CHAPTER 3

HISTORICAL BACKGROUND
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(A) HISTORY OF RIGHTS

3.1 Evolutions of Human Rights, Philosophy and Laws:

It is highly important to have an insight into the evolution of human right philosophy, before; approaching the subject as it is. All major religions in the world have a humanist perspective that supports human rights despite the differences in the contents. No doubt that these religious thinking have contributed a lot to the development of ideals like ‘virtue’, ‘justice’, ‘fairness’, ‘morals’ etc and led to the philosophical concepts of “natural law” and “natural rights”. The idea of human rights is also rooted in the ancient concept of “Natural Law and Rights”. Early sparks of human rights ideals can be traced from the Laws Promulgated in ancient days during the reigns of Urukagina of Lagash (3260 B.C.) Sargon of Akkad (2300 B.C.) Hammurabi of Babylon (1750 B.C.) Laws of Hittiti and in the concept of ‘Dharma’ of the vedic period in India.¹

The concept underlying human rights, parse, is not new, although the name is. These rights were recognized way back in history in some of the Greek States who were familiar with modern concept of freedom of speech (Insogonia), equality before the law (Insonomia) and equal respect of all (Isotimia). Many countries have since recognized the basic human rights.²

3.2 The Greek Philosophy

“The real difference between democracy and oligarchy is poverty and wealth...Oligarchy is when the control of the government is in the hands of those that own the properties, democracy is when, on the contrary, it is in the hands of those that do not possess much property, but are poor... ”³

ARISTOTLE

According to Mamta Rao, the genesis of human rights is the utopian concept of natural rights traceable from the days of the Greeks or even earlier.¹

In fifth-century Athens, Plato (427-348 B.C.) looked beyond the law of the city-state in search of a more permanent and unimpeachable source of Justice. In his Republics (400 B.C.) Utopia, Plato argued that justice prevails when the state reaches ideal forms ordained by its philosopher-kings and is unrelated to the nomos of the polis. His concept of the common good contains an unusual defense of equal rights for women and a universal moral standard for human conduct, in war or peace, equally applied to Greeks and foreigners.²

Aristotle (384-322 B.C.) considered humanity to be moral, rational, and social, and he judged his law by how well it promoted these innate qualities. His Politics evaluated values such as virtue, justice, and rights and showed that they are best preserved in a mixed government (not a pure democracy, oligarchy, or tyranny) with an economically strong body of citizens. Soon after Plato and Aristotle, a new philosophical ideal, Stoicism came to the fore.³

3.3 Impact of Roman law:

Augustus Ceasar was the first emperor of Rome. He restored order to the republic and gave justices a new professional and authoritative role. Roman Law was greatly influenced by the Greek philosophy. With regard to the impact of human rights, Rome owes a lot to the Greek. The influence of Greek philosophy on the Roman law not only developed the concept of natural law, but also introduced a belief in universal rights for all. Rome on the other hand added its own contributions in law and politics to the base of Greek philosophy.

² www.wn.com/humanrights.
These included professional justice, use of precedents in judicial decisions, written codes of law, standards for assessing the legitimacy of law and tradition. Romans also revolutionized the concept of citizenship, introduced a belief in equal rights for women, and elevated freed slaves to high positions of authority.¹

The history of Roman Empire is marked with constant conflict between the individual and the state in the form of struggle for political power between the patricians (wealthy aristocrats) and plebeians (everyone else except slaves, including small land lords and peasants). Though the election to government posts was open to all freeborn adult male citizens, the system was weighted so that the rich held the most influence. The conflict for power ultimately led to the publication of Twelve Tables, the ancient Roman law.²

3.4 **English Concept Of Laws And Rights:**

Following the fall of the Roman Empire, Judeo- Christian traditions gradually influenced many institutions throughout Europe—including the monarchy and ruling class in England. By the end of the feudal era, the English were the first to restrict the rights of the absolute monarch. long before continental Europe seriously challenged the “divine right of kings”, The Magna Carta is the milestone in this direction.³

King John Brought the Magna Carta or “Great Charter of Liberties” and committed himself as well as his “heirs, for ever” to grant “to all freemen of the kingdom” the right and liberties enumerated in the Magna Carta.

As the first major step in delimiting the power of British monarchy, the Magna Carta led to many constitutional developments. Important to the history of human rights was the Petition of Right (1628) during the region of King Charles-I.

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² Ibid at p. 122
³ Supra at p. 25
Prominent seventeenth-century philosophers who helped define the ideological battleground between the English Parliament and its monarch through 1689 included John Locke (1632-1704) and Thomas Hobbes (1588-1679). Jean-Jacques Rousseau (1712-78). Together, these three had the most profound impact on European notions of a person’s natural rights and the social contract that he or she entered into with the state. These social contract philosophers challenged kings who failed to meet their natural law obligations to protect their subject, and the shift from natural law as “duty” to natural law as “right” began.

3.5 The American Revolution:

English constitutional development and natural rights theory were the intellectual antecedents for the United States war of independence and its subsequent constitutional development.

By October 19, 1781. Lord Cornwallis, commander of the British forces, was forced to surrender and America declared independence. The American Declaration of Independence was the first civic document that met a modern definition of human rights. It states,

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.”

➢ U.S. Declaration of Independence

3.6 The French Revolution:

“Liberate, Egalite, Fraternite!” (Liberty, Equality, Brotherhood!”)

Watchwords of the French Revolution

The French Declaration of the Rights of Man and of the Citizen in 1789 was the second major achievement in politically promoting natural rights. Buoyed by America’s successful independence struggle, the equal in

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2www.stu.edu/human rights.
3www.stu.edn/humanrights
rights," while arguing that the "aim of every political association is the preservation of the natural and imprescriptibly rights of man." It described those rights as "Liberty, Property, Safety, and Resistance to Oppression" and assured.

(B) HISTORY OF FUNDAMENTAL RIGHTS

The earliest milestones in the history of the modern human rights can be traced back to the Magna Carta (1215 AD). The petition of Rights (1627) the Bill of Rights (1688) in UK, the Declaration of the Rights of Man (1789) by French National Assembly, which all have influenced the framing of the U.S. Constitution.¹

The first milestone in the history of efforts towards the protection of individual rights against the arbitrary action of state is the "MAGNA CARTA", granted by King John of England to the English barons on June 15, 1215. The English barons were protesting against the heavy taxes imposed by the crown. The protesters were unwilling to accept the taxes as they were imposed arbitrarily. The declared "no taxes without representation". The protest soon gathered momentum and governance became difficult. The King was finally forced to grant some concessions to the barons and the concessions so granted by the King under a Royal proclamation containing seventy clauses are called "Magna Carta". It was confirmed by the British Parliament in 1217 and was modified in 1297 during the reign of Edward - I.

The essence of "Magna Carta" was the protection against arbitrary acts by the King. This is the first written document relating to the fundamental right of citizens.² It provided that land and property could no longer be sized, judges had to know and respect laws, taxes could not be imposed without common council, there could be no imprisonment without

trial, merchants were granted right to travel freely within England and outside, and also provided protection against arbitrary arrest and imprisonment.

Historical background of the right to education this right is a fundamental right according to Indian constitution article 21. Question is arising what is fundamental right. Fundament right is the important part of the Indian constitution. This topic of the constitution of India has very well been described as the Magna carta of India. As early as 1215 the English people exacted an assurance from king john for respect of the then ancient liberties. The Magna Carta is the evidence of their success, which is a written document. This is the first written document relating to fundamental rights of citizens. There after from time to time the king had to aceed to many rights to liberties of the English people. In France Declaration of rights of man and the citizen (1789) declared the natural, inalienable and sacred rights of man. Following the sprit of Magan Carta of the British and the Declaration of the Rights of man and the citizen of France, the Americans incorporated the Bill of Rights in their constitution. The Americans were first to give Bill of Rights a constitution status. Thus when the constitution of India was being framed the background for the incorporation of Bill of Rights was already present. The framers took inspiration from this and incorporated a full chapter in the constitution dealing with fundamental rights. But the declaration of fundamental rights in the Indian constitution is the most elaborate and comprehensive yet framed by any state. The inclusion of a chapter of fundamental rights in the constitution of India is in accordance with the trend of modern democratic thought, the idea being to preserve that which is an indispensable condition of a free society. The aim as right to life, liberty freedom of speech, freedom of faith and so on should be regarded as inviolable under your all conditions and that the shifting majority in legislature of the country should not have a free hand in interfering with these fundamentals rights.
3.7 **Historical Aspect**

The two Boston lawyers, Samuel Warren and Louis Brandies published joints article in 1890 on “The Right to privacy” in Harvard law Review1. That article is generally accounted one of the most influential, if not the most influential of all law review article2. It was said by Rosco Pound that it did nothing less than to add a chapter in the law.

I was said to have been provoked by press publicity of which Warren and his family were the unhappy victims. It came at a time when, as the author complained, a developing technology made it possible to intrude upon private lives and activities and to expose them to public gaze for reasons better than mere titillation and vulgar curiosity. “Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life and numerous mechanical devices threaten to make good and prediction that “what is whispered in the closed shall be proclaimed from the housetops”….. The press is in every direction the obvious bounds of propriety and of decency”3.

The article argued the case for the recognition of a general right to privacy which was based on the principle of inviolate individual personality and which gave protection to individuals against the public exposure of their private affairs without their consent. It examined cases in which relief had been given on the basis of defamation, the invasion of property rights, implied contract and breach of confidence, to take examples and argued that these were instances of the broader general principle.

The sweep and the style mark out this article as an outstanding piece of advocacy4 and its long term impact was far-reaching, courts and

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1. (1980) 4 Harvar L.R. 193
4. “What is United States is that recognition of the interest in privacy (by Warren and Prandies) preceded and was responsible for the development of the tort” Swanton. Protection of privacy (1974) 48 Australia L.J. 91 at p. 93.
legislatures in various jurisdictions in United States have fashioned common law and statutory remedies to provide protection in diverse ways for privacy, and these have recognized the need to strike appropriate balances and accommodations with contending interests. The success of the enterprise has been a matter of controversy. On the one hand, it has been said that a family well-balanced compromise has been achieved by adopting generally accepted community standards of civilized conduct as the criterion for prescribing the scope of legal protection. on the other, hand that after a long period of development there is no readymade intellectually satisfying and workable concept of privacy law which can be taken from America and transplanted to other common law jurisdictions. The younger committee which reported on privacy in the United Kingdom in 1972 observed that while privacy is widely recognized as a legally defensible right in the United Stated, it is not established as a coherent principle of law and it has not significantly contributed to respect for privacy in every day life, especially by the mass publicity media. In a modern article after three quarter of a century, the late Harry Kalven said that while privacy is an interest of profound and enduring importance, the arguments of the 1890 article were cut of touch with the more robust tastes and style of contemporary life, and that the efforts to protect privacy through the law of tort was mistaken, since privacy had no “legal profile”\(^5\). This view is sharply contested, but it has commanded support in two recent major reports in the United Kingdom and Australia, both of which have declined to recommend a statutory enactment of a general right to privacy\(^6\).

