



Right To Education: An Initiative to Make a Better Future

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Abstract: -

Today, most of the countries of the world are facing the common global problems like illiteracy, poverty, corruption, terrorism etc without solving these problems none of the country can move forward for a better future. All the governments despite trying to solve these problems find it difficult to do so. This is happening due to weak and insufficient government policies and poor implementation the same. In this context, when we discuss our contemporary issues, we find that proper education play a very important role in all round development of a nation. A man of knowledge with proper education can understand the circumstances more wisely to take appropriate and favorable decisions. On the other hand, poor moral values and lack of knowledge of people are not letting others work for the nation. In this way, the knowledge and wisdom are very important for us and we can gain these by the mean of 'Education'.

When we trace the history of Education in India, we find that in ancient Vedic era, the education system was based on the tradition of "Guru Shishya". Gurus were fully dedicated to their pupils (shishyas) and the pupils were also very keen to gain the knowledge from their gurus. We surprised to know that later on, Education become the matter of experiments since Buddhist era to modern time.

In Buddhist era, monasteries were used for education. When Muslim invaders came in India and became the rulers of India, they used Education for the expansion of their religion. Arabic person were promoted instead of Sanskrit, Hindi. Britisher came in India as traders but due to their ambitious policies they became the rules of India, again education was used by them as a mean to fulfill their ambition for ruling the India. They promoted 'English' and made it the official language of the government instead of Arabic Person. Education was used to divide the Hindus and Muslims. Britisher started Sanskrit schools as well as Arabic schools but they fully concentrate to promote English. The British persons, who got their Education from abroad were the officers and the Indians who got their Education from Indian schools were the clerks and lower cadre workers.

The Education System of that time was the creation of Lord Macaulay which helps only Britishers and English.

We faced a long struggle for our freedom. After independence, a hope raised for a better, meaningful and value full Education by which India can achieve its' 'Vishwa Guru' title



again and can see its' golden days once again. But unfortunately since independence to recent times Education facing continuous Experiments. Without thinking about benefits or disadvantages each and every newly elected government change old policies and the syllabus change several times as per the political agenda of ruling parties. These all are harming the educational structure of India.

Key Words: - Education, constitution rights, children, knowledge.

1. Introduction:

“Education” is the word in which we can find the all vowels of English alphabets. Thus, it is a complete word which make a man complete. It gives us sense to understand something, knowledge, wisdom and manners to live a dignity full life in the society. In ancient times, India was on the top in education and knowledge. This was the country in which students from all over the world used to come to acquire the knowledge and education. No country of the world was even comparable. The story of collapsing Education System in India started with the invaders from the west (Muslims and later on Britishers) who just robbed the country and destroyed the culture and knowledge of the country in the condition of poverty, corruption, injustice, unemployment and most of these problems which are now posing challenges to our educational system. And today, we are dissolving ourselves in western culture and social values which are totally different from ours. Our current education system provides us only the mob of unemployed youth. Students are not willing to go for more monetary profits. This is the tragedy of our education system that students wish to get the certificate of passing the exam without doing study. They faced the exam with weak preparation and half knowledge. Teachers' evaluate their answer sheets liberally with reading them fully with interest. The 'paper' degree holders by such system wish to get a good employment in the market but due to their lack of knowledge or less knowledge, not succeed to get it due to which their dreams and hopes break. As the result of this, they become frusted and start blaming the social and administrative system. In future they become the part of this system and thus, it's a continuous cycle.

On this basis we can say that the quality Education play the Vital role for the complete development of the Nation. For achieving this goal our constitution gives us the right to Education as a fundamental right under article 21-A of the constitution.

2. Right to Education: - there are several rules made by the national and international government to achieve the education of children. To take the education is the right of human being, firstly. Presenting education rights through some article, constitutional and convention regarding to education of children-

2.1. International Recognition of Right to Education: Without education no Nation can achieve the success. So under various international treaties and conventions, the right to education has been recognized. Some of them are as follow:-

- a) **Article 26 (1) of declaration of Human Rights** says that Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. [1]
- b) **International covenant on Economic, Social and Cultural Rights, 1966** : Article 13 of the covenant says that the states parties to the present covenant recognize that with a view to achieving the full realization of this right; Primary Education shall be compulsory and available free to all. [2]

Para (3) of the article says that The State parties to the present covenant undertake to have respect for the liberty of parents and when applicable legal guardians to choose for their children schools other than those established by the public authorities which conform to such minimum educational standards as may be laid down or approved by the state and to ensure the religious and moral education of their children in conformity with their own convictions.

