

# HUMAN RIGHTS EDUCATION IN INDIA

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## ABSTRACT

*In a significant development, the Right to Education (RTE) was made a fundamental enforceable legal right for children under Article 21A of the Constitution by the Eighty-Sixth Constitutional Amendment Act, 2002. India thus became one of the few countries in the world where the right to education is a fundamental right. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) guarantees the right to free and compulsory education to every child between 6 and 14. However, it doesn't encompass children between 0 to 6 years old. The RTE Act, although progressive, is not accompanied either by a well laid-out implementation mechanism of the law or by a financial memorandum. Therefore, its implementation remains a challenge because of inadequate financial allocations and lack of effective enforcement mechanisms. While the Act does have provisions stating that the local authority may take up a complaint, it ignores the fact that this very local authority is also an implementing functionary. This could give rise to conflict of interest in certain instances, which would inhibit the proper enforcement of the right to education. In order to ensure a more efficient implementation of the RTE Act, states are required to frame their own set of rules. To date, only 17 states have prepared drafts of their state rules on the Act but are yet to notify them. This paper mainly focused on Human rights education in India, constitutional framework regarding human rights education in India*

**Keywords :** Human Rights Education (HTE), Integrated Child Development services (ICDS) etc

## 1. INTROCUION:

Since the days of the Indus Valley Civilization, Indian culture has been the product of a synthesis of diverse cultures and religions that came into contact with the enormous Indian sub continent over a very long stretch of time. As Jawaharlal Nehru rotes, there is "an unbroken continuity between the most modern and the most ancient phases of Hindu thought extending over three thousand years." The rights of man have been the concern of all civilizations from time immemorial. "The concept of the rights of man and other fundamental rights was not unknown to the people of earlier periods." The Babylonian Laws and the Assyrian laws in the Middle East, the "Dharma" of the Vedic period in India and the jurisprudence of Lao-Tze and Confucius in China, have championed human rights through history of human civilization. The Indian concept perceives the individual, the society and the universe as an organic whole., Everyone is a child of God and all fellow beings are related to one another and belong to a universal family. In this context, Mahatma Gandhi remarks, "I do not want to think in terms of the whole world. My patriotism includes the good of mankind in general. Therefore my service to India includes the services of humanity."

The Buddhist doctrine of non-violence in deed and thought says Nagendra Singh "is a humanitarian doctrine par excellence, dating back to the third century B.C. and Jainism too contained similar doctrines. According to the Gita, "he who has no ill will to any being, who is friendly and compassionate, who is free from egoism and self sense and who is even-minded in pain and pleasure and patient" is dear to God. It also says that divinity in Hunan's is represented by the virtues of non-violence, truth, freedom from anger, renunciation, aversion to fault-finding, compassion to living being: freedom from covetousness, gentleness, modesty and steadiness -the qualities that a good human being ought to have.<sup>5</sup> The historical account of ancient Bharat proves beyond doubt that human rights were as muck manifest in the ancient Hindu and Islamic civilizations as in the European Christian civilizations. Ashoka, the prophet Mohammed and Aktar cannot be excluded from the geneology of human rights.

According to Human right education Surveys have found the following impediments in the realization of the right to education, especially in rural areas: (i) one-third of all primary and upper primary schools face acute shortage of classrooms and do not comply with the RTE requirement of one teacher one classroom ratio; (ii) about

half of primary and upper primary schools face shortage of teachers; (iii) 25 per cent of schools lack office cum store; 48per cent of schools lack playgrounds; 48per cent of schools do not have a boundary wall or fence; (iv) 37 per cent of schools do not have a library; (v) mid-day meals are not served in 17per cent of schools while 19 per cent of schools lack a kitchen shed for mid-day meals; and (vi) 5.9 per cent of girls in the age group of 11-14 years are out of school compared to 4.9 per cent boys across India. In October 2011, the Supreme Court ruled that the denial of the basic right to water and toilet facilities in schools violates the right to free and compulsory education provided under the RTE Act. It directed all schools across the country to have toilet facilities and offer drinking facilities within a short timeline. However, according to a recent study, only 75 per cent of schools have toilets, with merely 60per cent of schools having girls' toilets. Even when toilets are available, half of them are not usable, thus a major deterrent for girls to attend schools. Public-private partnerships are another grey area, with many private schools having challenged the RTE requirement for every private school to reserve 25 per cent of admissions for students from disadvantaged and economically weaker groups. However, in April 2012, the Supreme Court upheld such requirement under the RTE Act and directed all schools, including those privately-run (except minority and unaided institutions) to admit at least 25 per cent students from socially and economically backward families from the 2012-2013 academic year onwards.<sup>148</sup> Several schools had been holding separate shifts for students from poor families after the regular school timings. However, according to the requirements of the RTE Act, 25 per cent of every classroom has to be composed of students from socially and economically disadvantaged families.

## 2. OBJECTIVES OF THE STUDY

The study based on the following objectives:

1. To study the Human Rights in India
2. To study constitutional framework for right to education in India
3. To study the different government schemes on education in India

## 3. METHODOLOGY OF THE STUDY:

The study is based on secondary source of data collected through various books, articles and research papers published in various national, international journals, websites.

## 4. CONSTITUTIONAL FRAMEWORK Article 26 (Right to Education):

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. 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. Parents have a prior right to choose the kind of education that shall be given to their children.