It is generally agreed that, to this point, the common law of England and many other commonwealth common law jurisdictions knows no generalized right to privacy. In the Parliamentary debate on the first of the private members’ bills on privacy introduced in the United Kingdom during the 1960’s, Lord Man croft’s Right of privacy Bill 1961.

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5 Kalvan of. Cit. ante note (2) at pp. 327, 333.
Lord Denning said that the law on privacy in the United States had evolved from the English common laws and that in England "the judges may well do it, there is nothing on any decision of this House Judicially. we find that the lawyers produce a remedy." The English law has provided relief to the point of giving exemplary or aggravated damages on occasion for intrusion on privacy, but only in the content of actions for trespass, defamation, breach of copyright and breach of confidence, to instance particular examples. The younger committee commented that Great Britain has less in its law aimed specifically at the invasion of privacy than any other country whose law it had examined. Lord Denning's statement in the debate on the Man croft Bill was very much in character, but it is very doubtful if the Common Law of England would at the time, recognize or announce a general right of privacy and it changes are to take place in this area, outside the scope of existing remedies, it is certainly that they will be accomplished by legislation. Moreover, as the Younger committee noted, it is questionable whether a topic, which is subject to such rapid changes in social convention as privacy can be regulated on the basis of case law, slowly built up which would tend to reflect the values of an earlier period rather than of contemporary society.

As in England, so elsewhere in the commonwealth, there has been no common law development of a generalized right to privacy. In the Australian High Court, in Victoria Park Racing Co. v. Taylor Lathan C.J. said, almost sixty three years ago i.e., in 1937, that "however desirable some limitation upon invasion of privacy might be, no authority... shows that any general right of privacy exists". In that case, it was unsuccessfully sought to restrain the broadcast of races from a platform erected outside and overlooking a racecourse.

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9 Report of the Committee on Privacy cmd. 5012 of 1972 Appendix 1 at pp. 287.
11 (1987) 58 C.L.R. 479 at p. 496.
The case was a poor one to decide the general issue because the proprietor did not want privacy for his race meeting: on the contrary he wanted full control over the commercial exploitation of his undertaking. It might then be argued that the broad statement by the chief justice was not necessary to the disposition of the issue, and that the right of a plaintiff whose interest is not the protection from surveillance and from disclosure of what that surveillance reveals. Could be regarded as open\textsuperscript{12}, that is very doubtful and the case is better regarded as a general statement of the common law. It would take the boldest lawyers and richest of plaintiffs to reopen the matter\textsuperscript{13}. The situation is very likely the same in India: Article 19 (2) of the constitution in preserving the operation of laws which impose reasonable restriction on the right to freedom of speech and expression assured by Article 19 (1) (a) specifically enumerates laws relating to public order decency or morality, contempt of court and defamation. There is no mention of privacy and the reason is surely that Indian law had, to that point developed no general right to privacy.

A right to privacy with regard to correspondence is already found in source of Jewish law of the tenth century A.D.\textsuperscript{14}. Legislation originating in the period of the British mandate over Palestine recognizes the right to privacy in a narrowly circumscribed way. Thus, the private domain is protected against physical encroachment by provisions making trespass a civil wrong and a criminal offence. The law also forbids harassment by means of the telegraph and copyright is likewise protected.

### 3.8 Judicial Approach

The phrase “right to privacy” is used in the Indian case-law to refer to the right which an owner of a house may have under local custom to seclusion of his inner apartments from the view of his neighbor.

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\textsuperscript{14} Rakover, The protection of privacy in Jewish law: (1975) 5 Late year book on H.R 169.
It has been used in the United States and also in England in a very different sense and refers to the right to freedom from emotional disturbance like annoyance, mental pain or distress caused by certain forms of misconduct which do not fall within one of the torts already recognized by the law. A common form of one’s name, likeness or private affairs by photographer’s pressman or commercial adventures. Some of them it is well known, adopt aggressive and undesirable method to achieve sensation and profit by such mans. In the U.S. a right to privacy has been recognized not merely in such cases but also in regard to other forms of misconduct causing emotional distress. Formerly in the U.S.A. and also in England emotional distress was not by itself a causes of action but compensation for it could be claimed when it accompanied an independent tort like an invasion of the right to person, property or reputation. It was so to say, parasitic on another cause of action and not t tort by itself.

The position remains much the same in England but is different in the U.S.A. The law now prevailing in those two countries is reviewed briefly in the following two paragraphs. It is of considerable interest to use by way of showing the new development in social opinion and sentiment giving rise to new needs and the response which law makes to meet these needs.

The desire to protect “privacy” has been prominent in both the United States and the United Kingdom. In the attention has focused upon the judicial development of protection of many aspects. The situation in the United Kingdom has been different: Parliament has been the primary forum for discussing privacy issues. Those discussion led to the appointment of the younger Committee which, in July 1972 published its report on privacy.

(i) America:

Courts and legislatures in the States in the U.S. have come to recognize this right in order to afford protection against the growing menace of unauthorized publicity of a persons name, likeness or private
affairs causing him annoyance, mental pain and distress. In the course of years actions have been allowed also for other of forms of wrong doing likely to cause a disturbance of emotional tranquility, e.g. the use of abusive language, whether defamatory or not which was likely to cause, and actually caused, mental suffering of such a character as to result in physical illness, as when an insurance agent went to the plaintiff, the insulting conduct of persons in charge of public utilities towards passengers or others using the utilities, delayed or garbled messages sent by telegraph companies, disrespect or outrage of bodies of deceased relatives. The trend of case law and legislation is towards recognizing a general right to freedom from emotional disturbance caused intentionally or unreasonable conduct. This is spoken of as the right to privacy. The right has grown beyond its original dimensions and is now a well-recognized subject of claim in the courts. The law on this subject is thus set out in a well-known treatise in that country, on the law of Torts by Harper and James. As civilization becomes more complex and varied, new interests emerge and new values evolve and not the least of them are the interests in privacy. The most important of these interests are four.

i- The interest in seclusion.
ii- The interest in personal dignity and self-respect.
iii- The interest in privacy of name, likeness and life history.
iv- The interest in sentimental association.

The examples of or illustrations for, these four points are:

a) wire-taping or eavesdropping on the telephone.

b) Cases under this head relate to conduct such as the use of abusive or insulting language or indecent proposals.

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2. H.L.R. 1064, 1066

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c) Cases under this head are fairly common, such as the unauthorized publication of one’s photograph for commercial purposes, improper methods adopted by debt collecting agencies, as by sending letters in envelopes conspicuously proclaiming the plaintiff’s failure to pay his just debts, annoyance caused by publication given to biographical details.

d) A violation of this right would be unauthorized publicity or exposure of personal experiences with intimate friends or loved ones, if letters keepsakes and other symbols of sentimental associations with such persons”.

In cases of unauthorized or officious publication a possible defence is the public interest in obtaining the news. The may give rise to difficult questions as what a court should consider as newsworthy. In determining this, several factors will have to be considered such as the motive of the defendants, the sex, status in life, previous habits of the plaintiff with reference to publicity, and place, because of their misfortune in the case of a serious accident, cannot complain of the resulting publicity. It has now come to be regarded as the function of the press to satisfy the curiosity of the public as to their leaders villains, and victims. If a person in an unusual accident and finds his picture in the paper the next morning, perhaps he has no legal complaint, even though he is the most inconspicuous of private citizens. On the other hand, a woman may well complain if an X-ray picture of her malformed pelvis is shown in a syndicated newspaper column without her consent, not withstanding public curiosity.

It is also true that noted movie actor or a favours general of the army facing a battery of Cameras when he sets off in aeroplane for a routine vacation trip no basis for a claim for an invasion of privacy. The explanation for the development of this right in the U.S. has been thus stated by the learned authors of the above treatise and will be read with
interest. "Viewing this extraordinary development with the omniscience of
hind-sight, it appears that the inception of the doctrine was the almost
inevitable by the technological development of the law under the pressure
of great social need, produced by the technological developments and the
Vast extension of business which transformed American society into mass
urbanization, thus creating many new sensitivities".

In Roberson v. The Rochester Folding Box Co. 1 popularly known
as New York case, the plaintiff, a young woman, complained that the
defendants, flour manufacturers and sellers, printed and circulated without
her knowledge or consent, 25000, portraits of her likeness with the
following words below the portraits. "Flour of the Family". "Franklin Mills
Flour". The Supreme Court of New your held that there was no liable and
denied a right of action on the ground of an invasion of a right to privacy.
The State legislature, however, enacted a law the next year conferring a
right of action in such cases 2.

In a California case 3, the action could rest only on the former
ground. The plaintiff had renounced a life of shame and had been acquitted
after a trial for murder, married and became an exemplary wife. Seven years
later, the defendants without permission related a motion picture based on
the true story of the plaintiff's life, as found in the court records, advertising
it as such and using the plaintiff's maiden name. It was held that the
plaintiff could such for violation of privacy. The fourth Amendment of the
U.S. constitution declares "The right of the people to be secure in their
personal houses, papers and effects against unreasonable search and
seizures, shall not be violated and no warrant shall issue, but upon probable
cause, supported by oath or affirmation and particularly describing the place
to be searched and the persons or things to be seized".

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1. (1902) 171 N.Y. 538, Kenny, Cases on Torts
2. 47, L.Q.R. p. 35
One of the Warren Court’s foremost contributions to American constitutional law was its discovery of the constitutional right to privacy. Justice Douglas said, “indeed during the last two decades the fourth Amendment Right to be free from reasonable searches and seizure had become, in short hand terminology, ‘right to privacy’.

In *Mapp v. Ohio*\(^2\), the appellant had been convicted knowingly having in her possession and under her control certain lascivious books, pictures and photographs in violation of Ohio’s revised code. The U.S. Supreme Court held, “Having once recognized that the right to privacy embodied in the Fourth Amendment is no longer permit that right to remain an empty promise. Because it is enforceable, in the same manner and the like effect as other basic rights, secured by the due process, we can no longer permit it to be name of law enforcement itself, chooses to suspend its enjoyment. Our decisions, founded reasons and truth gives to the individual no more than the right which the constitution guarantees him, to the police officer, no less than that to which honest law enforcement is entitled and to the courts that judicial integrity so necessary in the true administration of Justice”.

