



## INDIAN CONSTITUTION AND RIGHT TO EDUCATION

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### INTRODUCTION

The concepts of rights is not new ones as these are moral claims which everyone of us is entitled to have. Besides, these rights have universal acceptance and accessible to all men, women and children without any discrimination based on caste, colour, sex, education and religion. Its basic objective is to uphold right dignity, equality, and foster liberty and fraternity.

Rights are almost a form of religion in today's world and used as a great ethical yardstick to measure a government's treatment of its people. A broad consensus has emerged in the twentieth century on rhetoric that frames judgment of nations against an international moral code prescribing certain benefits and treatment for all humans simply because they are right to education

On December 10, 1948, the General Assembly of the United Nations Organisation adopted the Universal Declaration of Rights, a document outlining tasks for the accomplishment of which all peoples and states should strive. The Declaration contains an enumeration of fundamental human right such as equality without discrimination, the right to life, liberty and the security of person, the fight to the inviolability of dignity, reputation and the home and to protection of the rights by an impartial tribunal.

The foremost objective of UN organization is the promotion of respect for human rights. The preamble of the UN charter reaffirms "faith in fundamental rights in the dignity and worth of the human person, in the equal right of men and women and of nations large and small". The one of the purposes of the organization is "to achieve international co-operation in solving international problems, humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language, or religion".

**Categories of Right to Education-** Generally there are three groups of rights. These are:

- (i) **Civil and Political Rights.**
- (ii) **Economic and Social Rights.**
- (iii) **Collective Rights.**



### **CIVIL AND POLITICAL RIGHTS**

These rights included right to life, liberty, security of a person, privacy and property, the right to marry and raise a family; the right to a fair trial, freedom from slavery, torture and arbitrary arrest; freedom of movement and to seek asylum; the right to a nationality; freedom of thoughts, conscience and religion; freedom of opinion and the right to free elections, universal suffrage and participation in public affairs.

### **ECONOMIC AND SOCIAL RIGHTS**

These include the right to work and for a just reward a right to form and join trade unions; the right to rest and leisure and to period holidays with pay; the right to standard of living adequate to health and well being, the right to social security; the right to education and the right to participation in the cultural life of a community.

### **COLLECTIVE RIGHTS**

These include those of nations to self determination of races to freedom from discrimination of classes to freedom from neo-colonialism.

### **RIGHTS TO DIGNITY AND HUMAN RIGHTS**

Men are created equal and are endowed by their creator, with certain unalienable rights. This was declared in the American Declaration of independence in 1776. The rights that provide and protect human dignity. To ensure the rights one has to ensure human dignity first. But these human rights and in turn human dignity are violated by activities as beings are tortured, imprisoned without trial, discriminated against, kept in permanent poverty, etc. So, it is necessary to assert rights in order to protect human persons from this. cruel and degrading treatment.

The democratic arrangements are the expression of the belief in freedom and dignity of citizens but they express the fear of tyranny that is incipient in every government. So, to protect human these cruel in activities should be ceased.

### **RIGHT TO EDUCATION AND RIGHTS TO EDUCATION**

The Right to Education in a universal entitlement to education a right that in recognized as Human Right.

Education in fundamental human-right and essential for the exercise of all other human rights. It promotes individual freedom and empowerment and yields important developments benefits. Yet millions of children's and adults remain deprived of educational

opportunities, many as a result of poverty education in powerful tool by which economically and socially marginalized adults and children can lift themselves out of poverty and participate fully as citizens. So, normative instruments of the United Nation's and UNESCO lay down international legal obligations for the right to education.

Through ages education is regarded as a means of equality and potential instrument for social change. It enlightens the human mind, broadens its heart, expands its knowledge and loving towards each other's. An individual can improve to the maximum mainly through education.

According to the great Sanskrit poet Bhartruhari "Education is the special manifestation of the man. Education is the treasure, which can be preserved without fear, or loss. Education secures material pleasure, happiness and fame. Education is the teacher of teacher. Education is the friend when one goes abroad. Education is god incarnate; Education secures honor at the hands of the State, not money. A man without education is equal to animal i.e. he can be truly called "Vidya Bihinah Pashuh". This emphasizes the importance of Education.

The fundamental Rights, embodied in Part 3 of the constitution, guarantee civil rights to all Indians, and prevent the state from encroaching on individual liberty while simultaneously placing upon it an obligation to protect the citizens rights were originally provided by the constitution — right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, right to property and right to constitutional remedies'. However, the right to property was removed from Part 3 of the constitution by the 44<sup>th</sup> Amendment in 1978.

The Constitution of India says that state shall endeavor to provide within a period of ten years from the commencement of this constitution free and compulsory education for all children until they complete/attain the age of 14 years.

Due to above all, the Govt. of India added the right to education as fundamental rights in 2010. Article 21A — on 1 April 2010, India joined a group of few countries in the world, with a historic law making education a fundamental right of every coming into force. Making elementary education an entitlement for children in 6-14 age group, the right of children to free and compulsory education act will directly benefit children who do not go to school at present. Prime Minister Manmohan Sing announced the operational inaction of the act. Children, who had either dropped out of schools or never been to any educational institution, will get elementary education as it will be binding on the part of the local and state government to ensure that all children in the Act, private education institutions should reserve 25 percent seats for children from the weaker sections of society. The centre and the states have agreed to share the financial burden in the ratio of 55:45 while the finance commissions has given Rs.25,000 crore to the states for implementing the Act. The centre has approved on outlay of Rs.15,000 crore for 2010-2011.



The School management committee or the local authority will identify the drop outs or out of school children aged above six and admit them in classes appropriate to their age after giving special training.

In this way Government of India has made the Indian unique attempt designed with the hope that one day the tree of true liberty would bloom in India. Which was the dream of the founding fathers of the Indian constitution expressed in the Directive Principles.

## REFERENCES

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