

Right to Education for Human Development

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Abstract

We live in a wide and varied world and yet we share a common bond. The history of humankind is marked by efforts to ensure respect for the dignity of all. The concept of human rights was introduced and developed by thinkers from various cultural and religious traditions. Important contributions to the promotion of this idea was made by statesmen and lawyers and gradually written norms establishing the protection of the rights of individuals were inscribed in national laws. Steps were also taken to establish international human rights standards, in particular in the nineteenth century and after the First World War. However, it was only in the second half of the twentieth century that a comprehensive international system of human rights promotion and protection was set up. This was mainly due to the efforts of the United Nations, its specialized agencies and regional intergovernmental organizations. This course of study also explores gender issues. The human sex ratio in the world clearly indicates that the world rightfully belongs equally to both the sexes. A gender imbalance creates malady and impacts on social constructs leading to issues related to stereotyping, discrimination and gender based violence. Gender discrimination is again a human rights' issue. Education directly or indirectly, serves the interest of furthering human rights and sensitivity towards gender. Albert Einstein, the scientist, once said, "The concern for Human beings and their destiny is the prime objective of all scientific and technical efforts. Never forget it in the midst of your diagrams and equations." The purpose of all education is to sensitize, to humanize, to take humanity to higher levels of knowledge, awareness, freedom and social responsibility. If we lose the meaning of education in its wholesomeness, we will end up creating a world without human values or justice, and ultimately, without progress, too.

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Introduction :

Education is extremely essential in today's competitive world. It is the means to development, growth and progress not only of an individual but of the society and nation as a whole. In recent times education has been identified as the most important agent of change. Every human being has certain rights which are essential for one's personality development and to make her/him a respectable citizen. Education is the principal provision for personal evolvement and the right to education is a functional human right. It is only an educated citizen who will be able to comprehend or perceive the other rights that are available to her/him for her/his own development. It is through education that one can comprehend the human rights that are pivotal in strengthening the dignity of human beings. It must be seen as a tool to standardize the opportunities that are provided. This actuality has been acknowledged by our Constitution as well as various international assemblies and platforms. Each individual must be given the chance to access the available education irrespective of their sex, caste, creed or religion and thereby have the opportunity to attain complete human development.

What is Education?

"Education" is a broad term that has several connotations. Conventionally it is identified as the transaction which results in understanding and procuring knowledge. Academic scholarship in a school or college are the most used options, nonetheless self-learning and the so-called '*life experiences*' do also qualify. Education need not be acquired only in the childhood but is carried on throughout our lives and is said to be a continuous process.

Why is Education Important?

One can very easily see the importance of education in our daily lives. It is through education that one can best use one's innate potential to its best. Education exposes human beings to various situations and in the process encourages them to think correctly and ethically. It inspires you to work effectively and stimulates you to take the right decisions, at the right time. It is each person's education and how one has imbibed the lessons taught that assists in making each of us separate identities. We could very easily say that it is as important as our basic need for food, clothing and shelter. If you think back to the time when you were enrolled in school you will realize that you not only learnt the '*three R's*' (reading, writing and arithmetic) but also learnt manners and the correct way to interact with friends and teachers. Being amidst teachers and peers taught you how to react to various scenarios. Education does not only mean acquiring knowledge of some subjects like computers, mathematics, geography or history but is a much larger term which encompasses

reactions, behaviour or even attitude. Education does not entail just training of the intellect. At best training would promote efficacy but would not promote a holistic development. If the aim is to merely hone acumen, to aspire for a larger pay packet, to be able to perform better than peers, to shine as the best, then our lives would become superficial. Education should help us to discover high-principled values. It is that tool which transforms perspectives and the individual mind is no longer prejudiced or biased. The mind is receptive to new ideas and concepts and allows one to view any given situation in a positive manner. Education is that tool which will develop the understanding of the efficacy of the system and the importance of following the system. Unless each person does not understand the process and believe in its need it will not bring about internal peace and subsequently world peace as well as development of mankind.