The Supreme Court of U.S.A. discussed this right to privacy in detail in 1965 in *Griswold v. Connecticut case*\(^3\). In this case it was held that protection against all governmental invasions of the sanctity of a man’s home and privacies of life was fundamental and the privacy is a fundamental personal right emanating from the totality of the constitutional scheme under which American live.

In another important case of *Roe v. Wade*\(^4\). The Supreme Court held that although the constitution of U.S.A. does not explicitly mention any right to privacy, a guarantee of certain areas or Zones of privacy does

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exist under the constitution and that the roots of that right may be found in the penumbras of the Bill of Rights in the Ninth Amendment and in the concept of liberty guaranteed by first section of the 14th Amendment.

(II) *England:*

The trend of English case law is however, against any right of action for more annoyance or injury to feelings independently of the recognized heads of actionable injury. For instance, no action lies for insult by words or gestures unless they amount to defamation. An action of the unauthorised use of the name of a person or his property does not lie unless it is likely to cause loss of business or trade. In *Sports and General Agency Ltd. v. Fox Films Co.*\(^1\), the right to privacy of one's property arose for decision and was negative. In this case the promoters of a dog show assigned the sole photographic rights at the show, took photograph of the dogs without the authority of the promoters and published them in illustrated papers. He sued for injunction to restrain the defendant from making any further use of photos. His suit was dismissed on the ground that the law did not recognize an exclusive right to take photographs of one's property. If, However, the defendant was admitted into the enclosure on the plaintiff's authority. An invasion of the privacy of a person or his property may however afford independent cause of action.

Invasion of the privacy and seclusion of a man's premises by loitering about them may be a trespass or nuisance. Publication of a person's private letters or works not intended by his to be published may be restrained as a breach of confidence or an infringement of privacy of the right of property. Unauthorised publication of a photograph may amount to breach of contract is where a photographer employed to take a certain number of copies took more and sold them\(^2\).

In the law of Torts\(^3\) by Harry Street the learned author observes; that

\(^1\) (1923) 58 L.Jour. 511 (1916) K.B. 880.
\(^2\) Pollard V. Photographic Co. (1888) 40 ch. D. 345.
no English decision has yet recognized that the infringement of privacy which does not come within one of the exiting heads of liability to a tort. He has given few illustrations of invasion on privacy not constituting defamation or any other tort ad therefore not being actionable. For example, the jilted lover who makes his former sweetheart a present of a bathing costume which dissolves in chlorinated water: the farmer who offends the old spinsters across the road by encouraging his beasts to mate on Sunday mornings in a paddock in full view of the old ladies: the hotel manager who rushes into the plaintiff’s bedroom and says: “Get out of here’ this is a respectable hotel” (and the plaintiff’s are husband and wife): the newspaper which on the eve of an election, rakes up the forgotten past of one of the candidates: the defendant insurance official who obtains admission to the accident ward of a hospital in order to browbeat a victim into signing a form accepting a nominal sum by way of compensations for injuries inflicted on her by someone insured with the defendant’s firm: the newspapers reporters who regrettably, sometimes stop at no invasion of privacy in order to “get a story”.

So, it can be said that wrongdoing of the kind discussed above has not assumed the dimensions in England than it has in the United States.

Therefore, it is clear that it explains the difference in the rules and judicial policies in the two countries.

So, far as infringement of privacy in England is concerned the law on this topic is much developed in the United State than in England. This may be described as interference with another person’s seclusion of himself, his family or his property from the public. It can be divided between privacy of property and personal privacy.

3.9 The Hindu Concept:

Though the human rights concept is of a recent and Western origin, the principles of human rights were seen embodied in the ancient Hindu legal system. In that system law was part of ‘Dharma’, which meant rightful
conduct and doing one’s act with noble intentions. The ‘Sanatana Dharma’ as it was called laid stress on nobility of action. Every Human conduct was directed to the ultimate end of preservation of human society and human values. The ancient concept of Hindu law took within its sweep various fields such as moral, social, legal and religion. According to ‘Manusmruti’ conduct is the basis of Dharma. It is not what you say but what do which constitute Dharma. It proclaims ‘Achara paramou Dharma’. Manu emphasized that Dharma consist of ‘Sadachara’ which means noble deeds. Thus there was complete blending of religion, morality and law in the ancient concept of Dharma; which corresponds to modern conception of law. It is thus evident that Hindu perception of law is broad based, liberal, flexible humane and just.1

According to the ancient legal thought it was the duty of the King (Rajadharma) to enforce law and punish the guilty. There was complete code of punishment and conviction by name ‘danda neeti’. Every act of punishment was to be fair, reasonable and just. Manu says danda keeps the people under control without with out which there would region anarchy; wherein people would devour each other just as fishes do in water, the stronger eating up the weaker. So he remarks danda remain awake when people are asleep.

The Arthashastra of Kautalya written during the Maurya Rule was a masterly treatise on Indian polity, and King’s duty and his administration of justice, courts, legal procedure, taxation, rights of women, law of marriage, divorce, succession etc. Thus it covers all aspects of law.2 The Hindu laws emphasized respect to human values and also recognized the place of every creature in the world, including animals, plants and the tiny creatures and prays ‘Loka Samastau Sukhno Bhavanthu’. Thus it can be seen that the ancient Hindu concept of law embodied in itself all the principles of human

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1Manusmruti, D.C. Books, Kottayam, 1995, p.87
2Ashirvadam, Indian Political Thought, Hyderabad: Charminar Press, 190, p.81
rights more vigorously and widely. It is unfortunate that with the passage of
time the values cherished in the Vedic period and the ambit of the ancient
Hindu concepts on justice, equality, liberty and individual freedoms and
rights have slowly declined due to various reasons and with the advent of
foreign rule a new set of laws and legal standards were transplanted to India.

3.10 The Islamic View:\textsuperscript{1}

As a religion Islam is the most misunderstood one. The main reason
for it is the wrong interpretation of the dictates of Quran by the Islamic
experts themselves. The rulers of Islamic countries throughout the world
have been rigid and their administration lack transparency. They have used
the religion to safeguard and protect their powers and misdeeds. However,
it is interesting to note what the Quran and Islamic dictates actually says
about human values.

Quran emphasis the righteousness. It exhibits particular solicitude
towards women as well as other classes of disadvantaged persons. It
emphasis the duty of society to protect the disabled and destitute. It also
cast a duty upon all subjects do donate a days wages/income every month
for charity. In case of women it provides particular safeguards for
protecting women’s sexual/biological functions such as carrying,
delivering, suckling and rearing offspring.

The goal of Quran is to establish peace, which can only exist within
a just environment. It regards home as microcosm of its believers and
believes that human beings can learn to order their homes justly, so that
rights of all within it, the men-women-children are safeguarded, then they
can also justly order their society and the world at large.

According to Islam, God, who speaks through the Holy Quran, is
characterized by justice, and it is stated clearly in the Quran that God can
never be guilty of ‘Ulm’ (tyranny, oppression or wrongdoing). Hence, the
Quran as God’s word, cannot be made the source of human injustice, and

\textsuperscript{1}Riffat Hassan, An Islamic Feminist Perspective; Muslim World, 2001, Vol.91
the injustice to which the people subjected under the rulers cannot be regarded a God-derived.

3.11 Fundamental Rights Education

India was location for mass public protests. For the first time in Indian history, people took the streets to fight for education. The peaceful demonstration held at the end of November argued for children’s education as a basic and fundamental right.

Men Women travelled from all over India to show their support for a bill which would make elementary education for children between the ages of 6 and 14 compulsory education. Following the subsequent approval of the amendment bill in the upper house it has now become a compulsory Constitutional requirement for children in the stated age range to receive schooling across in India.

With the right management and appropriate resources, this could turn be the fuel for some of the greatest achievements in the 21st century. However first some of the issues outlined below will need to be dealt with.

India is the second most populous country in the world with a total of 1 billion people. Illiteracy is thought to affect one-third of the population, with particular concentration in rural areas. Rural parents have been have been previously sighted as heavily responsible for this phenomena. Yet according to recent surveys undertaken by the New Delhi School of Economics and the Indian Social Institute, many unsubstantied beliefs about rural families and education are totally unfounded. For instance, the assertion that parents of rural children have little value for education was incorrect and over 80% saw the importance of education for freedom and self dense. Likewise the belief that rural children are expected to work on the land and do not have time for education is equally fictitious. The survey found that most rural children have plenty of time on their hands and it is in fact the schools, teachers and expense that keeps the child away from education.
(C) HISTORY OF EDUCATION

Education is an important institution in any modern or modernizing society. The Upanishads argued about three steps of learning: “Sravan”, “Manana” and “Nidhidyasana” which was followed in a disciplined manner in the “Gurukula”. It is also known as oral tradition of learning in which knowledge was transformed from generation to generation or inherited. Later on, the organised system of education came into existence during the British period in which Pali and Sanksrit were the language of institutional learning. The Budha monastery was the chief agency which also established the Nalanda and Takhasila universities which attracted students from Korea, China, Tibet and Java. The traditional education of India was also influenced by the establishment of the Muslim educational institutions which were known as “Muktabs” and “Madaras” during the medieval period. The chief aim of it was to acquaint the people with Muslim civilization and culture.

During the 18th and 19th century, the modern or English education was introduced by Britishers in India. After the recommendation of Maculae in 1835, the entire educational policy, the main aim of which to make clerks available for officers, was implemented. It also resulted in cultural diffusion, downfall of Gurukula system of education and process of modernisation of Indian tradition. The three-tier system namely primary, secondary and higher education was also introduced by them.

When the Indian constitution was adopted, the subject of education was put into the state list. Thus now, it is managed, coordinated and monitored by the states. During the British time, Lokmanya Tilka, Sir Sayyed Ahmad Khan, Pt. Madan Mohan Malviya, Ravindranath Tagore, Dr. Zakir Hussain, Raja Ram Moham Rai etc. contributed a lot in the field of education.

In making English the medium of instruction, the British rulers adopted a policy of concentrating on a small section of the population
and left the task of educating the masses in native languages. This policy was described as the "Downward Filtration Theory". The British ruler adopted the policy of making education a commodity to be purchased from the market from various suppliers.

