

## Study On Right To Education in India

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### ABSTRACT

Since India is dominated by villages, it is relevant that State imparts education to all without discrimination on the basis of social and economic backwardness of a child. Private sectors or non-state entities may provide education at the cost of high fee structure and it could hardly be accessed by poor and backward categories children. Lack good infrastructure and qualified dedicated teachers in the remote areas fails to provide quality education to the children, even at the foundational or elementary level. Government, due to its failure to upgrade public schools and colleges with the state aid, failed to compete with the private entities with good infrastructure and dedicated team of experts to raise the standard of education. National Policy on Education 1986 provides for the Universal Elementary Education to all but the upgradation and privatisation of education sector became a road block for its implementation. Even the RTE, 2009 failed to accomplish the expected rate of growth. It is also noteworthy that quality education can only be considered if the holistic growth of a child is taken care. Literacy alone would never suffice the growth of a child but a comprehensive quality education which takes care of the development of a child is necessary. Due to lack of effective implementation of Constitutional provisions on education through National Education Policies and RTE, the education for many has become a dream especially the socially and economically backward section of the children. Being a fundamental and human right, the State is obliged to implement the right to education on a war footing to render justice to all without discriminating on the basis of socio-economic considerations.

**Keywords: Right to Education, India, Compulsory**

### INTRODUCTION

As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.

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**ADVANCED SCIENCE INDEX**

**UN Committee on Economic,  
Social and Cultural Rights,  
General Comment 13**

### WHAT IS RIGHT TO EDUCATION:

The right to education guarantees every child access to quality schools and services without discrimination, including quality teachers and curricula, and safe and welcoming school environments that respect human dignity. Education must be aimed at developing each child's personality and abilities to his or her fullest potential and preparing each child to participate in society and do work that is rewarding.

*“Everyone has the right to education ”* according to Article 26 of the Universal Declaration of Human Rights.

It empowers the individual to exercise other civil, political, economic, social and cultural rights, attaining a life of dignity, while ensuring a brighter future for all, free from want and from fear. To become an effective means for learning to know, to do, to live

together and to be, education must be available, accessible, acceptable and adaptable. Thus, the right to education will help the individual to make informed choices in life.

## **EVERY ONE HAS THE RIGHT TO EDUCATION (UNIVERSAL DECLARATION OF HUMAN RIGHTS, ART. 26)**

### **Free and compulsory education**

In the quest to achieve Education for All, states must prioritize free and compulsory primary education. It is a fundamental right that cannot be forfeited. The expenses for education are numerous: school fees, uniforms, transport, books and writing materials, all of which may prove burdensome. However, with sufficient political will and allocation of funds, governments and the international community can meet these costs. Thus, primary education can be free of charge for the child, the parent and the learner.

### **Education and poverty**

Education is a proven way out of economic despair, and there is a close correlation between low levels of education and poverty, both the poverty of the individual and the relative poverty of the state. Girls' education has particularly strong multiplier effects: investment in education for girls contributes to better nutrition for the family, improved health and family planning, poverty reduction, and better overall economic performance, leading to greater opportunities and life choices for women.

### **Quality in education**

Higher enrolment rates, and especially those of retention and completion, bear evidence of quality and sustained commitment from governments and the international community to ensure children's learning, promoting their cognitive, creative and emotional development.

### **Non-discrimination in education**

Education must be inclusive and accessible to all, in law as well as in fact. No provider of public education may discriminate on the grounds of gender, ethnicity, language, religion, opinion, disability, or social and economic status. Governments must formulate, develop and apply national policies, which directly address equality in education, private as well as public.

## **5. KEY COMPONENTS OF RIGHT TO EDUCATION**

<b>Education must be available.</b> There must be an adequate number of school buildings, trained teachers receiving competitive salaries, and teaching materials to meet the needs of all students. In well-resourced countries like the U.S., there should also be libraries, computers and information technology available for all.	<b>Education must be accessible.</b> There must be equal access for all to education, especially for the most vulnerable groups in society, including the poor, immigrants, the disabled, and racially marginalized groups. This includes physical access to school buildings, as well as economic access (transportation, materials and any other basic costs must be affordable).
<b>Education must be acceptable (of good quality).</b> "Education, including curricula and teaching methods, must be acceptable (relevant, culturally appropriate and of good quality)." Schools must meet standards for health and safety and discipline must not violate the dignity of the child.	<b>Education must be adaptable.</b> Education must adapt to the needs of students "within their diverse social and cultural settings," such as students from different class, racial and cultural backgrounds, students who do not speak the primary language of the school system, homeless students, students in foster care, and students with disabilities.

