



HUMAN RIGHTS EDUCATION AND RIGHT TO EDUCATION

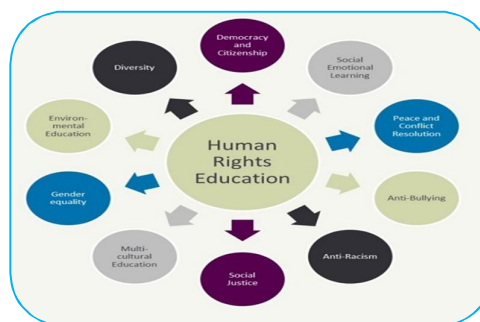
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ABSTRACT

Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development." -Kofi Annan From the very beginning of human civilization, education has always been important in awakening, teaching and enabling people to carry out a variety of tasks in society. For this reason, education is generally regarded as an indicator of human development and is considered a means by which people can improve their standard of living, resulting in desired changes to social, cultural and economic policies and practices. The fundamental idea of human rights education is human dignity, including its recognition, realization, and universalization. Since human rights are most easily applied to the study of positive peace, the social, political and economic conditions most likely to provide the setting and process for social cohesion and nonviolent conflict resolution.

The Human Rights Education is an integral component of the right to education and has acquired increasing acceptance as a human right in itself. Knowledge about the rights and liberties, about one's own self as well as the other, is regarded as an equally vital instrument, according to the Constitution of India, to ensure respect for all rights by everyone. The foundation of human rights education is that education should not only focus on training professional laborers but also instill virtues of tolerance for some higher objective. The aim of human rights education is that people and students are equipped with the skills to bring about societal change in response to the social realities.



KEYWORDS: human civilization, education , cultural and economic policies and practices.

- https://www.google.com/search?q=kofi+annan+quotes+on+education&rlz=1C1GCEA_enIN1092IN1099&oq=kofi+anaan+quote+on+ed&gs

HUMAN RIGHTS

Human rights are universal rights that belong to everyone by virtue of being human. Our rights exist independently of the laws made by any Government, but only the law can give practical effect to these rights. These rights are universal, indivisible, inalienable and interdependent; and all these rights are guaranteed through laws which include international law and other sources of the role of education in promoting and protecting Human Rights.

International human rights laws provide legal obligations for Governments on how they should behave. In absence of human rights, no person can lead a life of dignity in any given society. The basic fundamentals of human rights include that they are the rights of all human beings and are the

inalienable and birth rights of all the people living in human society. These rights should be enjoyed by all human beings irrespective of their age, race, gender, language, religion, political, social or national origin, birth or any other such status. Hence, the human right of right to education of children has been accepted as one of the fundamental rights by the Government of India for the age group of 6(six) to 14(fourteen) year and now it is justiciable in Indian Courts.

Human Rights have been defined as basic fundamental rights which are not to be denied to any person merely on the ground that he or she is a human being. They are universal and are same for all human beings. Human Rights include both right and obligation in order to promote and protect human rights of people in groups.

- <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>
- <http://www.globalization101.org/human-rights-vs-natural-rights/>

Human rights based on the ideas of natural rights reached their culmination with the ideas of philosophers such as John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui and gained prominence with the American and French Revolutions. Most of the fundamental principles and values of human rights, as they exist today, were adopted in the form of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948 from the experiences of the Second World War and "The Holocaust".

Every year 10th December is celebrated as Human Rights Day. Education plays a very crucial role in the promotion and protection of human rights. Education enables us to be conscious of our civil and political rights, which are also known as "First Generation Rights", as well as the social, economic and cultural rights, which are known as "Second Generation Rights".

Without education, one cannot acquaint himself or herself with these vital rights and duties. The idea of widening the ambit of human rights through education is today a popular concept and has reached up to include the third-generation rights themselves. It is, therefore, necessary for us to know the role played by education in the promotion and protection of human rights. Education being an instrument of spreading awareness and imparting information, as well as creating and disseminating knowledge among its learners, can play a vital part at all these levels in the promotion and protection of human rights. Unfortunately, education, except for the past few years when Indian Institute of Human Rights was established in 1990, which started registering universities for such courses on 10 December 1999, has not shown much credibility in respect of the evolution of human rights and their protection.

- Durga Das Basu/Constitution_of_India
- magazines.odisha.gov.in/Orissareview/orissa%20review%20index.pdf

DEVELOPMENT/ BRIEF HISTORY OF HUMAN RIGHTS EDUCATION: LEGAL FRAMEWORK

The starting point for human rights education is the Constitution of India. The preamble to the Constitution lays down that people must have freedom and rights to achieve social, economic and political justice. Moreover, the Part III of the Constitution contains fundamental rights (Articles 14-32), while the Part IV of the constitution assigns some duties(Articles -51A) to citizens. Thus both parts of the Constitution are inter-related, inter-linked and Inter-dependent.

