



# HUMAN RIGHTS-BASED APPROACH TO EDUCATION: A STUDY OF RIGHT TO EDUCATION IN INDIAN CONTEXT

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## **Abstract:**

*Human rights as universal rights get International reorganisation. Therefore, a human rights-based approach to education is necessitated since it assures every child a quality education that promotes their right to dignity and optimum development. The right to education is a marked priority on the international community's agenda since it is a human right and quintessential for exercising all other human rights. In India, the right to education can see in the constitution as well as legal provisions. Indian Government initiated various plans and programs for the right to education. There are some challenges to the right to education in India. There is an utmost need to realise that universal access to quality school education is the cornerstone of development and a primary condition in creating India as an acknowledged society.*

*Keywords: Human Rights, Human Right-Based Approach to Education, Right to Education.*

## **Introduction**

Human rights are fundamental and entitled to every human being, irrespective of their caste, sex, nationality or ethnic origin, colour, religion, language, place of residence, or any other status. Such rights

would include equality before the law, the right to life, freedom of expression, the right to social security, the right to work, the right to education, collective rights, such as the rights to development and self-determination. Human rights are interrelated, inseparable and interdependent. The fundamental right that is protected by the term human right is the right to life with dignity.

Therefore, a human rights-based approach to education is necessitated since it assures every child a quality education that promotes their right to dignity and optimum development. The right to education is a marked priority on the international community's agenda because the right to education is not simply a human right but also essential for implementing any other human right. Numbers of human rights treaties are accepted and recognised internationally and identify the right to education as a fundamental facet for development and social transformation. In India, human rights are guaranteed by the constitution through the various rights related to life, equality and dignity of the individual.

### ***Methodology***

The present study is based on both primary and secondary sources of data. The primary source of data is relevant government reports and documents. The secondary source of data is books, journals, newspapers, and thesis.

### ***Objectives***

1. To understand the general meaning of the human rights-based approach to education.
2. To analyse the international recognition of the right-based approach to education.
3. To analyse Government of India initiative to right-based approach to education.

### ***Education as a Human Right: International Recognition***

The right to education is accepted in the United Nations' Universal Declaration of Human Rights (UDHR)-1948. Apart from UDHR, the right to education is affirmed, protected and promoted in numerous international human rights treaties, such as the following:

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)- 1981.
- International Covenant on Economic, Social and Cultural Rights- 1966
- The United Nations Convention on Human rights of the Child- 1989.
- Convention against Discrimination in Education (1960)

Therefore, the right to education has long been recognised by these international treaties as encompassing access to educational provision, the obligation to eliminate discrimination at all levels of the educational system, set minimum standards, and improve quality. The prominent organisations around the world striving for the promotion of the right to education:

- United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- United Nations Children's Fund (UNICEF)
- World Bank (WB)

### ***Right To Education: The Indian Perspective***

The Indian Constitution is committed to social justice. The Indian Constitution has recognised education as the essence of social transformation, evident from its education-specific Articles. The right to education act-2009 provides for the following:

- Every child between the ages of six to fourteen has a right to free and compulsory education in a neighbouring school until the completion of elementary education.
- Where a child above six years of age has not been admitted to any school or dropped, then they shall be admitted to a class appropriate to their age.
- Prohibits capitation fees or donation and no admission test or interview of the child or parent for admission.
- No child shall be denied admission in a school for lack of age proof.
- No child shall be levy to physical punishment or mental harassment.
- No child can be hold down, expelled and required to pass the board examination till the completion of elementary education.
- It also provides for an adequate number of qualified teachers to maintain a ratio of one teacher for every 30 students.
- Schools must ensure proper infrastructure, including a playground, library, adequate classrooms, toilets, and barrier-free access for physically challenged children, drinking water facilities within three years.
- The 75% of members of the school management committees will comprise parents of the students who will monitor the schools' functioning and utilisation of grants.
- Private institutions have to reserve 25 per cent of seats from children from weaker sections of society

- The National Commission for the Protection of Child Rights (NCPCR) shall monitor the implementation of the act, along with Commissions to be set up by the states.