The importance of higher education accelerated markedly after independence in 1947. It received a new impetus and emphasis was laid on the education of the children from weaker sections of society. In spite of limitation, education has been one of the most influential instruments of modernization in India. After independence, the University grants commission was set up in 1953. After the education policy of 1968, came the National education policy of 1986. This policy lays special emphasis on spreading knowledge, instilling a sense of purpose, to accelerate the process of social change, to develop social consciousness, growth of scientific moral, judicious social values through education, arrangements for vocational education, improving teachers orientation, ethos knowledge and skills and restructuring education system in such a way that a society is built which is based on social, political and economic justice and equality of opportunity to the Indian citizens. Inspite of all these objectives, five thrust areas viz adult literacy, primary education, decentralisation of management of education and technical education have identified to make education relevant to the need of the community and also meet new challenges of economic reforms and globalisation.

Primary education was given an overriding priority in order to realize the goal of Universalisation of elementary education. The Operation Blackboard' scheme had been formulated with a view to bring about substantial improvement in primary school run by government, local bodies and recognised aided institutions. There was a provision that the nation, as a whole would assume the responsibility of providing resource support for implementing programmes of educational transformation, reducing disparities, scientific and technological
research and involvement of women and encouragement of female education.

The 93rd amendment if needed for a variety of reasons. Firstly, it will induce the state and the people to make a special effort towards reaching this goal. Secondly, compulsory school education has been a part and parcel of the civilized world. In as many as 161 countries, there are some degree of compulsion in school education. Only 23 countries have no legislation making education compulsory among which nine are in Africa and nine in Asia. Thirdly, the existing provisions are vague and ambiguous regarding the concept of education as Article 25 refers to education and not formal schooling although, non formal, informal, literacy campaign and any sort of education is equivalent of formal education. Fourthly, the existing Legislation only indicate that the state government has the power to make education compulsory. Fifth, it is also the experience that voluntarism did not work during the last fifty years either on the part of the government or on the part of the people.

Compulsion is difficult to enforce but thee is no choice for independent India. Proper mechanism have to be developed for enforcing compulsion. It is also argued that there is no ethical justification to compel the parents to send their children to poor quality school. Similarly, compulsion could causes hardship to the poor in the short run as children are withdrawn from the labour market. In the interim the government has to develop a package of financial and other incentive for the poor, after all, as the abolition of child labour is also an explicitly stated goal of the government, so a financial package would serve a twin purpose.

The Indian constitutions specify the attainment of universal elementary education among the Directives principles of state policy. This objective has not yet been achieved and that nearly half of India’s population remains illiterate. Even more disconcerting is the fact that literacy rate and education levels among the disadvantaged groups (women, scheduled caste, tribes and religious minorities) remain much below that of
the rest of the population. Corrective action will, of course, require massive increase in public outlays to expand and improve school facilities, appoint adequate teachers, and strengthen incentives for enrolment and continuance and grater involvement of the local community and in decision making body. The only possibility appears to be a national effort in which the community, teachers, planners and policy makers take a lead and the government and other agencies take a supporting role. Further delay would only shift the target to a more distant future.

It asserted universal rights that applied to the general population, included legal as well as moral obligations, and established standards for judging the legitimacy of the state’s actions. It was truly modern in arguing that Americans possessed “inalienable rights” and that government authority derived from the consent of those it governed. The Declaration also asserted that the people could limit state power if their human rights were abridged: if governments violated the “unalienable rights” to “life, liberty, and pursuit of happiness,” then the people could rebel.

In ancient India Takshila, Nalanda, Vikramshila, Nadia, Vallabi, etc, were the centers of higher learning. They attracted the scholars from the various parts of the world for the sake of knowledge. Higher intellectual atmosphere was the important characteristic of these centers. Some of these centers were the residential character and may be compared with the modern universities in some aspects. Nalanda was one of them and believed with about four thousand students were residing in its residences. But most of the centers were destroyed by the muslim invaders. Later when Muslim rules consolidated their rule in India they started their own centers of learning called Madrasas.

The higher education on modern India began with the establishment of Hindu College at Calcutta in 1817 by Raja Ram Mohan Ray with his friend David Hare. East company was basically a commercial company therefore it took least interest in the education of Indian masses. But in 1824 company established the Sanskrit College in Calcutta. This was opposed by
several social reformers and intellectuals of the time, because they felt that Indian masses should receive education of modern/western/useful science through the medium of European Language. Later in 1834 Elphinstone College at Bombay in 1837. Christian College at Madra founded. Two groups arose at this time, one was a Orient list and other was Anglicists. Orient lists favored the policy of teaching through the policy of teaching through the medium of classical Indian Language like Sanskrit Arabic and Persian while Anglicism favored the policy of teaching through the medium of European Language. This controversy gave rise to the famous minutes of 1835 of Macaulay. Some regard him as “torch-bearer in the path of progress” while some dislikes him for his ignorant and violent condemnation of Indian Language, Culture and religion. (Naik & Nurullah, 1974-75). It decided in favour of Anglicists. Thus the system of English education was encouraged by the government. The female education, which was almost neglected, received a little encouragement by the Christian Missionaries Societies in Bombay, Madras and Calcutta.

The wood’s Education Dispatch (1854) was the most important educational document under the company’s regime and is referred to by some historians as the “Magna Carta of English Education in India” (Naik and Nurullah, 1974: 114) Wood’s dispatch for the first time prescribed an educational policy for India in detail.

On its recommendation three universities were set up in the presidency towns at Bombay, Calcutta and Madras in 1857 on the model of London University. The main function of these universities were to conduct examinations and to award degrees. At the end of the nineteenth century there were five universities in India. Two other universities founded at Lahore (1882) and Allahabad (1887). As far as college education was concerned there were 191 college and 23,009 students enrolled in them in 1901-02. Government appointed the Calcutta University Commission (1917-19) to study and report of the Commission had far reaching consequences upon the development of University education in India as a
whole. It led to the certain of a large number of universities in the period between 1917-22. There were Banaras Hindu University, University, Osmania University, Lucknow University and Aligarh University. At the time of independence in 1947 there were only twenty Universities the country. Most of these were teaching universities.

The post-independence period of India has been an era educational expansion. First action of great importance to be taken by the Government of India was the appointment of the University Education Commission in 1948 under the chairmanship of Dr. S. Radhakrishnan Commission recommended rapid expansion of higher educations on priority basis. On the recommendation of the commission in 1953 University Grants Commission was set up but it received statutory status in 1956. Its objective is determining, co-ordinating and maintaining the standards of education in colleges and universities and assigned grants. Seven new universities created between 1947-50.

According to justify or condemn the idea of education. One has in vividly examine the evolution and development of education in India for practical reasons, and to lapres and complexities the History is divide in to four periods. (1) The Ancient Hindu period before 6th Century BC. 3 not much is known about this period infact some one say that it is the period of antiquity. This was precisely the period before the arrival of the Aryans.

However, it is asserted that even before this lime there were some higher institutions of some sort operating in India even though not of the modern nature. The system consisted of a simple teacher (the guru) giving instructions to a majority of students under his tutorage.

Haggerty says that there was another kind of institution to a majority run legally by constituted assemblies of scholars who were specialists in the Vedas, Samuel says that these institutions must have been the forerunners of the later Brahmanic Universities which were in Takshasila and Nalanda: one of the jataks as relates the story of the sixteen year old son of the king
of Banaras who went to distant Takshasila with a thousand pieces of gold, the fee various branches of learning including the Vedas, the vedangas, and the 18 arts which comprised medicine, surgery, accountancy, archery and snake charming.

3.12 Education in the Vedic period

The present has its roots embedded in the past. India’s past has been singularly glorious. Its refulgence has not only illuminated the present, but also aroused faith in the future. Her past has been influenced not so much by social, cultural and economic factors as by the spirituality which took birth here. In this land, man’s philosophy has been

**Sarvabhut Hiterath.** The culture of our land has dreamt of universal brotherhood and a super humanity. It has sought to give concrete shape to this dream.

In the ancient period, all the political, economic and social currents emanated from spiritualism. Social life was solidly founded upon good conduct, love, non-violence, etc. Cooperation and co-existence formed its spirit. The fundamental unit of Society was the individual and for the individual life had a definite objective, certain definite ideals. Material resources were employed solely for the attainment of this objective and these ideals. The principle upon which education in the ancient period was founded can be expressed best in the following words, “Learning in India through the ages had been prized and pursued not for its own sake, if we may so put it, but for the sake, and as a part of religion.

It was sought as the means of salvation or self-realization, as the means to the highest end of life, viz., ‘Mukti’ or Emancipation.”

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1. Suresh Bhatnagar “Indian Education today and tomorrow”. Page no.1
2. Radha Kumud Mukherjee, Ancient Indian Education. Prologue xxi.
Education in India had its beginnings in the need to satisfy man’s innate curiosity, while he lived in the lap of nature. It is usually argued that the elements, methodology and organization of education in India originated during the Vedic period, but the truth is that the highly developed form the Pre-Vedic civilization, i.e., the civilization of Mohen-jo-Daro, the Civilization of the Indus valley, points to the fact that man could not have achieved this degree of development without the growth of education.

The Aryan period is regarded as the healthy, peaceful, mature and practical age of education. As Dr. Altekar has put, “From the Vedic age downwards the central concept of education of the Indians has been that it is a source of illumination, giving us a correct lead in the various spheres of life.”

India’s educational and cultural traditions are the most ancient in the world’s history. All that India is today, is the gift of its cultural and social heritage of the last 5000 years. In ancient India, the traditions of society and the nation were preserved in schools. At that time, means of public communication did not exist, but contacts and relations were strengthened through schools.

With reference to ancient education, Manu Maharaja has said that the first-born Brahmmins, who took birth on this earth, have imparted education of character to all human beings.¹

The Vedas occupy the first place among ancient texts, which provide knowledge about ancient Indian education and society. Dr. Radha Kumud Mukerjee has said that from the very birth of the most ancient Vedic epics we find that Indian literature was profoundly influenced by religion.

¹ एत द्वेष प्रमुख स्मृतिः एकादश भ्रजननम्, स्थानम् चरित्रे मित्र भौम पुत्रिया सत्कामनांका: भूपमुरूम्।
In ancient days, there were provisions for education in various subjects. Proof of this lies in the Chandogayas, which mentions Naradji’s advice to Santt Kumar about studying all subjects.

As is the case to day, even in that period, the home was the child’s first school. The family was his primary school. He learnt many things unconsciously as a part of his growth and development. He acquired the rudiments of social behaviour and the language of society from the home itself. From the viewpoint of education, India’s ancient period has been so glorious and rich that foreign scholars have praised it lavishly. Dr. F.W. Thomas has stated that education is no new thing for India. No other country in the world has more ancient or more powerful tradition of the love of knowledge. In those days, the foundation of education day in religion and religious activities.

