

## **Right to education in India: Issues challenges and solution in human rights**

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### **Abstract**

The education is life insurance for all children. The right to education is essential to economic, social and cultural rights. Right to life and personal liberty has got a very wide experience it includes various right of the person and education is essential for every person and education is essential for every person to live with basic human dignity, education liberates man from ignorance exploitation and oppression . It promotes freedom, progress and equal opportunities for all citizens. Therefore education has been looked upon as the most precious and meaningful investment for human development.

**Keywords:-** Right to Education, Human Right, Children.

### **Introduction and literature Review:-**

“The prosperity of a country depends not on the abundance of its. Not on the strength of its fortifications nor on the beauty of its public buildings. But it consists in the number of its cultivated citizens in its men of education. Enlightenment and character here are to be found its true interest its. Chief strength its real power.

- **Martin Luther King**

Educational investments in children have shown to have high private and social returns.

Education is the most potent mechanism for the advancement of human beings one can easily anticipate greater turmoil ahead indeed because those who are involved. In “education” industry are hardly aware of the pious objectives of education.

Education is now widely valued not only for its intrinsic value in enriching the lives of individuals but also for its functional value in the development of the human capital of a nation educational investments in children have been shown to have high private and social return. The private returns are associated with increased productivity and earnings in

adulthood and with further non-pecuniary gains arising from the greater efficiency with which educated individuals are able to acquire and process information.

**Right to education Act :** Background and meaning every child between the ages of 6 to 14 years has the right to free and compulsory education.. This is stated as per the 85<sup>th</sup> Constitution. Amendment Act added article 21A. The right to education act seeks to give effect to this amendment. The government schools shall provide free education to all the children and the school will be managed by school Management committees (SMC). Private school shall admit at last 25 % of the children in their schools without any fee. The national. Commission for elementary education shall be constituted to monitor all aspects of elementary education including quality.

Life has been treated as a precious gift of nature. Education signifies the enlightenment of life. It bestows dignity to man and helps transfigure the human personality into pattern of perfection through a synthetic process of development of the body and uplifting of the mind. It supplements the emotions and illumines the spirit.<sup>1</sup>

**History of education :** India has the world's oldest largest education system. Its antiquity and diversity are reflected in the youth of cultural and norms and institutions that go back to a descending and venerable past. The education history divided to three parts like ancient time and that time the Gurukul system of education is one of the oldest on earth, And the education rise of Buddhism and Jainism there was in the medieval period universities in providing higher education at Nalanda, Takshilla Ujjain and Vikramshila. Flourished. The concept of school developed during this era.

Ancient India thinker's and philosophers said that education makes a man complete human being in its conceptual essence and commutative continuum. It is the bedrock of all happiness, fame and pleasure. It is education put not money which is respected and honored in the royal. Assembly knowledge to wisdom and from wisdom to understanding of consciousness takes place through education, regarded as a part of signified attainment. It is education which teaches purity of mind, right to the ancient days the seeds of education are sown at home.

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<sup>1</sup> Prof. Y Stayanarayana – Right to Education – the Human Rights, perception/Nyaydeed NLSA, New Delhi, P-21

### **Right of children to free and compulsory education in national scenario :-**

The right of children to free and compulsory education bill – urs pass by the our parliament on 27<sup>th</sup> August 2009 and same day consent was taken from the hear highness act

and known as the right of children to be and compulsory education Act no.35 and 2009 and this act shall and to the whole of India except the state of Jammu and Kashmir. This Act contained 38 sections and seven chapters. This Act provides that rate united schools and, Seven chapters. This Act provides that

### **Right of education under the India Constitution:-**

The right to education in various statute deals with the aremole is the basic of the constitution. The preamble says that people are the ultimate authority and the constitution emerges from than. In fast the preamble contains with the declaration that to secure to all citizens of justice, social economic and political, liberty of though expression belief, faith and worship-equality of status and of opportunity. The function right always remain controversial till date.

Article 12,14,19,21,21-A, 27,28,29,30 Deals with the fundamental rights. There are size fundamental rights to basic education. The fundamental rights are freedom guaranteed but these freedoms are not absolute. But are justifiable justifiable here means judicially enforceable. The fundamental rights are different from legal rights.

