

## PREAMBLE

"WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** (संप्रभु समाजवादी धर्मनिरपेक्ष लोकतांत्रिक गणराज्य) and to secure to all its citizens:

**JUSTICE** (न्याय), social, economic and political;

**LIBERTY** (स्वतंत्रता) of thought, expression, belief, faith and worship;

**EQUALITY** (समानता) of status and of opportunity;

and to promote among them all

**FRATERNITY** (बंधुता) 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."

". . . **Political democracy** cannot last unless there lies at the base of it **social democracy**. . . What does social democracy mean? It means a way of life which recognises liberty, equality and fraternity as the principles of life. **These 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 the many. Equality without liberty would kill individual initiative. Without fraternity, liberty would produce the supremacy of the few over the many. Without fraternity, liberty and equality could not become a natural course of things. . .**"

Babasaheb Dr. Ambedkar

@Constituent Assembly, 25th November, 1949

“ . . . *We must begin by acknowledging the fact that there is complete absence of two things in Indian Society. One of these is equality.* On the social plane, we have in India a society based on the principle of graded inequality . . . On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. **In politics we will be recognising the principle of ‘one man one vote’ and ‘one vote one value’.** In our social and economic life, **we shall, by reason of our social and economic structure, continue to deny the principle of ‘one vote one value’.** How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? **If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.”**

“*The second thing we are wanting in is recognition of the principle of fraternity.* What does fraternity mean? **Fraternity means a sense of common brotherhood of all Indians – of Indians being one people.** It is the principle which gives unity and solidarity to social life . . . **I am of opinion that in believing that we are a nation, we are cherishing a great delusion. How can people divided into several thousands of castes be a nation? The sooner we realise that we are not as yet a nation in the social and psychological sense of the world, the better for us.** For then only we shall realise the necessity of becoming a nation and seriously think of ways and means of realising the goal. . . . ***The castes are anti-national. In the first place because they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste.*** But we must overcome all these difficulties if we wish to become a nation in reality. ***For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint. [Emphasis by the author]***”

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**- Babasaheb Dr. B. R. Ambedkar's speech  
at the Constituent Assembly, 25th November 1949**

"The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years."

**– Article 45, Part IV**

"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 the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

**– Article 46, Part IV**

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment . . ."

**– Article 41, Part IV**

## The Economic Mandate of the Constitution and Education: Part IV

### Article 38

"(1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may **a social order in which justice, social, economic and political, shall inform all the institutions** of the national life.

(2) The State shall, in particular, strive to **minimise the inequalities in income**, and endeavour to **eliminate inequalities in status, facilities and opportunities**, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations."

### Article 39

"The State shall, in particular, direct its policy towards securing -

(a) that the citizens, men and women equally, have the **right to an adequate means of livelihood**;

(b) that the **ownership and control of the material resources of the community** are so distributed as best **to subserve the common good**;

(c) that the **operation of the economic system does not result in the concentration of wealth and means of production** to the common detriment;

(d) that there is **equal pay for equal work** for both men and women; . . ."

## Part III Vs. Part IV

Hon'ble Supreme Court in *Kesavananda Bharati Vs. State of Kerala* had held (1973):

"The fundamental rights and the directive principles constitute the conscience of our Constitution . . . To ignore Part IV is to ignore the sustenance provided for in the Constitution, the hopes held out to the Nation and the very ideals on which our Constitution is built . . ."

Hon'ble Supreme Court in *Mohini Jain Vs. State of Karnataka* ruled (July, 1992):

"the objectives set forth in the Preamble to the Constitution cannot be achieved unless education is provided to the citizens of this country . . . Parts III and IV of the Constitution are supplementary to each other. Unless the 'right to education' mentioned in Article 41 is made a reality, the fundamental rights in Part III will remain beyond the reach of the illiterate majority . . . Article 21 has been interpreted by this Court to include the right to live with human dignity . . . **The 'right to education' flows directly from 'right to life.' In other words, 'right to education' is concomitant to the Fundamental Right enshrined in Part III of the Constitution. . . .**"

Hon'ble Supreme Court in *Unni Krishnan, J.P. Vs. State of Andhra Pradesh* held (February 1993)

"This Court has also been consistently adopting the approach that the **Fundamental Rights and Directive Principles are supplementary and complementary to each other and that the provisions in Part III should be interpreted having regard to the Preamble and the Directive Principles of the State Policy. The initial hesitation to recognise the profound significance of Part IV has been given up long ago.**"

The Unni Krishnan Judgement cites Justices Ranganatha Reddy and Krishna Iyer who ruled in another case as follows:

**"Our thesis is that the dialectics of social justice should not be missed if the synthesis of Part III and Part IV is to influence State action and Court pronouncements."**

Further, citing Y. V. Chandrachud, Chief Justice in *Minerva Mills Vs. Union of India, 1980*, the Unni Krishnan Judgement records,