The main features of education was vedic activity. Life in all its aspects was inspired by and infused with religion.

3.13 Vedic Education

The basic tenet of the ancient educational tradition was the paying of the social debt. Teachers took up his profession to pay off their debt to society. They enjoyed the highest social status. Examples from the education sphere in this period can be useful for us in organizing our educational system in the contemporary world.

Teachers should imitate their ancient forerunners, the gurus of old. They should treat their students as their own children and pay attention to their development. They should also maintain the highest standards in their own conduct because students are profoundly influenced by their teachers conduct. Undoubtedly, education has undergone various changes because of changed priorities and beliefs. Now, we have the university system of education in which the hours of teaching are fixed and students are required to pay fees. But students’ hostels remind us of the but the fact that the teacher of today is no longer respected, which catches our attention. In the
past, the teacher was placed on a pedestal and revered. Hence, now just as the teachers were placed on a pedestal and revered. Hence, now just as the teachers should mould their own conduct, the students. Too, should respect their teachers as they respect their own parents.1

3.14 Education In The Buddhist Period

This is the Period up to the 10th Century A.D. when the Brahmanic system of higher education was extended. According to Basu, this period became models of the Gurukulas. It was the time when the religion of Buddha spread far and wide. Each Vihara consisted of assembly of teachers, and education was on a wider and more liberal basis. The Viharas were more than colleges in the number of students and teachers and subjects studied. They in fact, resembled the university of our times. Some learning centers included Takshasila, Nalanda, Valabhi and Kanchi. The center at Nalanda was located in a splendid building, had a good library and an observatory.

Education of the Brahman period came to be allied with the national and social life. Ritualism had increased, and be people were profoundly troubled. A sense of aimlessness prevailed in society. In such circumstances, Buddhism emerged as a reaction to Vedic ritualism. Buddhists began to establish educational monasteries in competition to the Vedic system of education. Initially, these Buddhist monasteries provided education only to Buddhists, but gradually they came to import education to all classes. Dr. R.K. Mukerjee says that, properly considered, Buddhist education is only one of the ancient Hindu or Brahmanic systems of education.

Buddhist education came into existence in the 5th century B.C. Brahmins deprived the common people of their right to education, and hence the emergence of Buddhism granted the people the freedom to obtain

1 'गुरु ब्रह्मागुरुविश्वु गुरुद्वर्धो महेश्वरः। गुरुसंक्षात् परम ब्रह्म तस्मै श्री गुरुवेनमः।'
education and to practice their religion themselves. Lord Buddha imparted to life a perfectly practicable form. Consequently, a practicable religion and a practical educational system became a variable to the common people.

It is undoubtedly true that though Buddhist education had an individual character, it was, in essence, based upon the educational system of the Vedic period. The Buddhists imparted education in Sanghas or collective groups. R.K. Mukerjee has pointed out that the Buddhist educational method is the method of Buddhist congregations (Sanghas). Just as the rituals of fire sacrifice (yajnas) were the centers of culture in the Vedic period, the congregations of the Buddhist World, there was no opportunity for the individual to obtain education independently away from his Sangha or congregation. Every kind of religious as well as worldly education was in the hands of Buddhist monks.

3.15 Levels of Education

During the Buddhist period, education had two levels-primary and higher levels.

1. **Primary Level:** The Jatakas stories indicate that during the Buddhist period, primary education took the form of worldly or materialistic education. Fa-Hien has also mentioned the existence of a system of general education. Children of six were admitted to this level of education.

2. **Higher Level:** Dr. Altekar opines that the Buddhists raised India’s international stature considerably by the high level of education in their monasteries since students from as far Korea, Tibet, Java and other distant countries were attracted to them.

3.16 Prominent Centers of Education:

During this period, some prominent centers of education sprang up. Their characteristics were their collective nature and their association with Buddhist Viharas or monasteries. There was no discrimination between students on any basis. Some of these centers possessed an international
reputation, proved by the fact that Chinese, Japanese, Tibetan and other students came there to receive education.

As already pointed out, there were many universities in India during the Buddhist period. It was a time when democratic feelings were evolving, and hence many famous educational centers into existence. Wherever Buddhist monasteries or viharas were established, educational centers too emerged. Among the most notable universities to develop during this period were the universities at Taxila, Nalanda, Ballabhi, Vikramshila, Odantpuri, Nadia, Jagdalla.

1. **TAXILA**- Taxila was an important center of education during the Buddhist period. It was then the capital of Gandhar. It had been founded by King Bharata after the name of his son Taxa. Being situated on the borders of this subcontinent, the kingdom was subject to frequent external aggressions. Because of this, the university in this kingdom developed on the basis of the family. Students started their education at the age of 16. The university provided education in numerous subjects, such as the three Vedas, Vada, Grammar, Ayurveda, the eighteen Sippas military science, astrology, agriculture, commerce, treatment of snake-bite. (sarpa-dansha chikitsa), magical charms (Tantra Vidya) etc.

2. **NALANDA**- The Nalanda university was situated in the state of Bihar. 40 miles south west of Patna and 7 miles north of Rajgraaha. It was an internationally famed Buddhist center of education. It became famous because it was the birthplace of Sariputra the disciple of Lord Buddha. Emperor Ashok had a monastery constructed here. By the 4^th^ century B.C. it had become a famous center of education, and by the 7^th^ century it became the for most center of education.

Kinds of the Gupta dynasty took interest in the growth of the university. Buddhist monasteries were constructed here by Kumar Gupta, Narsingh Gupta, Baladitya, Buddha, Gupta, Vajra, and Harsha. Because of these monasteries, the university continued to grow and expand. Its land was
surrounded by a rampart at the entrance to which lived a profound scholar who administered an entrance test to the students desirous of joining the university. The university had eight large assembly halls and 300 rooms for study. It had been stated in Epigraphic India that the highest point of Viharavali lissed the clouds. The buildings of the university are a fine example of the engineering skill existing in that age. The remains of these buildings are sufficient to prove that the art of construction had reached a peak during this period. In addition to the buildings, the university had beautiful lakes, numbering 10, according to it sing. The university also had a massive, nine-storeyed library which was divided into three parts. called Ratna Sagar, Ratnodadhi and Ratna Ranjaka. As books of all religion were obtainable in this library, it was given the name of Dharma Ganja, or the meeting place of religions.

Thirteen of its many monasteries served as hostels for the students. In each room there were stone seats, space for keeping books and other facilities. The university possessed huge kitchens. 10,000 students lived and received free education at this institution. The university fulfilled all their needs of food, clothing, medical treatment, education, etc. 200 villages had been gifted to Nalanda. Apart from the income derived from them, the university also received sizable donations from the king and the people, who thus contributed their mite to education.

It - Sing studied at Nalanda for 10 years. According to him, Nalanda was a center of Mahayana, a branch of Buddhism, but it also provided education in Hinayana, and Vedic and Jain religions. In addition, the Vedas, Vedanga, philosophy, the Puranas, medicine, etc., were also taught here. The method of teaching was discussion and question-answer.

In Bihar, the Buddhist monks, teacher and students led a balanced, regulated and spiritualistic life, far removed from leisure and luxury. Students of this university earned great respect in many foreign countries. Students came from Java, Sumatra, Japan, China, Ceylon and other
countries to receive education here. The staff of the university consisted of 1500 teachers.

Huen Sang, in his travelogue, mentions the names of such renowned teachers as Chandrapal, Dharampal, unamati, Sthirmati, Prabhamitra, Gyanadra, Sheelbhadra, etc.

Nalanda continued to serve preserve and propagate Indian culture for 800 years. It was in the 12th century that this brilliant source of light was quenched by Bakhtiar Khilji.

3. **BALLABHI**- From 475 A.D. to 775 A.D., Ballabhi, in Kathiavvar, was a famous center of Buddhist education. Heun Sang visited Ballabhi also in his travels. At that time, there were a hundred Sangarama here. This university imparted education in politics, diplomacy, medicine and various other disciplines apart from religious education. Its students obtained senior positions in the courts of kings after completing their education. This university, too became the unfortunate victim of foreign invasion in the 12th century.

4. **VIKRAMSHILA**- Vikramshila was located on the banks of the Ganga in Magadha, Bihar. It was surrounded by a strong rampart. The teachers of this university were among the finest scholars of the day. Many important religious texts were translated into the Tibetan language at this university. Its administration was in the hand of a committee. Students were granted admission only after a test was administrated to them at the gates. Among the famous scholars of that time who administered this test were Ratankar Shanti, Baghishwara Kirti, Naroha, Pargyakamanti Ratna Vajra, and Gyana Srimitra. The university provided education in grammar, logic, philosophy, tantra, etc. It, too, was destroyed in the 12th century by Bakhtiar Khilji.

5. **ODANTPURI**- Odantpuri had evolved as an educational center before the Pal dynasty came into existence. The kings of this dynasty further developed this university. Its library was internationally known. 1000 monks received education here.
6. MITHILA- Mithila had been a center of Brahman education in ancient times, and when the Buddhist period came, it became an important center of Buddhist education. It was here that a scholar named Jagdwara composed his renowned commentaries on such famous compositions as the Gita, Devi Mahatamaya, Meghdoot, Gita Govinda, Malati Madhava, etc. Vidyapati was born here. Apart from other subjects, Nyaya philosophy also was taught here. A student was deemed to have passed only after he had taken a difficult examination in Nyaya and Logic.

7. NADIA- Nadia was established at the junction of the Bhagirathi and Jalangi rivers in the 11th century by the Sen kings of Bengal. Jayadeva’s Gita Govinda and Shoolapani’s Smriti - viveka were composed here. It was a center of teaching in Nyaya and Logic. It retained its reputation even during the middle ages.

8. JAGDALLA- Rampal had the town of Ramvati established on the banks the Ganges in Bengal in the 11th century. He also had a monastery named Jagdalla established here. This soon everged as center of Buddhist education. Vibhutichandra,Dansheela, Shubhkara, and Mokshakara were some of the famous teachers of this university. This period gave birth to distinctions of class and varna in the sphere of education, and it was in reaction to this that the Buddhist and Jain religions came into existence. Their system of education changed from the method of teaching by gurus to an institutional method.

3.17 Education in Muslim Period

According to Hazrat Mohammed, of all the gifts the parents can give to their children, the best is the gift of a liberal education. The ink in the pens of students is purer and noble than even the blood of martyrs.