However, the citizens are ethically bound by the constitution to discharge these duties. However, just as the Directive Principles of State Policy, they are non-justiciable, without any legal remedy in the case of their violation or non-compliance (Basu 1993). However, till the mid eighties no significant effort was made in India for promotion of human rights education in the country. In this context, the University Grants Commission (UGC) constituted a Committee on Human Rights Education with Mr. Justice S.M. Sikri, the then judge of Supreme Court of India as its chairman in 1980. The Committee prepared an exhaustive report titled 'Blueprint for Promotion of Human Rights in India at All Levels' in 1985. The Sikri Committee Report was sent to NCERT and to various universities to initiate follow-up action in the matter. However, the UGC, NCERT, and the universities took no effective follow-up action

till the late 1980s. An attempt to introduce human rights teaching in all universities was made in 1985 when a national symposium was organized by the Human Rights Centre of the Jawaharlal Nehru University, New Delhi, with support of the UNESCO and the UGC. The Symposium made a set of recommendations regarding teaching of human rights from primary level to college/university, including professional levels. It persuaded the University Grants Commission to introduce human rights education at the university level. As a result, human rights education is now being imparted in over 35 Universities /Colleges across the country and also in the National Law Schools (Tiwari 2004).

- Ashish Kumar Das/ Constitution_of_India

RIGHT TO EDUCATION

Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, that details the modalities of the importance of free and compulsory education for children between 6 to 14 years old in India under Article 21a of the Indian Constitution. India joined the ranks of 135 nations to ensure the fundamental right of education for all children through this Act which was enforced on 1 April 2010.

The Act makes education a fundamental right of every child between the age of 6 to 14 and lays down the minimum norms in elementary schools. This Act mandates all the private schools to reserve 25% of the total number of seats to children (reimbursed by the state as part of the public-private partnership scheme). Admission of children in private schools is done on the basis of economic and caste reservation. Also, the unrecognized schools have been made illegal through this Act. This Act does not allow any kind of donation or capitation fee and also forbids the interview of the child or his/her parents for admission. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.

The RTE Act requires surveys that will monitor all neighborhoods, identify children requiring education, and set up facilities for providing it. The World Bank education specialist for India, Sam Carlson, has observed: "The RTE Act is the first legislation in the world that puts the responsibility of ensuring enrolment, attendance and completion on the Government. It is the parents' responsibility to send the children to schools in the US and other countries."

- http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_2nd.pdf
- http://mhrd.gov.in/rte_rules

The Right to Education of persons with disabilities until 18 years of age is laid down under a separate legislation - the Persons with Disabilities Act. A number of other provisions regarding improvement of school infrastructure, teacher-student ratio and faculty are made in the Act.

Education in the Indian constitution is a concurrent issue and both center and states can legislate on the issue. The Act lays down specific responsibilities for the center, state and local bodies for its implementation. The states have been clamoring that they lack financial capacity to deliver education of appropriate standard in all the schools needed for universal education. Thus it was clear that the central government (which collects most of the revenue) will be required to subsidize the states.

A committee set up to study the funds requirement and funding initially estimated that INR 1710 billion or 1.71 trillion (US\$38.2 billion) across five years was required to implement the Act, and in April 2010 the central government agreed to sharing the funding for implementing the law in the ratio of 65 to 35 between the center and the states, and a ratio of 90 to 10 for the north-eastern states. However, in mid 2010, this figure was upgraded to INR 2310 billion, and the center agreed to raise its share to 68%. There is some confusion on this, with other media reports stating that the center's share of the implementation expenses would now be 70%. At that rate, most states may not need to increase their education budgets substantially.

A critical development in 2011 has been the decision taken in principle to extend the right to education till Class X (age 16) and into the preschool age range. The CABE committee is in the process of looking into the implications of making these changes.

- <https://indiankanoon.org/doc/237570>

The Ministry of HRD set up a high-level, 14-member National Advisory Council (NAC) for implementation of the Act. The members included Kiran Karnik, former president of NASSCOM; Krishna Kumar, former director of the NCERT; Mrinal Miri, former vice-chancellor of North-East Hill University; Yogendra Yadav – social scientist. India

Sajit Krishnan Kutty, Secretary of The Educators Assisting Children's Hopes (TEACH) India; Annie Namala, an activist and head of Centre for Social Equity and Inclusion; and Aboobacker Ahmad, vice-president of Muslim Education Society, Kerala.