Education as a Right

Since the Universal Declaration of Human Rights (UDHR) in 1948, it is a recognized that every person has the right to education. *The right to free and compulsory primary education, without discrimination and of good quality*, has been ratified in all leading human rights conventions. In addition, this right has been expanded to explain what exactly the right to education means and scrutinize the means to achieve this. As a minimum, states must ensure that basic education is available, acceptable and adaptable for all. (4A Scheme). One of the most critical of all the rights is the right of girls to gain education. The understanding that they would develop through education will give them an insight into the availability of other rights and the means to secure rights for themselves.

Cultural Factors

Gender bias, conventional beliefs and accepted norms act as a deterrents to the likelihood of girls' procuring education. The compulsory right to education for girls would engage in rectifying this deep seated malady which has resulted in inequalities and subjugation of females. It is unfortunate that millions of females are condemned to a life without opportunities or a voice.

Enhancing their skills through education and apprenticeship would go a long way in helping them to take charge of their lives, participate effectively in society and take decisions in family matters. It has been often felt but not voiced that there appears to be a fear among those in charge, regarding the power that would get displaced in the event of females being given the same opportunities to education as males.

Health Factors

Education provided to females would result in women's understanding the basics of health. Getting exposed to the importance of nourishment, family planning, the right to take decisions regarding their own body, the choices they are entitled to would automatically lead to vigour and vitality.

This would, in turn, lead to lower rates of child mortality, improved health during and after gestation, boosted family health, less chances of malnutrition and consequently economic growth for the family as well as the society.

Economic Factors

Educating females would go a long way in bettering the economic conditions of a family and consequently the community. It is a globally recognized fact that poor economic condition is the main impediment to being able to enjoy human rights and it is most often the females who are affected by it. Gender discrimination and bias result in various rights being denied to females, including the right to education, to getting permission for taking up jobs outside their homes. They thus remain dependent on males and become the unpaid workers within the four walls of their homes. This naturally increases their subjugation to male domination.

The Right of Children to Free and Compulsory Education (RTE) Act, 2009

This is an Act to put into effect the Right to Free and Compulsory Education to all children in the age group of six to fourteen years. The Constitution of India in a Directive Principle contained in Article 45, has made provision for free and compulsory education for all children up to the age of fourteen within ten years of promulgation of the Constitution. For various reasons we have not been able to accomplish this objective in spite of almost 70 years since its enactment.

After the National Policy of Education (NPE) this mandate did thrust forward and though significant improvement was seen in various educational indicators, but the ultimate goal of providing universal and quality education remained unfulfilled. To give it the deserved importance, it was felt that an elaborate provision should be included in the Part of the Fundamental Rights of the Constitution'. Thus the Constitution Bill, 1997 (Eighty-third Amendment) was introduced in the Parliament and a new Article, namely, Article 21 was inserted. This conferred upon all children in the age group of 6 to 14 years the right to free and compulsory education. The Parliamentary Standing Committee on Human Resource Development scrutinized the Bill and the Law Commission of India also dealt with the subject in its 165 Report. After taking into consideration the Report of the Law Commission of India and the recommendations of the Standing Committee of the Parliament, the proposed

amendments in Part III, Part IV and Part IV (A) of the Constitution were announced as follows:

a. To provide for free and compulsory education to children in the age group of 6 to 14 years, legislation would be introduced in Parliament after the third Amendment) Bill 2001 is enacted.

b. To provide in Article 45 of the Constitution that the government shall strive to make provisions for care during initial childhood days and education to children below the age of six years.

c. To amend Article 51A of the Constitution so as to state that it shall be the obligation of the parents to deliver opportunities of education for their children.

The 93rd Constitutional Amendment Bill was passed by the Lok Sabha, the lower house of Parliament, on 27 November 2001, and then by the Upper House, the Rajya Sabha, on 14 of May 2002. This bill was assented as the 86th Constitutional Amendment Act. provided for free and compulsory education for all children within the age group of six to fourteen years as a Fundamental Right under Article 21A of the Constitution. The above Act also provided, under Article 45 that the State shall endeavour to provide Early Childhood Care and Education for children and until they complete 14 years of age. Through the 42 Amendment to the Constitution, Education, which was till then a State subject, was transferred to the concurrent list making it the joint responsibility of the Central and the State Governments.