With the emergence of Islam, the attention of Muslim kings turned towards India. Time was kind to them. It allowed them to settle themselves firmly in this country. After the Gulam, Khilji, Tuglak, Sayyed and Lodhi dynasties, Mogul kings established many educational institutions in India.
This education, too, had its roots in religion. During this period, Indian art and culture came under the influence of Arab culture and civilization. It was only natural that the same political influence should also have made itself felt. In consequence, education too came under this influence. Islam had its origin between 570 A.D. and 632 A.D. Hazrat Mohammed collected his messages in the Holy kuran, and this text came to be an instrument of social direction for the Muslim kings. During this period, these kings made arrangements for education in order to serve their own interests. Mohammed Gauri started his aggressions on India, but at the same time, he also had mosques and schools constructed in Ajmer to make arrangements for education in Islam and Muslim law. His successor Kutubuddin also followed in his footsteps. The other rulers of this dynasty, Altamesh, Razia Begum, Nasiruddin, Balban and others also had mosques maktabs and schools established with government aid.

In the same manner, Ferozshah Tuglak of the Tuglak dynasty made efforts for the propagation of education. One of the schools established by him in Delhi has been described as follows. The school was located in a large ground and a big building with massive towers. It was situated in a garden in which human skill harmonized with nature, thus creating an environment most suitable for contemplation and thought. Near the school was lake, whose water shone like silver. The grand building of the school was reflected in its waters. It was an enchanting sight to see hundreds of students crossing the polished and smooth floors and congregating round their teachers. According too N.N. Law there were provisions for governmental aid and scholarships in these schools.\(^1\)

During the reign of Sikander Lodi (1489-1519), Indians, too, had begun to learn Persian (Pharsi). After obtaining knowledge of this language, they began to work in governmental departments. The Muslim rulers themselves felt the need for Hindu workers in the administrative

\(^1\)N.N.Law-Promotion of Learning in India during Muhammadian Rule pp. 60-63.
sphere, and hence they made arrangements for the study of Indian language. and, as a result of the contact between the Hindus and Muslims, Urdu, which was the spoken form of Persian mixed with Hindu, was evolved.

The Mughal rulers who followed the earlier Muslim rulers had relatively greater interest in education, and hence it was in this later period that education developed more adequately. Akbar authorized the translation of many important Indian text, including the Mahabharata, the Ramayana, Atharvaveda and Lilawati, into Persian, Akbar’s deep interest in education is high-lighted by Abul Fazal’s comments in his famous in his famous work ‘Aaiyene Akbari’ to the effect that in every country, and especially in India, boys were kept in school for years where they were taught about consonants and vowels. Since they had to read numerous books, a large part of the boys’ time was wasted. Emperor Akbar declared that each student should was required to learn the name of every letter (varna) within two days. Emphasis was laid upon imparting educational in moral values, arithmetic, political arithmetic, agriculture, medicine, logic, and physical mathematical and divine philosophy to every student.¹

Jehangir went so far as to enact a law that the property and wealth of any person dying without an heir would be utilized for the repair of schools and religious buildings. Shahjahan had a university established near the Jama Masjid. Aurangzeb did propagate Muslim education, but at the same time he destroyed Hindu schools and temples. He granted excessive facilities for Muslim students, but he accorded a low status to teachers.

After the collapse of the Mughal Empire, schools suffered a severe blow. Many such institutions closed down due to anarchy and lack of finances. According to Vakil and Natraj- “It must be noted that while mosques maktabs and madras as facilities for Islamic learning in different parts of the country, the Hindu system of education continued to prevail in path as halas, maths and temples except where their work was disturbed or

¹Keay F. E. – Indian Education in Ancient and Later Times, pp: 122-23
dislocated by Mohammadan inroads or invasions.” One finds a lack of organization in Muslim education.

In the Muslim period, education was founded on community basis. Hence, it is illogical to claim that the Muslim ruler sought to propagate education liberally. Whatever the extent to which they propagated education, it was motivated by their own objectives, selfish interests and ambitions.

Bernier, the famous French traveler who visited India during this period, observed that during the period which he had described, it was only natural to find deep and universal ignorance. Was it possible to establish suitably financially aided schools and colleges or other centers of education in India? And, even if they were found, from where would the students be obtained? He also observed the absence of individuals whose wealth was adequate for providing suitable aid to colleges. And, even if such individuals existed, he felt that no one had the courage to compel them to bring out their wealth for such an investment. He felt that even some individual did venture on such a foolish act, there was an absence of religious places, enterprises and officers with employment potential which could utilize the ability and science imparted to students, and thus serve as an inspiration for youth to be hopeful and to compete for future success.

3.18 Education Centres

The political organization of the Muslim rulers was - decent raised. The Mansabdars, kings, Zamindars or landlords, etc., became dependent rulers of their individual areas after paying the requisite tax to the royal treasury. These rulers had mosques constructed, and soon the mosques changed into maktabs and madras as. During the Muslim period, Agra, Delhi, Jaunpur, Lahore, Ajmer, Bidar, Lucknow, Ferozabad, Jullundur, Multan, Bijapur, etc., became important centers of education.

1. **AGRA**- Agra was founded by Sikandar Lodi. He had the town established as a center or Islamic education, and it soon took the form of a
university. Hundreds of madrassas in this town provided education in literature, mathematics, philosophy, medicine, etc. Later on, Akbar, Jehangir and Shahjahan also contributed to the development of education in this town.

2. **DELHI** - Delhi was renowned far and wide as a center of Muslim education. Nasiruddin established the Nasaria Madrassa here. The Gulam dynasty also helped the spread of education in Delhi. During the reign of Alauddin Khilji, 34 famous scholars of Islam lived in Delhi. Feroz Tuglak had 30 madrassas established. Humayun opened madrassas for imparting knowledge of astrology and geography. Akbar, Jehangir, Shahjahan and Aurangzeb also established various madrassas for imparting knowledge of various specific fields.

3. **JAUNPUR** - During the reign of Feroz, Jaunpur was a prominent center of Muslim education. It had many schools imparting education in the arts, literature and other spheres of knowledge. The Sharkias made valuable contributions to the development of education. Sher Shah Suri himself was a student here.

4. **BIDAR** - Bidar, too, was an important educational center. Mahmood Gawan had a huge madrassa and a library established here. Later, Alauddin Ahmed contributed to the development of education.

In addition to the above centers, there were at least one maktab and one madrassa in every village of Bijapur, Golkunda, Malwa, Khandesh, Multan, Gujrat, Lucknow, Sialkot and Bengal.

**The Medieval Time**

The Mohammedan era was at the beginning a setback for both the ancient Hindu and Buddhist learning in India. Many centers of education were destroyed. However, later sometimes some educational institutions were founded under the patronage of the rulers and princes.

Places like Agra, Delhi, Lucknow, Ajmer and Patna were famous centers for education learning the institutions came under two categories: A
Maktab was a primary school connected to a mosque where religion and Koran were taught. A Madrasah was school of higher learning where education in science, philosophy and law were taught.

3.19 Merits of Education in the Muslim Period

According to Mrs. Sarojini Naidu, “The impact of the Muslims and the Hindu has evolved the present Indian culture. We cannot, even if we are foolish enough to try, untwist this closely inter twisted and inter-twined unity of culture that makes modern India.”

1. In this period, there began a synthesis between worldly or materialistic and religious education, and consequently, a tendency towards professionalization or vocationalization emerged. Only high-educated individuals were given employment in state services.

2. Education had achieved objectivity. Education was not merely for the propagation of knowledge. Its practical usefulness was another essential condition. Aurangzeb laid great stress on making the education of princes highly practical.

3. Education was compulsory for Muslim children. Hazrat Mohammad had declared that receiving education was akin to achieving God. He who obtains education obtains God.

4. During this period, great attention was paid to the growth of history and the art of writing history. In fact, the tradition of writing history had its roots in this period. The various forms of literature also underwent significant growth.

5. The relation between students and teachers were generally good, but during Aurangzeb’s reign, teachers lost their high status in society.

6. During this period, Agra, Delhi, Jaunpur, Bidar, Ajmer, Bijapur, Golkunda, Hyderabad, Malwa, Khandesh, Gujarat, Lucknow, Sialkot, and Bengal emerged as important centers of Muslim education.

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3.20 Education In The British Period

(1). The Background

British and other foreign education had its beginnings in India with the activities of Christian missionaries. The first of such missionaries to come to India belonged to the Roman Catholic sect. Escaping from the changing circumstances in Europe, these missionaries set foot in countries outside Europe with the intention of establishing a new religious empire. In their search for new territories in which to propagate their religion, these missionaries discovered India, Africa, the America and Australia, Which, till then were unknown to the Europeans.

As soon as the Portuguese found their feet in India, Franciscan, Dominican, Jesuit and other Roman Catholic sects began their work of spreading their religion among the country’s tribals. They also began to set up educational institutions for this purpose. These sects established four kind of institutions-

1. Portuguese and Latin language primary schools attached to churches and missionary institutions.
2. Schools providing vocational and agricultural education along with traditional education, to the orphan children in India.
3. Jesuit colleges for higher education.
4. Theological training centers for training padres and missionaries.

The first Christian priest (padre) to take upon his shoulders the task of propagating both religion and education in India was St. Francis Xavier. He collaborated with St. Ignatius Loyola in the establishment of a Jesus society. St. Xabier made a practice of roaming from village to village with a book in one hand and a bell in the other. He ordered his brother Mansila to establish a school in every village to make it possible for children to go to school every day. The ST. Anne College was established at Bandra, Bombay in 1555, while in 1580 a Jesuit college was opened at Chaul in Goa.
Robert Nobili worked at Madura (Madras) from 1605 to 1656. He was shrewd enough to make contact not only with the shudras but even the higher castes, including Brahmins. He declared himself to be a Brahmin belonging to the European world and the bearer of the lost Veda. He wore saffron clothes and lived like the sanyasis, (those who have renounced the world) of India. It was he who originated the process of religious conversion.

Like the Portugese in south India, the Dutch were carrying on the work of religious conversion and education in Bengal. The French established educational institutions at Mahe, Yeman, Chandranagar, Karkil, and Pondicherry. In these, French was taught along with other subjects. The Danish traders set up their trading companies at Tanjore and Srirampur, and along with their trading activities carried, on religious conversion and education, in cooperation with the British. In 1719, the Danish people set up a Christian Mission society to further their goals.

