence against another pupil or a member of staff.
  - Supplying illegal drugs.
  - Carrying an offensive weapon such as knives.
  - Severe misconduct.

## ACTIVITY -5

9

Q5. Secondary school stage : Its Linkages with primary and Higher secondary stages of education.

Ans) The success of SSA in achieving large scale enrolment of children in regular and alternate schools has thrown open the challenge of expanding access to secondary education. The need for secondary education was emphasised by the following committee to keep intact with the latest technological development.

In 1952 the government of India appointed the Secondary Education commission (1952-53) to reform the secondary education. The Secondary Education commission (1952-53) made recommendation on various aspects of educational reconstruction. The commission recommended that aim of secondary education should be according to the needs of a democratic country. The commission suggested three major reforms in secondary education.

→ Reorganization of the educational pattern.

→ Diversification of Secondary curriculum.

→ Reform in the examination system.

The Government of India appointed the Kothari commission in 1964 and it submitted its report in 1966. The commission made recommendations on different aspects of secondary education and like

→ Establishment of a link between education and productivity through work experience.

→ Vocationalisation of education.

→ Improvement of scientific and technological education.

→ Establishment of common school to meet the needs of average parents etc.

In order to provide for diversification of educational opportunities so as to enhance individual employability, reduce the mismatch between demand and supply of skilled manpower and provide an alternative for those pursuing higher education the centrally sponsored scheme of Vocationalisation of secondary education was launched in 1988. It was revised in 1992-93 and now provides for financial assistance to the states to setup an administrative structure, conduct area-specific vocational surveys, prepare curriculums, textbooks, workbooks, curriculum guides, training manuals, teacher training programmes.

Secondary education is divided into two stages, lower or junior secondary and senior or higher secondary. Secondary education is varied and depends upon whether states have adopted the national structure for elementary education of eight year's duration. Excluding the union Territories, about nine states with a three-year secondary education program are in transition and will adopt the national structure in the next few years. In general there are no subject choices to be made by students in secondary education; the curriculum is standardized depending on the certification process.

Secondary education is a crucial stage in the educational hierarchy as it prepares the young persons for higher education and also for the world of work. The Government of India's intervention in secondary level education is at two levels:

- (c) Through apex national level bodies like National Council of Educational Research and Training, Central Board of Secondary Education, National Institute of Open Schooling Navodaya Vidyalaya Samiti, Kendriya Vidyalaya Sangathan and Central Tibetan School Administration and.
- i) Through centrally sponsored schemes such as
- Scheme of boarding and Hostel facilities for girls students of secondary and higher secondary schools.
  - Integrated Education for Disabled children.
  - Information and communication Technology in schools.
  - Quality improvement in schools.

Secondary education prepares young persons between the age groups of 14-18 for entry into higher education. It is a crucial stage in the educational hierarchy as it prepares the students for higher education and also the world of work. Thereby, it serves as a bridge between elementary and higher education.

In order to meet the challenges of universalisation of secondary education, there is a need for paradigm shift in the conceptual design of secondary education.

In this regard, all the aspects related to quality require considerable attention such as infrastructure, school improvement and teachers' professional development. Again, based on the positioning of this level of education, the specific areas within the area of infrastructure could be considered first. If the intention here is to enhance

the current curriculum and examination model, infrastructural needs would focus on laboratories rather than libraries. Teacher training in subject content knowledge and accountability systems for teachers and for schools would also be necessary. A specific reference needs to be made here to IT education.

In the current scenario where IT education is mainly confined to making students computer literate, it will be sufficient to introduce computers to students at the primary stage of education. It is only then secondary education can be linked with primary education and higher education.