**"Parts III and IV are like two wheels of a chariot" and "to give absolute primacy to one over the other is to disturb the harmony of the Constitution." . . . "Those Rights (Fundamental Rights) are not an end in themselves but are the means to an end. The end is specified in Part IV."**

**The Unni Krishnan Judgement ruled,**

**". . . Fundamental Right are but a means to achieve the goal indicated in Part IV. It is also held that the Fundamental Rights must be construed in the light of the Directive Principles."** Further, "It is noteworthy that among the several articles in Part IV, only Article 45 speaks of a time-limit; no other article does. Has it no significance? Is it a mere pious wish, even after 44 years of the Constitution? . . . **Does not the passage of 44 years, more than four times the period stipulated in Article 45, convert the obligation created by the Article into an enforceable Right?"**

## **86th Amendment Act (2002)**

It is, therefore, not without reason that the Constitution (Eighty-Sixth Amendment) Act, 2002 was termed as the **first neoliberal intervention in the Constitution** made at the behest of the global capital and its agencies, constituting a direct Manusmriti-cum-Market assault on India's sovereignty and her education policy. **51A(k)???**

**d) Distorting the Purpose of Education:**

### **NITI AYOOG (2017-20): PREAMBLE REDUCED TO SKILL & EMPLOYMENT**

**- 9 PAGES TO EDUCATION (Ch. 20) OUT OF 211 PAGES - ENTITLED, 'EDUCATION AND SKILL DEVELOPMENT'!**

With this the transformative role of education, as defined in the Preamble, to build a democratic, humane and enlightened society stands entirely subverted. No wonder that the present ruling dispensation is apprehensive of students and teachers who are groomed in the culture of critical thought, scientific method, debate, divergent pursuits and dissent. Never in the history of India, the state has

been so scared of its educational institutions and student and teacher community as the present ruling dispensation.

**The single most crucial problem of India is not poverty but inequality that generates poverty.**



**"SAVE EDUCATION, SAVE CONSTITUTION, SAVE INDIA"**

## THE DILEMMA OF EDUCATION IN INDIA

### India's Constitution Vs. the World Bank-UN

CONSTITUTION OF INDIA (1950)	World Bank-UN JOMTIEN DECLARATION (1990)
<b><i>Elementary Education of 8 years guaranteed.</i></b>	<b><i>Basic Education limited to Primary Education of 5 or less years.</i></b>
<b><i>Children up to 14 years of age have a Fundamental Right to education, including those below six years of age for Pre-Primary &amp; ECCE; the Right continues to exist under Article 41 even beyond the age of 14 years but is limited by the State's "economic capacity . . ." (Supreme Court's Mohini Jain, 1992 &amp; Unnikrishnan Judgment, 1993). All sectors of education – kindergarten to higher/professional – envisioned holistically.</i></b>	<b><i>Only a symbolic reference to Fundamental Right in the Preamble and that, too, limited to 6-11 year age group children; early childhood care and pre-primary education included in the scope of Basic Education, though not as a universal entitlement – a myopic and fragmented vision.</i></b>
<b><i>Guarantee of free education.</i></b>	<b><i>No reference to free education.</i></b>
<b><i>Education aimed at building citizenship for a democratic, socialist, egalitarian, just and secular society – founded in equality, liberty &amp; fraternity.</i></b>	<b><i>The definition of Education as "basic learning needs" allows its reduction to literacy-numeracy, life skills and behaviourism.</i></b>
<b><i>The State is obliged to ensure reprioritisation of internal resources in order to provide for education.</i></b>	<b><i>State's obligation substituted by external assistance and partnership with NGOs, religious bodies and the corporate capital.</i></b>
<b><i>Equality in and through education in all its dimensions.</i></b>	<b><i>Equality normally limited to the ambiguous "opportunity to achieve and maintain an acceptable level of learning."</i></b>
<b><i>Guarantee of education of equitable quality – a Common School System based on Neighbourhood Schools.</i></b>	<b><i>No such guarantee – allowing space for a multi-layered school system of inferior parallel layers.</i></b>



## **The NEET-CUET Phenomenon:**

### **Assault on India's Federal Character vs. the Alternative**

Article 1 (1) of the Constitution states: **“India, that is Bharat, shall be a Union of States.”**

The wide-ranging and crucial implications of this vision of the Constitution were deliberated upon by Babasaheb Dr. Ambedkar on 25<sup>th</sup> November 1949 in his historic speech while presenting the Constitution to the Constituent Assembly in the following words:

“ . . . As to the relation between the Centre and the States, it is necessary to bear in mind the fundamental principle on which it rests. The basic principle of Federalism is that the **Legislative and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the Constitution itself.** This is what Constitution does. **The States under our Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter. . .** This is the principle embodied in our constitution. There can be no mistake about it. **It is, therefore, wrong to say that the States have been placed under the Centre. Centre cannot by its own will alter the boundary of that partition. Nor can the Judiciary.”**

“ . . . certain educationists in India who believe that the raising of the standard of examination is equivalent to the raising of the standard of education . . . Examination is something quite different from education, but in the name of raising the standard of education, they are making the examinations so impossible and so severe that the backward communities which have hitherto not had the chance of entering the portals of the University are absolutely kept out.”

