

आंतरराष्ट्रीय बहुभाषिक शोध पत्रिका

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## DETERMINATION OF STANDARDS IN EDUCATION: The Overriding Powers Of The Union Legislature Under the Constitution

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### I. Significance of Education:-

In almost all legal systems 'Education' is considered to be an essential attribute of human civilization and culture. Peace, progress and prosperity of society depends upon education only. The greater the number of educated persons in society the higher would be the status of that society in the comity of nations. Almost every Constitution of the world gives utmost importance to the concept of Education in its system of Administration. So does the Constitution of India. There are provisions enacted in the Constitution with regard to Rights of the individuals, and the powers and responsibilities of the Union and the States in the matter of establishing and administering the Educational institutions, and maintaining standards in education.

This Article has the object of explaining the nature and scope of the powers of the Union and States in regard to the system of Higher Education and the overriding power of the Central Agencies in regard to the question of determining the standards in Higher Education.

### II. The System of Higher Education in India:-

Before making a reference to any of the Constitutional provisions with regard to Education it is necessary to point out that the system

of Education in India is 140 years old. It was in the year 1857 that the first three Universities: Calcutta, Madras and Bombay, were set up under the British Rule. Today we have 649 Universities and an equal number of other institutions. Of these 154 are general Universities, 22 are of Science and Technology; 13 are women's Universities, 15 are Open Universities and 17 are Medical Universities. As on today we have 18 language Universities, 39 Central Universities, 254 State Universities, 130 Deemed Universities and 13 Institutions of National importance.<sup>1</sup>

### III. The Problems of Higher Education:-

From its inception the system of Higher Education in India has faced a number of problems. The system has had to face new challenges in the post Independence era owing to tremendous increase in population, and scientific, technological and industrial progress in various matters. The first problem facing the system of Higher Education at present is to cater to a very large number of people among whom there are a disadvantaged group of persons, the Scheduled Castes, the Scheduled tribes, Backward Classes and Minorities. Then there is the problem of maintaining the required standards in education, and all this has to be done adhering to the principles on which the Constitution is founded.

The first principle on which the Constitutional Power is based is the federal principle. Under this principle there is distribution of Legislative and Administrative Powers between the Union and the States. The distribution of power by way of observing the federal principle enjoys the status of Basic Structure of the Constitution,<sup>2</sup>

### IV. Distribution of Legislative Powers between the Centre and The States with Regard to Education:-

The Seventh Schedule of the Constitution contains the lists of subjects in regard to which the legislative powers of the Centre and the States may be exercised. These Lists are