## **GOVERNMENT OBLIGATIONS TO ENSURE THE RIGHT TO EDUCATION**

Under a human rights framework, governments have the obligation to:

- Ensure that education meets the basic learning needs of all students so that they can develop their full capacities, live and work in dignity, and participate fully in society.

- Guarantee equity and non-discrimination in education so that there are no communities that have inferior opportunities or outcomes based on class, race, gender, sexual orientation, language, immigration status, disability or other factors.
- Use the maximum resources that are available to ensure the right to education based on the resources of society as a whole, not only the resources within the current budget.
- Guarantee human rights in relation to both conduct and results, so that governments are responsible for their action and inaction, as well as for educational results and outcomes.
- Monitor the right to education, make information transparent and available to the public, and provide remedies when the rights of students or parents are violated.
- Guarantee the effective participation of parents, students and broader civil society in decision making processes related to the educational system.

**The first internationally agreed definition of the right to education** can be found in Article 26 of the 1948 Universal Declaration of Human Rights (UDHR) which includes the following three paragraphs:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote tolerance, understanding and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

***World Declaration on Education for All:  
Meeting Basic Learning Needs***

**EDUCATION FOR ALL: THE PURPOSE**

Participants in the World Conference on Education for All, assembled in Jomtien, Thailand, from 5 to 9 March, 1990:

- **Recalling** that education is a fundamental right for all people, women and men, of all ages, throughout our world;
- **Understanding** that education can help ensure a safer, healthier, more prosperous and environmentally sound world, while simultaneously contributing to social, economic, and cultural progress, tolerance, and international cooperation;
- **Knowing** that education is an indispensable key to, though not a sufficient condition for, personal and social improvement;
- **Recognizing** that traditional knowledge and indigenous cultural heritage have a value and validity in their own right and a capacity to both define and promote development;
- **Acknowledging** that, overall, the current provision of education is seriously deficient and that it must be made more relevant and qualitatively improved, and made universally available;
- **Recognizing** that sound basic education is fundamental to the strengthening of higher levels of education and of scientific and technological literacy and capacity and thus to self-reliant development; and
- **Recognizing** the necessity to give to present and coming generations an expanded vision of, and a renewed commitment to, basic education to address the scale and complexity of the challenge; proclaim the following

**11th Five Year Plan is India's education plan - PM**

New Delhi: Felicitating the teachers who were awarded the National Teachers' Award



here on Thursday, Prime Minister Manmohan Singh said that education is a priority for the government and the 11th Five Year Plan is the education plan of the country.

"Investment in the education sector, especially in the areas of school education, has increased manifold in the last four years. The 11th Five Year Plan can be described as an education plan for our country," Singh said on Thursday, on the eve of the Teachers Day.

Highlighting the government's various initiatives to make education accessible to all, he said that several new scholarship schemes are being implemented for educational development of children belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and religious minorities as well as the girl child.

Talking about the Rashtriya Madhyamik Shiksha Abhiyan, a new programme besides the Sarva Shiksha Abhiyan, Singh said that under it, access to secondary school will be enhanced by improving the quality of education in the school.

He said: "6,000 new high quality model schools with at least one school in each development block are also planned to set the pace for improvement of quality."

Further highlighting the various initiatives in the education sector, Singh said that 373 new colleges have been opened in the backward districts of the country.

"We have also announced opening of 30 new universities, eight new Indian Institutes of Technology (IIT), seven Indian Institutes of Management (IIM) and 20 Indian Institutes of Information Technology, five Indian Institute of Science Education and Research, two schools of planning and architecture and ten National Institutes of Technology and 1,000 new polytechnics," he added.

Singh also laid emphasis on professional development of teachers and said that along with their normal pre-service and in-service training, special training in Information Technology has also been planned.

"Teachers empowered with information technology skills will make classrooms more interesting and activity-oriented," he said.

"There is an urgent need to initiate reforms in curricula, examination systems and development of text books in the light of the national curriculum framework of 2005. In all these matters, I seek active involvement and cooperation of the teaching fraternity," Singh added. India Edu News

### **EDUCATION FOR ALL: THE PURPOSE**

Almost six decades after the Indian Constitution promised that all children until the age of 14 be provided free and compulsory education, and six years after the Constitution was amended (but not enacted) to include the fundamental right to education, a historic opportunity to enact a long pending law is before Parliament. The issue at stake is the need to ensure that all children not just get access to education, but are also assured of its 'quality' so that they do not drop out, as half of them do at present.