Para (4) of the said article says that no part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education gives in such institutions shall conform to such minimum standards as may be laid down by the state Article 14 of the covenant says that each state party to the present covenant which at the time of becoming a party has been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, without two years to work out and adopt and detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

- c) **Article 13 of additional protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights** says that everyone has the right to education. [3]

Para (2) of the article says that the state parties to this protocol agree that education should be directed towards the full development of the human personality and human dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace. They further agree that education ought to enable everyone to participate effectively in democratic and pluralistic society and achieve a decent existence and should foster understanding, tolerance and friendship among all nations and all racial ethnic or religious groups and promote activities for the maintenance of peace.

Para (3) of the article says that the state parties to this protocol recognize that in order to achieve the full extent of the right to education:

- i. Primary education should be compulsory and accessible to all without cost.
- ii. Secondary education in its different forms including technical and vocational secondary education should be made available and accessible to all by every appropriate means and in particular by the progressive introduction of free education.
- iii. Higher education should be made equally accessible to all on the basis of individual capacity by every appropriate means and in particular by the progressive introduction of free education.
- iv. Basic education should be encouraged or intensified as far as possible for those persons who have not received or completed the whole cycle of primary instruction.
- v. Programmes of special education should be established for the handicapped so as to provide special instructions and training to persons with physical disabilities or mental deficiencies.

Para (4) of the said article says that in conformity with the domestic legislation of the state parties, parents should have the right to select the type of education to be given to their children provided that it conforms.

Para (5) of the article says that nothing in the protocol shall be interpreted as a restriction of the freedom of individuals and entities to establish and direct educational institutions in accordance with the domestic legislation of the state parties.

d) Article 28 of united nation convention on the Rights of the Child recognizes the right of the child to education and with a view to achieving this right progressively and on the basis of equality of opportunity. ^[4] They shall in particular:

- i. Make primary education compulsory and available free for all.
- ii. Encourage the development of different forms of secondary education, including general and vocational education make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.
- iii. Make higher education accessible to all on the basis of capacity appropriate means.
- iv. Make educational and vocational information and guidance available and accessible to all children.
- v. Make measures to encourage regular attendance at schools and the reduction of dropout rates.

Para (2) of the article says that states parties shall take appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and it conformity with the present convention.

Para (3) of the article says that states parties shall promote and encourage international co-operation in matter relating to education in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to

scientific and technical knowledge and modern teaching method. In this regard particular account shall be taking of the needs of the developing countries.

- e) **Article 2 of the European convention on Human Rights (first protocol)** says that no person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the rights of parents to ensure such education and teaching in conformity with their own religion and philosophical convictions. [5]

2.2. Constitutional Foundation of Right to Education:

On January 26, 1950 we got our constitution and India became a democratic welfare state. Provisions relating to right education have been encoded in Indian constitution since its beginning. Articles 41, 45 and 46 [6] were related to right to education that time. Article 41 lays a directive to ensure the right to education of the people in general and article 45 deals with the specific question of education of children up to the age of 14. The wording of article 45 of that time was – “The State shall Endeavour to provide, within a period of ten years from the commencement of this constitution for free and compulsory education for all children until they complete the age of fourteen years.” Thus, the right to education is to be understood in the back ground of Article 45 and 41 and the state is under an obligation to establish educational institutions to enable citizens to enjoy the said right. [7] Article 46 ensures the promotion of educational and economic interest of weaker sections.