- Financial strains will be shared between the Centre and States

### ***The Government of India Initiatives to Promote Right to Education before RTE Act-2009***

The Government of India took initiatives right to education Act-2009. Some provisions of the act are as following:

- The five-year Plans: Through the five-year plans, continuous efforts have been made to enhance the education base in India, improving the quality of education conveyed through several schemes and programs, introducing reforms in the content, evaluation and encouraging research.
- Sarba Shiksha Abhiyan (SSA): It was started in 2001 to universalise primary education to provide education to children aged six to fourteen years by 2010. Moreover, the SSA aims to provide practical infrastructure and relevant source material like free textbooks to children.
- The Mid-Day Meal Scheme (MDMS) was launched in 1995 to enhance children's enrollment, retention, and participation in primary schools, simultaneously developing their nutritional status.
- National Policy of Education (NPE): It was introduced in 1968. There have so far been mainly three comprehensive statements of the National Policy on Education, viz. those of 1968 and 1986 and 2020. The national policy of education -1986 and program of action -1992 framed the objectives of Indian education policy like promotion of equality, common educational structure, education for women's equality, adult education. The National Policy of Education -2020 endeavour the objectives of the previous two policies.
- District Primary Education Program (DPEP): The programme was initiated in 1994. it aimed to provide access to all children to primary education through formal primary schools or its equivalent through alternatives.
- District Information System for Education (DISE): The DISE is the first database software created by the National Institute of Educational Planning and Administration (NEIPA), New Delhi, in 1995. The software was redesigned again as per the recommendation from SSA to be provided. Computerised data and statistical analysis of the various data.

### ***The Right to Education: Major Challenges***

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

1. High student-teacher ratio,

2. Inadequately maintained buildings,
3. Libraries and laboratories with no proper maintenance or equipment,
4. Dilapidated classrooms,
5. Lack of sanitation facilities,
6. Availability of qualified teachers
7. Lack of drinking water,
8. Lack of vocational training and non-availability of such courses that help the students to get employed on completion of their schooling.
9. Long distances to schools
10. Lack of Awareness among parents.

### ***Conclusion***

Education empowers the future generation. Therefore it should always be the main concern for any nation. It is now undisputed that the right to education can be realised on a national level only through compulsory education or free compulsory primary education. However, due to the widespread socio-economic problems, the efforts to develop an educational system in India with full access, The inability to check the dropout rates among the marginalised sections of the society cause to worry. Therefore significant efforts are crucial to eradicate the social disparities and guarantee quality education on an equal basis, and such measures are required in the following areas:

- If every child can get some early childhood education, the chances are high that the child will go to school regularly. Therefore, the approach of pre-school should be more popularised.

Since a child's family also plays a significant role in getting the child educated, it would be in the child's best interest to have the family involved in the school's development plans through the setting up of parents, teachers, local authorities and children themselves should be encouraged to be formed to include all the strata of society to overcome the social disparities. Such School Managing Committees would also assist in evaluating the competency of every teacher in the school and assessing the progress of the students.

• To enhance the quality of education, teachers, who are the foundation for imparting education, need to be paid market-driven remuneration. Currently, the basic minimum salary of a teacher is, as per the Sixth Pay Commission, is thirty thousand rupees. Comparing the salary provided to a teacher in India with those in other countries is inappropriate.

• Decreasing the load of school bags is also a significant concern. The Ministry of Human Resource Development (HRD) had asked the National Council of Education Research and Training (NCERT) to rework the school syllabus to decrease the load of books, based on the recommendation of the Professor Yashpal Committee. Moreover, the Central Board of Secondary Education (CBSE) has also framed guidelines for its affiliated schools to reduce schoolbag loads. Nevertheless, the implementation of the said recommendations has yet not been implemented. The burden of school bags should abolish at least at the Primary level by giving utmost care to home works and assignments. There is an utmost need for realising that provision for universal access to quality school education is the basis of development and a fundamental condition in creating India as an acknowledged society.

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