This article confers the basic right to education to everyone. According to this, education should serve the purpose for which it is to pursue. This conjoins the saying and the philosophy advocated by Swami Vivekanda educating ourselves with values, morals and with a particular purpose to serve the needs of the society and as well oneself. Knowledge is inherent in every body. It can be sharpened only when it is tapped in a proper perspective. This article emphasis the importance of education as a tool to enrich people to enjoy their rights guaranteed both nationally and internationally. Accordingly, it aims to achieve the following goals. They are:

- Education to everyone alone promotes the strengthening of respect and helps for the promotion of human rights and fundamental freedoms.
- The full development of the human personality and the sense of its dignity could be achieved only when the significance of human person is realized

- It helps to understanding, tolerance, promotes gender equality and friendship with all other human beings across the world.
- It promotes compassionate behavior towards other vulnerable groups, such as refugees, mentally and physically infirm people, old aged persons, children, and third sex and socially economically culturally disadvantaged sections, and promote to end racist, linguist, religious, etc.
- It enables all people to take part freely and effectively in the development of society and states, economically, politically, socially, legally and culturally.
- Education alone provides a goal to achieve the objectives of human rights, by inculcating values, morals, and ethical perspectives of mankind.
- It enables to achieve the United Nations and the Objective of international law to establish peace and security on the globe.

In order to achieve these main goals which contribute for the furtherance of common brotherhood and one world concepts, the United Nations Education, Scientific and Cultural Organization (UNESCO) formulates a number of policies and programmes to help the states to achieve cent percent literacy. The UN Millennium Summit and the World Conference also highlighted the significance in no uncertain terms. Accordingly, the UN declared 2005-2014 as the Decade of Education for Sustainable Development. It hopes to achieve literacy to a maximum extent. This article further highlights that though parents have the right to choose the kind of education that their children have to undertake, this doesn't mean that they have an absolute right to force the kind of education against the wishes of their children. In tune with the policy perspectives of the UN and other international organizations, the Government of India has adopted the Right to Education Act 2010, making education as a compulsory aspect for every citizen of India.

#### **5. GOVERNMENT SCHEMES ON EDUCATION:**

The Sarva Shiksha Abhiyan, the government's flagship programme aimed at universal primary and elementary education, while positive, has not yet achieved targets like universal primary education (five years of schooling) by 2007 and universal elementary education (eight years of schooling) by 2010. Although promoting education for all, the programme is not designed to provide equal education for all. Much advertised programmes, such as the Education Guarantee Scheme, promote parallel systems of education in which less qualified, under paid and local para teachers are replacing trained professional teachers. The Mid-Day Meal Scheme (MDMS) and the National Programme of Nutritional Support aim at enhancing enrolment, retention and attendance, and simultaneously improving nutritional levels among children. However, despite its good intentions, reports indicate the absence of a proper management structure and inadequate implementation. Additionally, there are serious concerns regarding the quality of food served to the children. The Integrated Child Development Services (ICDS) is the world's largest early child development programme. It was launched in 1975 with the aim of improving the health and well-being of new mothers and children under six by providing health and nutritional education, health services, supplementary food, and pre-school education. 158 Studies have found that despite some unevenness in the quality of services, the ICDS programme has had a positive impact on the survival, growth and development of young children. 159 However, its reach has been called into question on numerous occasions and the third National Family Health Survey (NFHS-3), indicates that only 28 per cent of children received any services from an anganwadi centre (the network of centres through which the scheme is implemented). Moreover, the ICDS programme has largely by-passed children with disabilities, Dalits and other minority groups.

#### **6. CHALLENGES FOR THE ACCOMPLISHMENT OF RIGHT TO EDUCATION:**

The major issues that come across the students day after day are:

- Inadequately maintained buildings
- Dilapidated classrooms
- Lack of sanitation facilities
- Non-availability of drinking water

- Libraries and laboratories with no proper maintenance or equipment
- Availability of qualified teachers
- High student-teacher ratio
- Outdated curriculum and teaching methodologies involving only memorizing of the subject without any understanding of the subject
- lack of vocational training and non-availability of such courses that help students to get employed on completion of their schooling
- Long distances to schools
- Low enrolment of girls

## 7. CONCLUSION;

Human Rights Education at the school level also has a trickle-down effect as the child shares his knowledge with parents, relatives, friends, and neighbors' i.e. programme has also benefited teachers, which is evident from the change in their approach towards their students. For instance: (a) teachers have abandoned the practice of subjecting their students to corporal punishment, possibly due to the realization that doing so is a violation of child rights; (b) they have started acting as facilitators of Human Rights Clubs through which they help poor students in their studies and organize human rights programs; (c) teachers have admitted to changes in their family life due to the impact of the HRE program; (d) they have also started assisting victims of human rights violations in their respective areas to approach various forums for justice. Students under the programme are also getting involved in human rights advocacy in their respective villages. For example: (a) through their parents and friends, they engage in debates on social evils in their locality thus creating awareness among their family, friends, relatives and neighbors'; (b) students are able to identify instances of human rights violations; (c) they have shown increased involvement and interest in the HRE programme as well as studies generally; (d) a study counseling his father on the advice and guidance of his HRE program teacher has resulted in the stopping of consumption of liquor by his father. His father has also stopped beating-up his children. A large number of students have come out with striking revelations of change in their perception and behavior as a result of the HRE program in their schools. Substantial efforts are therefore crucial to eradicate the social disparities and guarantee quality education on an equal basis and such efforts are needed. To sum up, there is an utmost need for realizing that provision for universal access to quality school education is the groundwork of development and a fundamental condition in the process of creating India as a knowledge society.

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