A report on the status of implementation of the Act was released by the Ministry of Human Resource Development on the one year anniversary of the Act. The report admits that 8.1 million children in the age group six-14 remain out of school and there's a shortage of 508,000 teachers country-wide. A shadow report by the RTE Forum representing the leading education networks in the country, however, challenging the findings pointing out that several key legal commitments are falling behind the schedule. The Supreme Court of India has also intervened to demand implementation of the Act in the Northeast. It has also provided the legal basis for ensuring pay parity between teachers in government and government aided schools. Haryana Government has assigned the duties and responsibilities to Block Elementary Education Officers-cum-Block Resource Coordinators (BEEOs-cum-BRCs) for effective implementation and continuous monitoring of implementation of Right to Education Act in the State.

Education reform is very important in order to create a thoughtful, conscientious and emphatic society. There are many problems that human beings have to face due to the greed and callous superficial culture that is prevailing. Sustainability and empowerment of human beings is the need of the hour. The following are a few education reform measures made in India which need to be implemented in the true spirit in order to make India a truly progressive, humane and liberating society.

The Right to Education Act or RTE Act is an important move towards educational reform in India and came into effect on April 1, 2010. India as a nation has a long way to go in its effective and thoughtful implementation.

- Right of children to free and compulsory education until completion of elementary education in a neighborhood school. According to the RTE Act, children from the ages 6 to 14 have the right to free education of good quality in a neighborhood school. There has been an increasing trend of privatization and commercialization of schools in India. These schools have been increasingly charging exorbitant fees in the name of quality education. It remains to be seen if hard-earned taxpayer's money will be mobilized for providing joyful and quality education for India's children. It also remains to be seen whether "black" money will be recovered from corrupt forces in India for the empowerment and well-being of all the children of India. Considering the prevailing conditions and in order to empower children from poorer families, the RTE Act has made a special provision. It requires private schools to enroll at least 25% children from poor as well as oppressed communities going forward.
- Prohibition of physical and mental harassment, screening procedures for admission of children, capitation fee, private tuition and running of schools without recognition. The RTE prohibits corporal punishment, hitting or any other such harassment which was earlier practiced in many schools. This can negatively affect the well being of the child. Due to large class sizes as well as rote learning and an exam and mark-oriented pressure, these practices were prevalent. Teachers are now becoming more aware and sensitized regarding the same. Mental harassment is another problem which needs to be tackled in schools. This can only occur with child-friendly and a joyful

learning approach which is free from discrimination and all biases. Another troubling practice is that screening procedures including interviewing of children and parents for admission to nursery and kindergarten was practiced in the past. This is a disturbing trend. It is against the Indian constitution and human rights to scrutinize and pressurize innocent children in this manner. Capitation fees, crass commercialization and privatization of education are other disturbing trends that are troubling and challenging parents and the common citizens of India. Many schools are also run without any recognition by the government and do not follow constitutional guidelines which is another worrying trend.

- Development of curriculum in consonance with the values enshrined in the constitution. This requires that curriculum needs to take into account all-round development of children and making children free of fear, trauma and anxiety through child-friendly learning.
- <http://www.edurite.com/blog/importance-of-education-reform-right-to-education-act-india/5962/#>

CONCLUSION

Human Rights Education comprises efforts to build a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes.

It has been long esteemed ideal of mankind to enjoy democracy, justice and human rights in the full sense of the term. In fact human rights cannot be thought in isolation with education. And on the other hand human rights in the field of education i.e. Education for All, lays sound foundation of Human Rights in all walks of life.

The Human Right to Education was established after its first proclamation in the Universal declaration of Human Rights (1948) followed by agreements ratified by the 191 nation state of the world in different degrees. Article 26 of the Universal Declaration declares the right to education, sets the aims of all educational activities and defines the principle of free educational choice. The Dakar Framework of Action considers education as fundamental human rights as “ It is the key to sustainable development and peace and stability within and among countries, and thus an indispensable means for effective participation in the societies and economies of the 21st century, which are affected by rapid globalization. Achieving EFA goals should be postponed no longer. The basic learning needs of all can and must be met as a matter of urgency” (Dakar framework of Action 2000, art.6). When our constitution was being drafted the universal declaration of Human Rights (1948) was proclaimed and the constituent assembly incorporated many Human Rights in the form of fundamental rights of the citizen of our country. Modern era is the era of democracy. In fact democracy cannot be thought in isolation with education. According to University Education Commission, “ education is a great instrument of social emancipation by which a democracy establishes, maintains and protects the spirit of equality among its members”. To develop the fundamentals of democracy, education only can serve as a booster for imposing Fundamental Human Rights.