The Articles 41, 45, 46 of Indian constitution deals with the directive principles of state policy, mention the some constitutional provisions regarding free and compulsory education to children below the age of 14 years and the provision for the promotion of educational and economic interests. of all societies. The others provisions in Indian constitutions Article – 228, 337 etc.

### **Concept of Human Rights:-**

Human rights are those natural rights which are available to human being by his birth. Thus the central of human rights is the dignity of the individual liberty and equality of status and to make them a meaningful waven around the right to education, health, shelter, congenial environment without disceriminallon as basics to unity and fraternity among the people civil and political. Rights, social, economic and cultural rights have been elaborated

to feed and give content to the human rights. Protection of the inherent dignity of all Members of the human family including women is a well recognized principle of human rights.

### **Right to education under the international at Human Rights law:-**

The other provision of the International covenant on economics social and cultural rights (ICESCR) were adopted in 1966. The two articles related to the right to education article-13 of the ICESCR, Article – 14 or the ICESCR. It is one of the great achievements of the united nations that, in the UDHR. According to Article-26 universal declaration of human rights, 1948 everyone has the right to free education at least in the elementary and fundamental stages.

### **International consentions:-**

Legal charter of any country there appear two sets of rights one ordinary legal rights confereed through the ordinary saws of the country and the other through the fundamental. Law of the country which are known as the fundamental. Rights enfareable against the government. Most of the rights concerning human dignity. Welfare and wellbeing owe their origin to international conversions (Treaties are conventas) which are drawn on the consensus of the respective memora and the universal backdrop before we peepin to the domestic laws providing for human rights. The magnacarte of 13<sup>th</sup> Century is one of the land marks that spoke about human right. The bill of rights of England and as adopted by the U.S. constitutional system constitutes the core fabric of the concept of Human Rights. Article 26(1) of the universal. Declaration of human rights proclaims “Everyone has the right to education Technical and professional, education shall be mode generally available and higher education shall be equally. Accessible to all on the basis of merit”.

### **Contribution of Judiciary in promoting right to Education:-**

The hon’ble high court and Supreme Court has laid down elaborate guideline and passed structures

“**Right to education**” as a fundamental rights within the ambit of the word life because education promotes and dignified life. This observation of the apex court was the result of its landmark, decision in Monini Jain V/s state of Karnataka<sup>2</sup> J.P. Unnikrishnan V/s State of

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<sup>2</sup> AIR 1992 SC 1858.

A.P.<sup>3</sup> has held that the citizens of the country have a fundamental right to education. This right is, however, not an absolute right. Its contents and parameter is to be determined in the Articles 45 and 41.

Bandhua Mukti Morcha V/s Union of India and others,<sup>4</sup> it has been held that it is the solemn duty of the state to provide basic education to children also working in different industries or factories and the court directed the government to take such steps and evolve scheme assuring education to all children either by the industry itself or in coordination with it.

Govind Jain V/s Union of India.<sup>5</sup> The apex court has held that have to provide education to the children born to prostitutes. The court further issued various directions to protract said children exploitation and bring them into main stream of life by educating.

Supreme Court in the state of Bombay Vs R.M.D. Chamarbaugwala.<sup>6</sup> That education is an activity that is charitable in nature imparting of education is a function the state, however having regard to its financial constants.

### **Suggestions:-**

- 1- The right to education should be declared as absolute fundamental right.
- 2- There should be no bar of the age of the person to acquire the education.
- 3- The Government should acquire the all school, college and educational institutions in name of country and private education should be banned.
- 4- There should be uniformity in the syllabus of every class all over India.
- 5- The right to education should be declared as absolute fundamental right to all Citizen of India.
- 6- Sufficient fund should be provided to achieve to the object Right to Children of free and compulsory Act, 2009.
- 7- There should be one Board for Exam of High school and Intermediate through the country.

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<sup>3</sup> (1993) 1 SCC. 645

<sup>4</sup> (1991) 4 SCC 177.

<sup>5</sup> AIR 1997 SC 3021

<sup>6</sup> AIR 1957 SC 699

- 8- There should be proper execution and implementation of the provisions of the Right to Children of free and compulsory Act, 2009.