

AS INTRODUCED IN LOK SABHA

Bill No. 238 of 2022

THE CONSTITUTION (AMENDMENT)
BILL, 2022

By

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.
- (2) It shall come into force with immediate effect.

Short title and
commencement.

Amendment of
article 312.

2. In article 312 of the Constitution, in clause (1), for the words “all-India Judicial service”, the words “all-India Judicial Service and an all-India Education Service” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In the wake of the pandemic that has hit the education systems of the entire world hard, it becomes very necessary for a country like India to have a stable, standard, reliable and controlled system of educating its population. Unlike countries like the United Kingdom or any other developed country for that matter, has a limited population to deal with that is supported by a declining and aging population for which brilliant brains from other countries specially India are taken out to keep up their standards high.

The bill proposes to add Indian Education Service to the list to enhance the standards of education in the country by bringing in more consistence and quality in terms of teachers and education. India has come a long way after its liberalisation or independence from the ugly British Raj which makes it among the top destination for investment, outsourcing, and manufacturing, primarily in the service sector. India now being a major economy still lacks in aspects of vocational education, as almost no emphasis has been laid upon such areas of education, skill development and on field training, which should be added in order to give the future of the nation a brief over-view of the industries helping then in making an informed decision in terms of the career that they might want to choose.

The success of any country largely depends on its educated citizens and this can be realised only if the education system functions well. This must be the reason why the National Policy on Education, 1986, revised in 1992, stressed the need for strengthening the education system in the country. The government should have complete faith in the teaching community and the teachers' associations should play a significant role in improving education, upholding professional integrity to enhance the dignity and status of the teacher. Keeping this in mind, on behalf of teacher's federations representing teachers at all levels, from nursery to university level in India, a memorandum was presented to the Centre some time back requesting urgent attention to establish the Indian Education Service.

The entire teaching community of India will appreciate the commitments which the policy has made to the nation, to the people, to the education, and the management system. The management system is a high priority item in education and it should receive urgent attention and support. Along with a number of dynamic steps in the economic and development fields, the educational management should also get top priority.

The following needs to be kept in mind for improving the education scenario in our country. Teaching should be regarded as a profession. It is a form of public service, which requires teachers expert knowledge and specialised skills, acquired and maintained through rigorous and continued research and study. It also calls for a sense of personal and corporate responsibility for the development and welfare of the pupils they are in-charge of.

The Ministry of Education has come out with this proposal as part of National Education Policy-2016 and invited views from stakeholders until end of this month. The idea of an Indian Education Service (IES) was first floated in the late 1980s by the then Human Resource Development Minister. By creating IES, specialists in education will occupy top administrative posts and motivate their subordinates to work with dedication and commitment.

Hence this Bill.

NEW DELHI;
November 23, 2022.

HEENA VIJAYKUMAR GAVIT

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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312. (1) Notwithstanding anything in Chapter VI of Part VI or Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all-India services (including an all-India judicial service) common to the Union and the States, and, subject to the other provisions of this Chapter, regulate the recruitment, and the conditions of service of persons appointed, to any such service.

All India
Services.

(2) The services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article.

(3) The all-India judicial service referred to in clause (1) shall not include any post inferior to that of a district judge as defined in article 236.

(4) The law providing for the creation of all-India judicial service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

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(Dr. Heena Vijaykumar Gavit, M.P.)