



Human Rights and Right to Education in India

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Abstract: All of the rights that are part of our current society are referred to as human rights. In our current culture, one cannot exist as a human being without human rights. Human rights are fundamental rights that cannot be denied to anybody, regardless of race, caste, gender, faith, religion, or any other background. The Indian Constitution's Part III outlines rights as essential freedoms. The right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, the right to cultural and educational freedoms, and the right to constitutional remedies are the six essential rights that the Constitution guarantees to Indian people. The most potent instrument for influencing both an individual's and a nation's future is education. A basic human right under the freedom clause is the right to education. It is crucial to achieving other human rights as well. The Indian Constitution has clauses that guarantee the state will educate all of its children. When the Indian Constitution was first enacted, education was designated as a state list topic. Education was added to the concurrent list of subjects via the 42nd Constitutional amendment in 1976, allowing the federal government to legislate it in a way that is appropriate for it. In 2002, Parliament approved the 86th constitutional amendment, which included article 21A and made education a basic right. A statute enabling the execution of the basic right, the Right of Children to Free and Compulsory Education Act (RTE Act), was approved by Parliament in 2009. Beginning on April 1, 2010, both the new law and the constitutional amendment went into effect. The current study emphasizes the children's right to education and fundamental human rights from a constitutional perspective.

Keywords: Human Rights, Right to Education, Indian Constitution, Children.

Introduction: Every person is worthy of respect. Humans developed the fundamentals of human rights as a means of ensuring that each person's dignity is properly and equally valued. All of the rights that are part of our current society are referred to as human rights. In our current culture, one cannot exist as a human being without human rights. Human rights are fundamental rights that cannot be denied to anybody, regardless of race, caste, gender, faith, religion, or any other background. Human rights are typically viewed as basic, inalienable rights that cannot be denied to a person by another person or by a government merely because that person is a fellow human. In his historic address to Congress in 1941, US President Franklin D. Roosevelt introduced the term "Human rights" for the first time and emphasised that the world should be based on four fundamental freedoms: freedom of expression, freedom of religion, freedom from lack, and freedom from fear. The Universal Declaration of Human Rights, which had 30 paragraphs and was ratified by the UN General Assembly in 1948, was mostly written by Rene Cassin, who would later win the Nobel Prize in 1968. The most notable and important turning point in the development of the idea of human rights worldwide has been this Universal Declaration of Human Rights. Together, the Declaration's 30 articles make up an extensive declaration that addresses economic, social, cultural, political, and civil rights. Human Rights Day is observed on December 10 each year.

Numerous issues with respect to human rights exist that cannot be resolved without addressing the right to education as the gateway to gaining access to other human rights. The 1948 Universal Declaration of Human Rights (UDHR) of the United Nations (UN) expressly recognises the right to education by stating the following:

"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." - Article 26(1).

"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 understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace." Article 26(2).

One of the essential rights included in Article 26 of the UDHR is the right to education. The Declaration views it as a way of fostering peace and broad respect for human rights and basic freedoms as well as a right in and of

itself.

Human Rights and Indian Constitution: Rights are assertions that are necessary for a person's survival and growth. There will be a vast list of rights in that sense. While all of these are acknowledged by society, the State and the Constitution both uphold some of the most significant rights. These are referred to as fundamental rights. These liberties are essential for two reasons. First, the Constitution mentions them as guarantees, and second, they are justified, or enforceable through the courts. Any law passed by a government that limits any of these rights will be ruled unconstitutional by the courts. The Indian Constitution's Part III contains provisions for these rights. The Indian Constitution protects the following six essential rights for all citizens:

- Equality;
- Freedom;
- Protection against exploitation;
- Freedom of religion;
- Rights to culture and education; and
- Access to legal remedies. Originally, there were seven Fundamental Rights in the Constitution. Besides the above mentioned six rights, there was the Right to Property also. Since this Right created a lot of problems in the way of attaining the goal of socialism and equitable distribution of wealth, it was removed from the list of Fundamental Rights in 1978 by 44th constitutional amendment. However, its deletion does not mean that we do not have the right to acquire, hold and dispose of property. Citizens are still free to enjoy this right. But now it is just a legal right and not a Fundamental Right.

(I) Right to Equality

Article 14: Equality before law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16: Equality of opportunity in matters of public employment.

Article 17: Abolition of Untouchability: "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

Article 18: Abolition of titles.

(II) Right to Freedom

Article 19: Protection of certain rights regarding freedom of speech, etc.

Article 20: Protection in respect of conviction for offences.

Article 21: Protection of life and personal liberty.

Article 21A: Right to education.

Article 22: Protection against arrest and detention in certain cases.

(III) Right against Exploitation:

Article 23: (1) Traffic in human beings and *beggar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Article 24: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

(IV) Right to freedom of religion:

Article 25. Freedom of conscience and free profession, practice and propagation of religion

Article 26. Freedom to manage religious affairs

Article 27. Freedom as to payment of taxes for promotion of any particular religion

Article 28. Freedom as to attendance at religious instruction or religious worship in certain educational institutions

(V) Cultural and educational rights:

Article 29. Protection of interests of minorities

Article 30. Right of minorities to establish and administer educational institutions

Article 31. [Repealed.]