**- Dr. Babasaheb Ambedkar: Writings & Speeches, Vol. 20, p. 50;**  
Bombay Legislature Council Debates, 27th July 1927



“ I will emphasise it is not only that even a person with least knowledge will agree but it is also a conclusion drawn from the experience that mark can neither identify smartness and laziness nor it could identify virtue, vice, intellect and fool . . . if more and more conditions are to be imposed for merit and efficiency, how merit and efficiency could be righteous and genuine . . .”

**- Thanthai Periyar**  
Viduthalai Editorial, 16th March 1968



“ . . . Merit cannot be measured solely in terms of marks. Merit must be construed in terms of the social value of a member in the medical profession; . . . Thus, we need to reconceptualise the meaning of ‘merit’. . . if a high-scoring candidate does not use their talents to perform good actions, it would be difficult to call them ‘meritorious’ merely because they scored high marks. The propriety of actions and dedication to public service should also be seen as markers of merit, which cannot be assessed in a competitive examination. Equally, fortitude and resilience required to uplift oneself from conditions of deprivation is reflective of individual caliber.”

**- Supreme Court in the judgement dated 20 January, 2020**

## **The NEET-CUET Phenomenon:**

**Assault on the Constitutional vision of education  
& Existing Level-Playing Field with Agenda of  
Exclusion, Corporatisation & Enslavement**

**DENIAL OF EQUALITY & SOCIAL JUSTICE**

*BUT*

**INFATUAION WITH UNIFORMITY**



**‘one India, one education’**



**ONE SIZE FITS ALL**

*Any attempt to impose uniformity in a richly diverse society like India, debilitated by increasing disparity, is bound to enhance discrimination, denial and deprivation.*



**The Constitutional vision calls upon the Indian state to build a sensitive understanding of both the diversity and disparities inherent in each of the afore-mentioned geo-culturally defined communities and evolve education along with nutrition-cum-health support**

**systems in consonance with the diversity. Without securing this foundation from early childhood onwards, it would be fraudulent to talk of Level Playing Field while introducing standardized uniform filters like NEET-CUET after Plus Two stage.**

**By the time an adolescent is aspiring to enter UG medical course, denial of balanced nutrition, deprivation of health support and cumulative neglect of cognitive development since early childhood would have caused irreparable damage<sup>1</sup>. The policy makers of NEET-CUET fail to even take note of this Constitutional vision while imposing uniform all-India filters designed to exclude, thereby denying the social reality of the exploited and suffering masses comprising mainly the Bahujans (85% of the population)!**



**COACHING BUSINESS**



**FRAUD OF LEVEL-PLAYING FIELD**



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<sup>1</sup>In order to appreciate the concern of the Constitution regarding education, nutrition and health of the children in particular, read Articles 39 (e) & (f), 46 and 47 of Part IV in 'harmonious construction' with Article 21(Right to life with dignity) of Part III, enshrining all three of them as Fundamental Rights.

# **LOSS OF GENETIC POTENTIAL**

## The Dravidian Model of Education

Tamil Nadu has become the first State in India and, so far the only one, where the State Government has taken the following **four pioneering and historic steps** in protecting the educational rights of the people, as provided by the Constitution:

1. Constituted the **Justice (Retd.) Dr. A. K. Rajan Committee to assess the impact of NEET on medical education and public health care** in the state and recommend the **alternative way forward** as per the Constitutional vision of education and social development.
2. Passed a Bill to replace NEET at the recommendation of the aforesaid Committee with a view to provide admission to the UG medical degree courses **based on the marks in the Senior Secondary Plus Two examination, thereby eliminating coaching business, upholding equality and equal opportunity, ensuring social justice, and reinforcing a robust public health system across the state, including the rural areas.**
3. Challenged NEP 2020 by forming a **High Level Committee to draft an alternative State Education Policy.**
4. Passed **Resolution in the Legislative Assembly urging the Union government to withdraw CUET forthwith.**

This indeed is the **Dravidian Model of Education founded on the rich legacy of the historic anti-caste Dravidian Movement pioneered by Iyothee Thassar in the 19<sup>th</sup> century and carried to new heights by Periyar E.V. Ramasamy through Self-Respect Movement in the 20<sup>th</sup> century.** What could be a better tribute to these two formidable torch-bearers of equality and Social Justice other than ensuring that the said Bill to eliminate NEET becomes the legal instrument of equality and Social Justice in admissions to medical courses in Tamil Nadu in the 21<sup>st</sup> century!

It is crucial that this experience and message is carried to the other states/UTs as expeditiously as possible. Recently, the Hon'ble CM Thiru M.K. Stalin gave a clarion call at the CPI(M) Congress held in Kerala (April, 2022). He proposed:

**“Let's create a truly federal India”**

**“True Federalism is the Counter-Narrative that India Needs right now!”**

– Anil Sadgopal