(2). **Endeavors of the East India Company**

The East India Company was established by a few Englishmen in 1599 for the purpose of trading with India. In 1660, it obtained the permission of Queen Elizabeth to trade with eastern countries, and for the purpose of implementing this design.............Some of the following causes were responsible for the East India Company’s efforts at spreading education:-

1. The Company’s Educational Policy (1765-1813)
2. Policy of Appeasement
3. Individual efforts in the educational field.
4. Missionary efforts
5. Role of the British Parliament
6. The Charter of 1793
7. The Charter of 1813
(3). Westernization of Education (1833-34)

On June 10, 1834, Lord Macaulay, who was a great scholar of English, came to India as the Law Member of the company. He support the views of Charles Grant, and believed that Eastern education was inferior. On his arrival in India. Lord Bentrick made him the chief of the Public Instruction Committee also, His advice was sought regarding section 43 of the Charter of 1813 as well as about the expenditure of one lakh rupees. Macaulay was waiting for just such an opportunity. On February 8, 1835, he presented his historical ‘Minutes’ in which he made a bitter attack upon Indian literature and culture and vilified it.

Macaulay’s Views

1. In his elaboration of section 43, Macaulay included English literature along with Sanskrit and Arabic literature, and along with the Indian scholars of Sanskrit and Arabic, he also enumerated English scholars. He also gave complete authority to the Company for spending the grant.

2. A supporter of western literature, he had this to say for Indian literature- “A single shelf of a good European library was worth the whole native literature of India and Arabia. (Macaulay’s Minutes)

3. Macaulay attached importance to the education of the higher classes and thus emphasised the theory of Downward Filtration.


5. Lord Bentick’s acceptance of the educational policy enunciated by Lord Macaulay gave stability to the English educational policy.

3.21 The British Concept

The education system during this era was influenced by East India Companies and the movement of Christian Missionaries. This was the era of the introduction of western education to India. The Christian Missionaries were very active in the Indian education field. It was in 1852
that a law was enacted for the establishment of universities. Education was offered to all. In fact those from the less privileged groups were the first to take advantage of it.

(D) HISTORY OF THE GROWTH AND DEVELOPMENT

During the eighteenth century the Hindu and Muslim seats of learning languished. The numerous political convulsions in the country created abnormal conditions hardly conducive to intellectual pursuits both in teachers and pupils. The loss of political power deprived the native schools of learning of their public endowments. In a latter to the Court of Directors dated 21 February 1784 Warren Hastings referred to the decayed remains of schools in every capital town and city of Northern India and the Deccan.

3.22 Sir Charles Wood’s Dispatch Of Education, 1894,

Sir Charles Wood, the President Board of Control in the coalition ministry of Earlof Aberdeen (1852-55), was a true product of the Palmerstonian era of English history. He was a firm believer in the superiority of English race and institutions and sincerely believed that these institutions could serve as a useful model for the world. Charles Wood showed a larger vision. About India 1854 Wood prepared his comprehensive educationists in India. In 1854 Wood prepared his comprehensive despatch on the scheme of future Magna Catra of English education in India. The scheme envisaged a coordinated system of education on an all India basis. The main recommendations may be summarized thus.

1. It declared that the aim of Government’s educational policy was the teaching of Western education. The education which we desire to see extended in India “wrote Wood in the dispatch, “is that which has for its object the diffusion of the improved arts, science, philosophy and literature of Europe, in short of European knowledge”.

1"History of growth and development of education in India" by B.L. Grover. P. 342.
2. As to the medium of instructions, it declared that for higher education English language was the most prefect medium of education. It also emphasised the importance of the vernacular languages, for it was through the medium of the vernacular languages, that European knowledge could infiltrate to the masses.

3. It proposed the setting up of vernacular primary schools in the villages at the lowest stage, followed by Anglo-Vernacular high schools and an affiliated college at the district level.

4. It recommended a system of grants-in-aid to encourage and foster private enterprise in the field of education. This grants-in-said was conditional on the institutions employing qualified teachers and maintaining proper standards of teaching.

5. A Department of Public Instruction under the charges of a Director in each of the five provinces of the Company’s territories was to review the progress of education in the province and submit an annual report to the Government.

6. Universities on the model of the London University were proposed for Calcutta, Bombay and Madras. The constitution of the University provided for a Senate, a Chancellor, a Vice Chancellor and Fellows-all to be nominated by the Government. The universities were to hold examinations and confer degrees. A university might set up professorships in various branches of learning.

7. The dispatch emphasized the importance of vocational instruction and the need for establishing technical schools and colleges.

8. Teacher’s Training Institutions on the model then prevalent in England were recommended.

9. The dispatch gave frank and cordial support for fostering the education of women.

The new scheme of education was a slavish imitation of English models. Almost all the proposals in the Wood’s Dispatch were implemented. The Department of Public Instruction was organised in
1855 and it replaced the earlier Committee of Public Instruction and Council of Education. The three universities of Calcutta, Madras and Bombay came into existence in 1857. Mostly due to Bethune’s efforts girl’s schools were set up on modern footing and brought under the Government’s grant-in-aid and inspection system.

The ideals and methods advocated in Wood’s Dispatch dominated the field for about five decades. The same period also witnessed a rapid Westernization of the educational system in India. The indigenous system gradually gave place to the Western system of education. Most of the educational institutions during this period were run by European headmasters and principals under the Education Department. The missionary enterprise played its own part and managed a number of institutions. Gradually private Indian effort appeared in the field.

3.23 The Hunter Education Commission, 1882-83.

In 1882 the Government appointed a Commission under the Chairmanship of W.W. Hunter to review the progress of education in the country since the Dispatch of 1854. Another reason for the appointment of the Commission was the propaganda carried on by the missionaries in England that the education system of India was not carried on in accordance with the policy laid down in Wood’s Dispatch. The resolution appointing the Commission instructed the Chairman so to reorganise education in India that “the different branches of public instruction should, if possible, move forward together and with more equal step than hitherto. The principal object, therefore, of the enquiry of the Commission should be the present state of elementary education throughout the Indian Empire and the means by which this can be extended and improved”. The Commission was not “to enquire into the general working of the Indian universities”. Thus the Commission mostly confined its remarks to secondary and primary education. It visited all the provinces and passed no fewer than 200 resolutions. Its main recommendations were.
(i) It emphasised the State's special care for the extension and improvement of primary education. "Primary instruction" declared the Commission, "should regarded as the instruction of the masses through the vernacular, in such subjects as will best fit them for their position in life". While private enterprise was to be welcomed at all stages of education, primary education was to be provided without reference to local cooperation. The Commission recommended the transference heavily set up District and Municipal Boards. The local boards were empowered to levy cess for educational purposes.

(ii) For Secondary education, the principle was laid down that there should be two divisions one, a literary education leading up to the Entrance Examination of the University and the other of a practical character preparing students for commercial and vocational careers.

(iii) The Commission recommended that an all-out-effort should be made to it recommended the grants encourage private enterprise in the field of education. To achieve that objective in-aid system recognition of aided schools as equal to Government institutions in matters of status and privileges etc. The Government should withdraw, it was recommended, as early as possible from the direct management of secondary and collegiate education.

(iv) The Education Commission drew attention to the inadequate facilities for female education outside the Presidency towns and made recommendations for its spread.

   The twenty years following the report of the commission saw an unprecedented growth and expansion of secondary and collegiate education. The marked feature of this expansion was the participation of Indian philanthropic activity. A number of denominational institutions sprang up in all parts of the country. Interest was kindled in Indian and Oriental studies apart from the pursuit of Western knowledge. Another development of the period was the setting up of the teaching-cum-examining universities. The Punjab University was
founded in 1882 as the supreme literary, supreme teaching and supreme examining body”. The Allahabad University was set up in 1887.

The early years of the nineteenth century was a period of growing political unrest and controversies in educational policies. Political developments acted and reacted on educational developments. The official view was that educational expansion had not proceeded on the right lines, that quality had deteriorated under private management, there was lot of indiscipline in schools and colleges and that educational institutions had become factories for the production of political revolutionaries. All these unhealthy developments were attributed to unregulated rapid expansion under irresponsible private enterprise. Nationalist opinion admitted the lowering of standards but emphasized that the Government was not doing its duty to liquidate illiteracy.

In his characteristic zeal for improvement of all branches of administration. Curzon sought to reconstruct education in India. He deprecated the ‘too slavish imitation of English model’s and Macaulay’s colossal blunder in erecting an ‘inverted pyramid’ and prejudice against Indian vernaculars. He referred to the poor quality of teachers who were ‘merely the purveyors of certain articles to a class of purchasers’ and found fault with the examination-ridden system of education. His motives were mainly political and only partly educational. Curzon justified the increase of official control over education in the name of quality and efficiency, but actually sought to restrict education and discipline educated mind towards loyalty to the Government. The nationalist mind saw in Curzon’s policies an attempt to strengthen imperialism and sabotage development of nationalist feelings.
3.24 The Indian Universities Act 1904.

It, September 1901 Curzon summoned the highest educational officers of the Government throughout India and representatives of universities at a round table conference at Simla. The Conference opened with a speech by the Vicerory in which he surveyed the whole field of education in India. “We have not met here” he said, “to devise a brand new plan of educational reform which is to spring fully armed from the head of the Home Department and to be imposed nolens volens upon the Indian public”. Later developments were to prove the hypocrisy behind this assertion. The Conference adopted 150 resolutions, which touched almost every conceivable branch of education. This was followed by the appointment of a Commission under the presidency of Sir Thomas into the condition and prospects of universities in India and to recommend proposals for improving their constitution and working. Evidently, the Commission was precluded from reporting on primary or secondary education. As a result of the report of the recommendation of the Commission the Indian Universities Act was passed in 1904. The main changes proposed were as under.

1. The universities were desired to make provision for promotion of study and research, to appoint university professors and lecturers, set up university laboratories and libraries and undertake direct instruction of student.

2. The Act laid down that the number of Fellows of a university shall not be less than fifty nor more than a hundred and a Fellow should normally hold office for a period of six years instead of for life.

3. Most of the Fellows of a university were to be nominated by the Government. The elective element at Universities of Calcutta, Madras and Bombay was to be twenty each and in case of other universities fifteen only.

4. The Government control over the universities was further increased by vesting the Government with powers to veto the regulations passed by
the Senate of a university. The Government could also make additions or alterations in the regulations framed by the Senate and even frame regulations itself over and above the head of the Senate.

5. The Act increased university control over private colleges by laying down stricter conditions of affiliation and periodical inspection by the Syndicate. The private colleges were required to keep a proper standard of efficiency. The Government approval was necessary for grant of affiliation or grant of affiliation or disaffiliation of colleges.

6. The Governor-General-in-Council was empowered to define the territorial limit of a university or decide the affiliation of colleges to universities.