Saving of Certain Laws":

Article 31A. Saving of Laws providing for acquisition of estates, etc.

Article 31B. Validation of certain Acts and Regulations

Article 31C. Saving of laws giving effect to certain directive principles

Article 31D. [Repealed.]

(VI) Right to constitutional remedies:

Article 32. Remedies for enforcement of rights conferred by this Part

32A. [Repealed.]

Article 33. Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc.

Article 34. Restriction on rights conferred by this Part while martial law is in force in any area.



Article 35. Legislation to give effect to the provisions of this Part.

Education and Indian Constitutional Perspectives: Sincere efforts are made to uphold the global and international covenant on education, and crucial amendments to the Indian constitution are made to protect every citizen's right to an education in accordance with this idea. All inhabitants of India are guaranteed access to education by the state, according to the Indian constitution. When the Indian constitution was first enacted, education was designated as a state subject. Education was added to the concurrent list of subjects via the 42nd Constitutional amendment in 1976, allowing the federal government to legislate it in a way that is appropriate for it. The basis for rights to education is provided by the Fundamental Rights and Directive Principles of State Policy (DPSP) and Fundamental Duties of the Indian Constitution.

Right to Education and Human Fundamental Rights (Part III):

Article 21A: RTE (Right to Education), also known as the Right of Children to Free and Compulsory Education Act: The Right of Children to Free and Compulsory Education Act, also known as the Right to Education Act or RTE, was passed by the Indian Parliament on August 4, 2009, and it outlines the requirements of Article 21A of the Indian Constitution, which states that children between the ages of 6 and 14 in India have a fundamental right to free and compulsory education. When the legislation went into effect on April 1, 2010, India joined a list of 135 nations that consider education to be a fundamental right of every child. All children between the ages of six and seventeen will receive free and obligatory education from the State.

• **Right to Education and the Directive Principles of State Policy (Part IV)**

Article 41: Right to work, to education and to public assistance in certain cases. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 45: Right for Early Childhood Care and Education (ECCE) to all children until they complete the age of six years. This article is considered as a directive principle of state policy. It states "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".

The Government of India has included ECCE as a constitutional provision through the amended Article 45 (as per the 86th Amendment of December, 2002 and passed by Parliament in July 2009) which directs that "the State shall endeavour to provide Early Childhood Care and Education for all children until they complete the age of six years".

Article 46: Promotion of the Scheduled Castes, Scheduled Tribes, and other disadvantaged sectors' economic and educational interests: The State is required to safeguard the weaker groups of the population from social injustice and all sorts of exploitation while also promoting their economic and educational interests, especially those of the Scheduled Castes and Scheduled Tribes. The State shall take special care to advance the educational and economic interests of the poorer segments of the population and safeguard them from social injustice, according to Article 46, which establishes it as a directive principle of State policy. Any particular measures the State may take to promote the social, economic, or educational progress of any people from underprivileged groups cannot be challenged on legal grounds.

The education of the underprivileged classes is the focus of special efforts. Scholarships, dormitory accommodations, ashram residential schools, reduced entrance requirements, and seat reservations are all attempts to provide universal education for underprivileged groups.

Right to Education and Fundamental Duties (Part IVA): The Constitution (Eighty-Sixth Amendment) Act of 2002 included a new clause (k) under Article 51A (Fundamental Duties), making the parent or guardian responsible for giving their children between the ages of six and fourteen the chance to pursue an education.

Conclusion: There is no question that education plays a significant role in the defence and advancement of human rights. HRE is regarded as one of the most important strategies for preventing abuses of human rights. Everyone needs to receive education so they can appreciate the value of human rights. The Convention on the Rights of a Child's fundamental principles include respecting children's opinions and equality as the main factors in decisions involving children. The learners will be better aware of their beliefs and how to apply them in daily life if they get human rights education in their home tongue. The importance of social and cultural diversity should be instilled from an early age. Languages and environmental studies are relevant courses at the elementary level for integrating human rights. It will be necessary to choose poetry, songs, and short stories that promote human rights principles. Respect for human rights and gender equality should be taught in schools.

References:

- Naseema, C. (2008). Human Rights Education Theory and Practice. Shipra Publications, Delhi.
- Naseema, C. (2012). Human Rights Education Conceptual and Pedagogical Aspects. Kaniska Publishers

Distributors, NewDelhi.

- Ruhela, S.P. & Nayak, R.K. (2011). Value Education and Human Rights Education. Neelkamal Publications Pvt.Ltd.
- Ghosh, S. & Mohan, R. (2016). Education in Emerging Indian Society the Challenges and Issues. PHI Learning Private Limited.
- .Puar, S.S. (2012). Right to Education Act: A Critical Analysis. International Journal of Educational and Psychological Research (IJEPR), 1(2), 27-30.
- Viswanath, M. (2014). Right to Education using Human Rights Based Approach: A Policy Perspective for India. IOSR Journal of Humanities and Social Science (IOSR-JHSS), 19(6), 46-54.
- Mahapatra, N. (2012). Role of Education in Promotion and Protection of Human Rights, Odisha Review, 26-30.
- The Constitution of India, Govt. of India, Ministry of Law and Justice.
- Gupta, M. & Lata, P. (2013). Protection of Child Rights in India: Role of Teachers and Parents, Educationia Confab, 2(3).36-44.