Upto 1993, the judicial view was that article 45 does not confer any legally enforceable right upon anybody. Article 45 does not confer any legally enforceable right upon primary schools to receive grant-in-aid from the government. [8]

In 1993 a constitution Bench of the Supreme Court has held that the right to receive education is an ingredient of Article 21. Hence, read with article 45, it enjoins a duty of the state to impart education to children upto the age of 14 years and a corresponding fundamental right in favour of such children. [9]

Now, by 86th amendment of the constitution [10] a new fundamental rights inserted in the constitution which is given in Article 21-A which says, “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state by law determine” by this amendment the wording of Article 45 also changed. Now Article 45 says, “The State shall Endeavour to provide early childhood care and education to all children until they complete the age of six years.” A new Article 51 A (K) also inserted in constitution by 86th amendment which says, “it shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or as the case may be ward between the age of six and fourteen years.” Thus, to promote Right to Education is the fundamental duty of citizens of India.

Education for children upto fourteen years is now a fundamental right and like other fundamental rights, it can be enforced under articles 32 and 226.

2.3. Right to Education in Reality:

To achieve the goal of Article 21A of the constitution, the Right of Children to free and compulsory education Act, 2009 was passed by the parliament which came into existence, 2010 and became applicable to private schools due to this act but private schools are totally ignoring this act. As per the provisions of this act private schools should admit of weaker section of the society to its 25% of total seats. So due to this provision approximately 3 million children of section of the society should have got admission in private schools of Uttar Pradesh under Right to Education Act since 2011 to 2015 but as per facts no children got admission in private schools under Right to Education Act in 2011, in 2012 the same condition continued, in 2013 only 54 children got admission in private schools. In 2015 the condition is little bit changed and 4500 children got admission in private schools of Uttar Pradesh under Right to Education Act. So during last 5 years only 4608 children got admission in private school instead of 30 lakh children in Uttar Pradesh. [11] By the help of data of Uttar Pradesh we can understand the condition of Right to Education Act in whole country.

3. Research Methodology:

The study is mainly based on secondary data as television, cases, books, news paper and reports. Based on the available legal rights of education which is given our constitution and research material, the present paper have a word an evaluation of the importance to children educations, challenges and future of India. Through this paper, the researcher is also intended to draw the attention of children of private schools.

4. Conclusion and Suggestion:

The constitution of India has a directive principle contained in Article 45 has made a provision for free and compulsory education for all children up to the age of fourteen years within ten years of promulgation of the constitution. We would not achieve this goal even after National policy of Education was announced in 1986. The government of India, in partnership with the state government has made various efforts to fulfill the mandate and though significant improvements were seen in various educational indicators. The ultimate goal of providing universal and quality education still remains unfulfilled. Some of the reasons behind this situation are; 1) Lack of coordination between government of India and State government - since the education is the subject of concurrent list. So government of India and state government both can make policies in this regards some times, these policies are conflicting and have no coordination. 2) Lack of monitoring mechanism – government spends enough money of its budget on education but to insufficient monitoring system this budgetary allocation becomes the prey of corruption. 3) Red Tapism – due to bureaucracy the



policies relating to education enforced in a very slow speed which create an obstacle to right of education. 4) Mostly government primary schools' teachers have to do various duties like B.L.O. for elections in census. They are over burdened so they do not take interest in teaching. 5) Lack of control on private schools – private schools are ignoring right to education. These schools made the education as a commercial activity. So government should have an adequate policy to control the private schools. 6) Awareness – various awareness programmes should be conducted and peoples should be made aware that the education up to the age of fourteen is the fundament right of their children and it can be enforced under articles 32 and 226.

In this way, remove all the hindrance of right to 'Education'. We can make an educated India and can also make our country "Vishwa Guru" again.

5. References:

- 1) *Universal Declaration of Human Rights, (1948).*
- 2) *International Covenants on Economic, Social and Culture Rights, (1966).*
- 3) *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Culture Rights "Protocol of san Salvdor".*
- 4) *United Nation Convention on the Rights of the Child, (1989).*
- 5) *European Convention on Human Rights (First Protocol).*
- 6) *Constitution of India.*
- 7) *P. Cherriyakaya V/S Union of India, Kerala: AIR (1994).*
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- 9) *Unnikrishnan V/S State Andra Pradesh, Mohini V/S State of Karnataka, 1,3 (SCC 1993, 1992).*
- 10) *The Amendment received the Assent. (2002, December 12).*
- 11) *Special report telecasted on India TV. (2016, March 23) India.*