The Nationalist opinion both inside and outside the Legislatives Council opposed the measure. Mr. G.K. Gokhale described the bill, a retrograde measure’ which cast unmerited aspersion on the educated classes of the country and was designed to perpetuate “the narrow, bigoted and inexpensive rule of experts.” The Sadler Commission of 1917 commented that the Act of 1904 made ‘the Indian universities among the most completely governmental universities in the world’. Indian opinion believed that Curzon sought to reduce the universities to the position of departments of the State and sabotage development of private enterprise in the field of education. Ronald shay, Curzon’s biographer, admits that “the changes actually brought about were small and out of all proportion either to the time to the violence’s of the opposition with which the Viceroy they devoted to them or to the Violence of the opposition with which they had been assailed. In its broad outline the system of higher education remained much as it has been before.” However a good outcome of Curzon’s policy was the sanction in 1902 of a grant of Rs. 5 lakhs per annum for five years for improvement of higher education and universities. The Government grants have become a permanent feature ever since them.
3.25 Government Resolution on Education Policy, 21 February 1913.

In 1906 the progressive State of Boards introduced compulsory primary education throughout its territories. Nationalist opinion could see no reason why the Government of India could not introduce compulsory primary education in British India. During 1910-13 G.K. Gokhale made heroic efforts in the Legislative Council urging the Government to accept the responsibility for compulsory primary education.

In its Resolution of 21 February 1913 the Government of India refused to recognize the principle of compulsory education, but accepted the policy of the removal of illiteracy. It urged the provincial governments to take early steps to provide free elementary instruction to the poorer and more backward section of the population. Private effort in this direction was also to be encouraged. Regarding secondary education, the Resolution stressed the need for improvement of quality of schools. As far as university education was concerned, the Resolution declared that a university should be established for each province and teaching activating of the universities should be encouraged.

3.26 The Sadler University, 1917-19.

In 1917 the Government of India appointed a Commission to study and report on the problems of Calcutta University. Dr. M.E. Sadler, Vice-Chancellor of the University of Leeds, was appointed its Chairman. The Commission included two Indian members, namely Sir Asutosh Mikerji and Dr. Zia-Ul-Din Ahmad. While the Hunter Commission had reported on problems of secondary education and the University Commission of 1902 mainly on the different aspects of university education, the Sadler 150 Commission reviewed the entire field from school education to university organization education. The Sadler Commission held the view that the improvement of secondary education was a necessary condition for the improvement of university education.
The Commission reported that an effective synthesis between college and university ‘was still undiscovered when the reform of 1904 had been worked out to conclusion’ and the foundation of a sound university organization had not been laid down. Further, it reported that ‘the problems of high school training and organization were unresolved. Although the Commission reported on the conditions of Calcutta University, its recommendations and remarks were more of less applicable to ‘other Indian university also. The following were the main recommendations.

1. A twelve-year school course was recommended. After assign the Intermediate Examination, rather than the Matriculation, the students were to enter a university. The Government was urged to create new type of institutions called Intermediate colleges. These colleges could either be run as independent institutions or might be attached to selected high schools. For the administration and control of Secondary Education, the Commission recommended the setting up of a Board of Secondary and Intermediate Education.

The idea behind these recommendations was, on the one hand, to prepare students for the university, and to relieve the latter of a large number of students quite below any university standard and, on the other hand, to offer a sound collegiate education to students who did not propose, and should not be encouraged, to proceed to universities.

2. The duration of the degree course after the Intermediate stage should be limited to three years. For the needs of abler students provision was to be made for Honors courses as distinct from the Pass courses.

3. The commission recommended less rigidity in framing the regulations of universities.

4. The old type of Indian university, with its large number of affiliated and wildly scattered colleges, should be replaced by centralized unitary-residential-teaching autonomous bodies. A unitary teaching university was recommended for Daeod to lessen the rush of numbers at the colleges of Calcutta University. Further, college in the mofussil
should be so developed as to make it possible to encourage the growth of new university centers by concentration of resources for higher education at a few points.

5. It stressed the need for extension of facilities for females education and recommended the establishment of a special Board of Women Education in the Calcutta University.

6. The necessity of providing substantial facilities for training of teachers was emphasized and desirability of setting up the Departments of Education at the University of Calcutta and Dacca.

7. The University was desired to provide courses in applied science and technology and also to recognize their systematic and practical study by award of degrees and diplomas. The universities were also to provide facilities for training of personal for professional and Vocational colleges.

Seven new universities came into existence during 1916-21, namely Mysore, Patna, Banarse, Aligarh, Dacca, Lucknow and Osmania. In 1920, the Government of India recommended the Salder Report to provincial governments.

3.27 Education under Dyarchy, 1921-37.

As a result of the Montagu-Chelmsford Reforms of 1919, the Department of Education was transferred to the control of popular ministers in the various provinces. The Central Government cased to take direct interest in educational matters and the Department of Education in the Government of India was amalgamated with other departments. Above all, the Central special grants for education liberally sanctioned since 1902 were discontinued. Financial difficulties prevented the provincial governments from taking up ambitious schemes of educational expansion or improvement. Despite all these handicaps there was considerable expansion of education, mostly by philanthropic effort.
3.28 The Hartog Committee, 1929.

The quantitative increase of education inevitably led to deterioration of quality and lowering of standards. There was considerable dissatisfaction with the educational system. The Indian Statutory Commission appointed an auxiliary committee under the chairmanship of Sir Philips Hartog to report on the development of education. The main findings of the Hartog Committee were as follows.

1. It emphasized the national importance of primary education, but condemned the policy of hasty expansion or attempt to introduce compulsion in education. The Commission recommended the policy of consolidation and improvements.

2. For secondary education, the Commission reported that the system was dominated by the Matriculation Examination and many undeserving students considered it the path to university education. It recommended a selective system for admission and urged the retention of most the boys intended for rural pursuits at the middle Vernacular School stage. After the Middle Stage students should be diverted to diversified courses leading to industrial and commercial careers.

3. The Commission pointed out the weaknesses of university education and criticised the policy of indiscriminate admission which led to lowering of standards. It recommended that “all efforts should be concentrated in improving university work, in confining the university to its proper function of giving good advanced education to students who are fit to receive it and, in fact, making the university a more fruitful and less disappointing agency in the life of a community.”

4. Wardha Scheme of Basic Education. The Government of India Act 1935, introduced provincial autonomy and popular ministries started functioning from 1937. The Congress party came into power in seven provinces. The Congress party set at work to evolve a national
scheme of education for the country. In 1937 Mahatma Gandhi published a series of articles in his paper, *The Harijan*, and proposed a scheme of education called Basic Education, better known as the Wardha Scheme. The main principle of Basic Education is ‘learning through ‘activity”. The Zakir Husain Committee worked out the details of the scheme and prepared detailed sylalbi for a number of crafts and made suggestions concerning training of teachers, supervision, examination and administration. The scheme centered round ‘manual productive work’, which might cover the remuneration of the teachers. It envisaged a seven-year course through the mother tongue of the students. The outbreak of the war in 1939 and the resignation of Congress Ministries led to the postponement of the scheme. It was left to the National Government to take up the work after 1947.

### 3.29 Sargeant Plan of Education.

In 1944 the Central Advisory Board of Education drew up a national scheme of education, generally known as the Sergeant Plan (Sir John Sargeant was the Educational Adviser to the Government of India). This plan envisaged the establishment of elementary schools and high schools (Junior and Senior basic schools) and introduction of universal free and compulsory education for children between the ages of 6 and 11. A school course of six years was to be provided for children between the ages of 11 and 17. The high schools were to be of two types: (a) academic and (b) technical and vocational school with different curricula. The plan also recommended the abolition of the Intermediate course and the addition of an extra year each at the high school and the college stage.

The Sargeant scheme envisaged a 40-year educational reconstruction plan for the country, which was reduced to 16 years by the Kher Committee.
3.30 Radhakrishnan Commission, 1944-49.

In November 1948 the Government of India appointed a Commission under the chairmanship of Dr. Radhakrishan to report on university education in the country and suggest improvements. The important recommendations of the report submitted in August 1949 were as follows.

1. Twelve years of pre-university educational course.
2. The working days at the university should not be less than 180 in the year exclusive of examination days. These working days should be divided into three terms each of 11 weeks' duration.
3. Higher education to have three main objectives; General Education. Liberal Education and Occupational Education. The first of these was to be specially emphasised for its importance has not been adequately recognised so far. More attention should be paid to subject such as Agriculture, Commerce, Education, Engineering and Technology. Law and Medicine. The existing engineering and technical institutes should be looked upon as national assets and steps taken to improve them.
4. A university degree should not be considered as essential for the administrative services.
5. As three years are required to qualify for the first degrees, it is not desirable that the work during the period should be judged by a single examination. As far as possible, examination should be held subject-wise at different stages.
6. The examination standards should be raised and made uniform in all the universities and university education placed on the 'concurrent list'.
7. The scale of pay of the university teachers should be raised.
8. A University Grants Commission should be set up to look after university education in the country.
University Grants Commission. In pursuance of the recommendation of the Radhakrishan Commission, the University Grants Commission was constituted in 1953. The Commission was given an autonomous statutory status by an Act of Parliament in 1958. Most of the matters connected with the University education including the determination and coordination of standards and facilities for study and research have been committed to the care of this body. The Central Government annually places at the disposal of the University Grants Commission adequate funds from which grants are made to different university and development schemes are implemented.

3.31 Education In Free India¹

The history of education in India took a significant turn from the fateful night of August 15, 1947. Slaves had finally won independence and in the free air of independence, attention turned towards changes in education, formulation of an educational policy, and the needs of the country. In the early days of independence, India’s educationists felt that it was not possible to find the right path without altering the structure of education.

In order to educate itself, society, has resort to modernization. It must make an effort to create a class of educated individuals, drawn from every part of society, whose beliefs and ambitions bear the deep imprint of Indianism. Such persons are needed to raise the educational level of the average citizen. In a democracy, the end is the individual the maximum possible opportunities for the fullest development of his capabilities. Today, it can be said that India’s destiny is being shaped in its classroom. In this world of ours, founded upon science and technology, it is education, alone which determines the level of prosperity, well-being and security of individuals. The success we achieve in the task of national reconstruction depends directly upon the qualities of our students emerging from our

colleges and universities. Awakening a national consciousness should be an important objective of our school education. We must endeavour to achieve these objectives by bringing about a growth in knowledge based upon over cultural heritage, by indulging in its constant re-valuation and by instilling the deepest faith in its future progress. Today, education has undergone multifaceted growth and progress. In consequence, literacy has increased, but at the same time, the rapidly increasing population has also increased the problems of education. In the various sphere of education, many problems have assumed gigantic and frightening proportions Although over Five-year plans have made some progress in this direction, education has, on the whole, failed to satisfy the individual’s needs.