



Significance of Right to Education for Social Justice

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Abstract

21st century is a century of knowledge. Teachers are generators and transformers of knowledge. So teacher's role is to transform this knowledge to students. Rights which we are going to possess are human rights. Everybody has his own inherent rights. Dignity of human is a soul of democracy. Everyone should understand constitution of his country. For protecting, knowing and implimenting human rights one should go through constitution of India. Human rights are universal rights. they should be universally accepted for social justice.

It is the responsibility of every individual and every organ of society to promote respect for human rights and Right to Education to ensure their universal recognition and observance. Violation of human rights and Right to Education is one of the most worrying problem of our times for social justice in the entire world civilisation.

Education as a right is essential for full development of human personality and for human happiness. It is an important right for freedom, subsistence and enjoying decent civilized life. The auther of this paper has discussed about following key concepts in this paper.

Key Concepts:

Concept and meaning of education as human right, definition of education as per human rights, right to life and its aspects, human rights and Indian constitution, levels of education and their significance, right to education bill-(2010) with recommendations by National Knowledge Commission (NKC), free and compulsory education as per right to education act 2010 and benefits of right to education act.

Introduction:

Teachers of 21st century are generators and transformers of knowledge. So teacher's role is to transform this knowledge to students through education. . Dignity of human is a soul of democracy. Every one should understand constitution of India for protecting, knowing and

implimenting human rights. Human rights are universal rights.they should be universally accepted for social justice.

Human rights are based on respect for the dignity and worth of all human beings and seek to ensure freedom from fear and wants. It is the responsibility of every individual and every organ of society to promote respect for human rights and Right to Education to ensure their universal recognition and observance. Violation of human rights and Right to Education is one of the most worrying problem of our times for social justice in the entire world civilisation. Education as a right is essential for full development of human personality and for human happiness. It is an important right to freedom,subsistance and decent civilized life.

Concept and meaning:

Human rights means, relating the life with liberty, equality and dignity of the individual,whereas the right to education is a universal entitlement to education. According to the International Covenant on Economic, Social and Cultural Rights the right to education includes the right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education. The right to education also includes a responsibility to provide basic education for individuals who have not completed primary education. In addition to thisaccess to educational provisions, the right to education encompasses the obligation to rule out discrimination at all levels of the educational system, to set minimum standards and to improve quality of education.

Definition:

Educationrefers to formal institutional instructions. The 1960 UNESCOConvention against Discrimination in Education defines education in Article 1(2) as: "all types and levels of education, (including) access to education, the standard and quality of education, and the conditions under which it is given. In a wider sense education may be described as "all activities by which a human group transmits knowledge, skills and a moral code which enables the group to subsist". In this sense education refers to the transmission to a subsequent generation of those skills needed to perform tasks of daily living, and further passing on the social, cultural, spiritual and philosophical values of the particular community. The European Court of Human Rightshas defined education in a narrow sense as "teaching or instructions... in particular to the transmission of knowledge and to intellectual development"

In India it is rightly said that, 'surve bhavanti sukhinah' and 'vasudhaiv kutumbakam'. Human right recognition act was passed. In 1992 and 1993 in which human right law was promulgated by president of India.

Right to life and its Aspects:

The right of life is treated as most precious fundamental right. Right to life is guaranteed by Article 21 of Indian constitution. It means no person can live without the means of living. This right includes standard of living of human being i.e. food, clothing, shelter, medical aid, facilities for reading writing and expressing oneself in diverse form, freely moving etc.

The right to life involves-

1. Right to shelter.
2. Right to livelihood.
3. Right to live in healthy environment.
4. Right to education.
5. Right to health.
6. Right to human dignity.
7. Right to access to road.
8. Right to suicide.
9. Right to terminate pregnancy.
10. Right to preserve life.
11. Right to die.
12. Right to social security.

Human rights and Indian constitution:

The important values of Indian constitution given in preamble are 'dignity of the individual' and unity and integrity of the nation. The constitution of India by amendment of Article 359 makes non-derogable Article 20 and Article 21 even during national emergency. Our constitution gives fundamental guarantee for the fundamental rights in part III which include right of equality, right of freedom, right against exploitation, right of freedom of religion, cultural and educational rights and the right to constitutional remedies. Part IV of constitution contains directive principles of state policy which are the principles fundamental in governance to be observed by the state for the formulation of its policies.