The Eleventh Plan agenda paper accepts that quality education has eluded most children. "Our longer term goal should be to provide good quality education at least up to secondary level, comparable to that of Kendriya Vidyalayas, under the CBSE pattern", it says. The Right to Education Act can serve as a crucial instrument to ensure 'quality', which is intrinsically tied to systemic reforms for equity.

The National Curriculum Framework 2005 questions the perceived 'quality' divide between government and private schools, though the latter select students from privileged homes and claim better examination results. In fact, the quality of schools needs to be questioned, on account of the unhealthy pressure and the competitive atmosphere in which these results are sought, which deprives students of crucial processes of cooperative learning and often makes them self-centred individuals. Moreover, private schools and also Kendriya Vidyalayas neglect the child's mother tongue and inhibit it to construct knowledge in meaningful ways.

The Right to Education Act will not only help bring all into schools, more than half of whom continue to be pushed out of the system, but will actually ensure that the substantial funds allocated in the Eleventh Plan will go towards raising 'quality' of education.

### THE INTERNATIONAL FRAMEWORK

The right to education has been firmly enshrined in every major human rights treaty since the Universal Declaration of Human Rights in 1948. These treaties are international, customary law, and every country in the world has become party to at least one of them. With currently more than 100 million children not attending school – most of them girls – the world continues to face a great challenge.

At the World Education Forum in Dakar, Senegal, in April 2000, 164 governments rose to this challenge and reaffirmed the right to education as the fundamental principle of Education for All (EFA). The EFA process, with UNESCO as the lead agency, aims to ensure access to free and compulsory good-quality primary education by 2015, achieve gender equality in education, and improve levels of literacy and all aspects of the quality of education, from early childhood care to the life skills of youth and adults. In September 2000, the United Nations Millennium Declaration (MD) reaffirmed this pledge to achieve universal primary education, and to promote gender equality and empowerment of women through education by 2015.

### RECOMMENDATIONS IN THE CONTEXT OF THE NCMP COMMITMENTS ON EDUCATION AND THE FUNDAMENTAL RIGHT TO EDUCATION.

#### Fundamental Right to Education:

Free and compulsory education for children up to the age of 14 was to be realized within ten years of adopting the Constitution of India. There was fear that 'compulsory' may mean harassment of poor and illiterate parents by officials. Eventually, during the debate in the Parliament, there was a consensus that the 'compulsion' was on the State to provide education and the amendment was necessary to make the right justiciable.

The amended Article 21(A) reads: "Right to Education- The State shall provide free and compulsory education to all children of the age group of 6-14 years in such manner as the State may, by law, determine."

At this juncture, we would like to make a few core suggestions that need to be implemented urgently.

1. From Budget 2006-07, Prarambhik Shiksha Kosh should be shown as a separate line item under the allocations for the Ministry of HRD, clearly indicating the allocations from other budgetary sources and from PSK for SSA, MDM, and other schemes separately.
2. The Sarva Shiksha Abhiyan Mission should, starting academic year 2006-07, clearly state measurable goals of learning quality which need to be attained by district, municipal, and state governments over the next years just as clear goals related to enrolment and retention have been laid down so that performance of states and districts can be measured.
3. Performance measurement in education has to go a step higher by linking measurable quantitative and qualitative goals against per-child expenditure in schools and expenditure on various academic support and administrative structures. There is a need to initiate a serious analysis of expenditure on education, which could be taken up by the Planning Commission. Currently expenditure break up in education is available with only great difficulty. Child expenditure at different levels should become a norm of accounting as a constant reminder that money has to be spent for the child and not just in the name of the child.
4. The Government of India should, within the next three months, come up with a roadmap to increasing expenditure on education to at least 6% of GDP over the next plan period.
  - a. This ought to be modified to say at least 50% of this amount or 3% GDP will be spent on the "elementary education" phase.
5. The 86 amendment requires the State to determine by law the manner in which the Right

to Free and Compulsory Education shall be provided to the children.

6. The government should begin the process of widening the fundamental right to education so that on fulfilment of basic SSA goals in 2010 the Right to Education can be expanded by 2015. The right needs to be extended on the one hand to include the 0 to 6 age group currently covered by the modified article 45 and also the 14-18 age group, which needs to be provided education in broad social and economic interests of the society.

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