According to '*Article 21(A) the State is to provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may, by law, determine.*' The above Act further provides under Article 51-A (k) that it shall be a fundamental duty of every citizen of India who is a parent or guardian, to provide opportunities of education to his child/ward between the age of six and fourteen years. Since India was one of the signatories of the UN Convention held in 1989 on the '*Right of the Child*' which recognized the Right to Education, it became mandatory for India to make primary education (i.e., education of children up to the age of 14) compulsory and free. According to the data published by the 2011 census, '*India has managed to achieve an effective literacy rate of 74.04 per cent in 2011*'.

In the 2001 census the rate stood at 64.8 percent. According to the report released by the census there are almost 74 per cent literates that constitute the total India aged between seven and above. The most notable fact that came across in the 2011 census was the sharp rise in the literacy of females.

During the last decade some of the States and Union Territories like Mizoram,

Tripura, Goa, Kerala, Pondicherry, Chandigarh, Lakshadweep, Daman and Diu, National Capital Territory of Andaman and Nicobar Islands have done extremely well for themselves and have registered a literacy rate of almost 85 percent.

Notes: 1. Literacy rates for 1951, 1961 and 1971 Censuses relate to population aged five years and above. The rates for the 1981, 1991, 2001 and 2011 Census relate to the population aged seven years and above. 2. The 1981 Literacy rates exclude Assam where the 1981 Census could not be conducted. The 1991 Census Literacy rates exclude Jammu & Kashmir.

Education of the Girl Child :

Swami Vivekananda's appeal exemplifies the plight of the girl child. All over the world inequality in access to education between males and females is severe. Girls are generally denied the opportunity to go to a school, pursue studies and are never encouraged to achieve. Though this malady has been bridged in developed nations, to a large extent developing as well as the underdeveloped countries are still struggling with the problem. It is education that helps a man or woman to comprehend the system, be able to claim their rights and realize their potential in the economic, political as well as civil domains. It is also a sure shot method to alleviate poverty. It is rightly believed that education plays a distinct part in providing an effective base for a girl's progress to adult life. It is an acknowledged fact that by educating a girl, one is assisting in the progress of the entire family that the girl will be affiliated to, in the future. Augmenting learning opportunities for a girl or woman promotes development of such skills that would help them to make well-informed decisions regarding their own as well as their family's health. It is education that will give them an insight into issues like family planning, childhood vaccinations, health insurance, HIV, AIDS, peace, security rights, duties and responsibilities. Statistics show that schooled females are more inclined to not be oppressed and tend to stand up for their rights. They are more likely to understand the importance of sending their children to school, both boys and girls. It is more conceivable for her, to wish as well as act, towards building a better society. They also become economically independent, thereby earning the right of becoming decision makers.

Winding Up

Above all, the implementation of the Right to Compulsory and Free Education Act 2009 must be implemented in letter and spirit to fulfill the desired objectives. The Right to Education Act also doesn't speak about millions of children who are in the age group below five years. There must be appropriate provisions for penalties for those flouting norms. Families and communities need to play a vital role to make the

Right of Children to Free and Compulsory Education Act, 2009 a major success in India. Mental disorder children also need basic facilities or necessary training and mental development scheme to be at once launched. As per the Act, existing schools were also required to make basic infrastructures available within three years of enforcement of the Act. But unfortunately, five years have already been going to pass after the enforcement of RTE Act, still majority of schools are lacking requisite infrastructures in India. The government should immediately taken action to ensure all the basic facilities in the school like proper food, drinking water, sanitation, library, playground etc. Besides these basic necessities the schools must also provide proper teaching by way of visual aids, globes, charts, pictures, through projects etc. They must also ensure co-curricular activities, excursions, paintings, games, dance, music, quizzes to attract the students and help them in their personality development. At the government level, allocation of funds required for effective implementation of free and compulsory education as per the RTE Act 2009 should be estimated by the department. The allocation must be planned in different phases. There is a great need for coordinating with various government departments for effective implementation of government programmes and avoid duplication of beneficiaries, fund utilizations etc. At last but not the least, existing monitoring system may be streamlined and a comprehensive monitoring system that looks into academics and administration should be designed to achieve the desired objectives.

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