The right to education is separated into three levels:

Primary (Elemental or Fundamental) Education shall be compulsory and free for any child regardless of their nationality, gender, place of birth, or any other discrimination. **Secondary** (or Elementary, Technical and Professional education) must be generally available and accessible. **Higher** Education (at the University Level) should be provided according to capacity. That is, anyone who meets the necessary education standards should be able to go to university.

Right to Education Bill-(2010):

Right to Education Bill was passed by central Government on 1st April 2010 by saying that everybody has right to education from today. Prior to this change eight members committee under the chairmanship of Sam Pitroda was appointed by central government. This committee is known as a National Knowledge Commission (NKC). This commission submitted its report of school education in India for universal schooling. Date of appointment of NKC was 13th June 2005 and date of submitting of report on education was October 2008.

Main characteristic features of this report are as follows:

NKC believed that providing universal access to quality school education is a cornerstone of development and a minimum necessary condition for any progress toward mankind. NKC had pursued the bill and consulted with the wide range of experts and educationists. NKC recognised that school education is the responsibility of the state government at present. So it feels that this matter can be resolved through appropriate central legislation which takes in to account as following.

1. Central Legislation:- Right to education is the fundamental right. A central legislation should enact it with panchayati raj act at central as well as at state level
2. Financial Commitment:- The central government must provide additional funds as required to entrust the right to education from parambhik shiksha koosh for sarva shiksha abhiyan.
3. Time Frame:- The state level legislation should specify the period of universal education to be started i.e. preferably within three years.
4. Schedule of Norms and Standards:- Certain norms regarding infrastructure, number of teachers per school and per student, teaching methods and other facilities must be as necessary conditions.
5. Specification of Teachers:- A teacher is only defined as a person who teaches in the classroom. It is necessary to specify norms of teacher's qualifications and training.
6. Justifiability:- Right to education is only meaningful if it is justifiable. The responsibility of the government at the different levels must be recognised and made justifiable.
7. Redressal Mechanism:- A redressal mechanism should be outlined and an appropriate procedure must be set in place for students or parents in case the right is not upheld.
8. Universal Schooling:- School education must be provided to all. Childrens of disadvantaged , landless and minority communities must also be integrated along with children with disabilities or social needs.

The model bill has the potential to create a parallel and discriminatory system of schooling. Obviously in all castes, the school system should be flexible enough to cater the particular need of students. NKC will make a broader set of recommendations on school in near future.

Free and Compulsory Education as per Right to Education Act 2010:

This act Provides free and compulsory education to all children of the age of six to fourteen years. The Right of children to Free and Compulsory Education Act came into force from April 1, 2010 in India. This was a historic day for the people of India as from this day the right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age and in the appropriate classroom in the vicinity of his/her neighborhood.

Any cost that prevents a child from accessing school will be borne by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. Children with disabilities will also be educated in the mainstream schools. The Prime Minister ShriManmohan Singh has emphasized that it is important for the country that if we nurture our children and young people with the right education, India's future as a strong and prosperous country is secure.

All private schools shall be required to enroll children from weaker sections and disadvantaged communities in their incoming class to the extent of 25% of their enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower).

All schools will have to prescribe norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.

The National Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the implementation of this historic Right. A special Division within NCPCR will undertake this huge and important task in the coming months and years. A special toll free helpline to register complaints will be set up by NCPCR for this purpose. NCPCR welcomes the formal notification of this Act and looks forward to playing an active role in ensuring its successful implementation. NCPCR also invites all civil society groups, students, teachers, administrators, artists, writers, government personnel, legislators, members of the judiciary and all other stakeholders to join hands and work together to build a movement to ensure that every child of this country is in school and enabled to get at least 8 years of quality education.

Benefits of Right to Education Act:

RTE has been a part of the directive principles of the State Policy under Article 45 of the Constitution, which is part of Chapter 4 of the Constitution. And rights in Chapter 4 are not enforceable. For the first time in the history of India we have made this right enforceable by putting it in Chapter 3 of the Constitution as Article 21. This entitles children to have the right to education enforced as a fundamental right.

Conclusion:

In Mahabharata “Right of Social Security and Dignity” was observed and secured by Lord Shrikrishnain in the incident of “Dropadi Vastraharan” as Social Justice. Also Right of Freedom was practiced at the time of “swayamvara” by giving the freedom to daughter to choose her broom. Right to education and right to vote is also considered now to be the statutory right.

Although the core of teaching profession is to create, secure, transfer and provide knowledge to learner, who is expected to behave and act as a prudent and visible person by practicing right of education for social justice through teachers role model as given in Indian Constitution. This is being done only for social justice.

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