



RIGHT TO EDUCATION: A SOCIAL LEGAL STUDY

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Abstract

Right to education is one of the most important and basic right for each and every child. To provide education to your our child is the major issue that all the parents face and it's the biggest challenges which are faced at the National and International level. As Right to education is such a right which helps each and every person to develop their own skills. And it's a primary duty of all the parents to provide free and compulsory education. Such a right is facing so many lacuna such as lack of teachers, poor infrastructure, law of implementation to government schemes and many more factors. Moreover Right to education would only be fulfilled by 4A's such as Availability, Accessibility, Acceptability, Adaptability. These are actually the questions which arrives when Right to Education has to be provided by their respective parents. Furthermore Right to education has been recognised under various International treaties and conventions and major role has been played by United Nation Education Scientific and Cultural Organisation for providing free and compulsory education to all.

Keywords: Right to Education, Availability, Accessibility, Acceptability, Adaptability, UNESCO.

Objective

- The objective of this study is to provide free and compulsory education to all and to eliminate illiteracy.
- Role of United Nations Education Scientific and Cultural Organisation (UNESCO) for providing education.
- How to overcome with such a situation and provide curative measures to eliminate such evil.

Hypothesis

This study is done to encourage the authorities and parents to look into the matter urgently and to provide their children an elementary education as education is a tool which creates voice and helps to protect a person against and kind of violence. Furthermore it also states that education makes a man more successful and to achieve their goals. As Right to Education is must for all in today's world as societies have become stronger day by day and even the left of competition among the group has been increased due to which when a person is not educated he or she feels powerless as compared to other persons in the society.

1. Introduction

“Right to Education would help to change the world as its one of the most extensive tool.”

Education plays a very vital role in the process of development of each and every human being. First we need to understand the meaning of free and compulsory education which means that free education states that children who are admitted in a school which are aid by the Government their parents are not liable to pay the school fees and



compulsory education means that it's an obligation towards the authorities to provide compulsory education and also to ensure attendance, admission and completion of elementary education for 6 to 14 years of age. Education is an essential device of self-defence in a society where social interaction often involves the written media. Education is one of the more important factors for development of nations. Education helps a man to learn, understand and gain confidence so that he or she is able to participate in all the activities in the modern society.

Even it's stated that when a person is educated he or she is able to get the right bus or train which takes him or her to a rightful path. Right to education is a key to achieve all the other human rights and goals. Even when a man is educated he or she not only respect his or her own rights but also respects other persons right as well. Furthermore stated that after a person receives right to education automatically his or her surroundings get better and he or she becomes more effective in working and dealing with day to day challenges in his or her life. Right to Education is such a right which is endless and when you lean more and more you get better each day.¹

Causes of illiteracy are lack of financial support, poverty, weak laws, lack of implementation of laws, corruption, encourage male education, high rate of population growth, high level of poverty.²

Impacts of illiteracy are low self-esteem, powerless, fear, shame, unable to participate fully in the society, avoiding literary

interactions with other people, negative effect of health and well being of a person, death, unemployment and inequality, discrimination and children involving in petty crimes etc.³

Positive Aspects of Education when provided to all the individuals in the world are stated below such as it reduces poverty, non-discrimination decrease social inequality between men and women, help to gain dignity and social prestige, it also helps to improve the health, helps to build a strong and an integrated community.⁴

2. Right to Education

The journey of Right to Education starts when a person is born as from the beginning we need to provide education which would help a child to develop his to her skills, ability and even how the child grabs each and everything taught him or her and how much that person as able to interpret it.

Under Right to Education there are two words so the first word denotes right that means right to each and every human being that is given by the law of the land and it's recognised and protect by law and if any individual tries to misuse others right or violates such a right then remedy is attached and for the wrong doer punishment is attached for such an evil act, then second word is education means that a body of knowledge which is provided by the institution.⁵

Education makes your life easier as you have the ability to stand against wrongful acts

¹ <http://www.legalserivesindia.com>

² <http://www.fondationalphbetisation.org>.

³ <http://www.fondationalphbetisation.org>.

⁴ <http://www.borgenmagazine.com>.

⁵ <http://www.shareyouressays.com>.



done. The broader meaning of right to education as been stated under Article -1(a) of United Nation Education Scientific and Cultural Organisation. The above Article states that education is a process under which individuals and social groups learn to develop consciously within, and for the benefit at both the levels whether it's national and international groups, further it also helps as a whole which can be stated as their personal capabilities, attitudes, aptitudes and knowledge. Right to Education does not mean that you need to provide it in identical manner but it means that to provide equal access to all the citizens. Under many charters it has been stated it right to education is a civil right but it also covers political right as it helps to safeguard one and another. When Right to Education is provided to all the citizens then high risk of crimes such as theft, rape, forced labour, prosecution, and so on as the list of crimes never be over.⁶

Even under Indian statute to provide right to education to all the individuals, an act has been enacted such as, The Right of Children to Free and Compulsory Education Act, 2009 under Section -3 states that we need to provide free and compulsory education to six to fourteen years of age to each and every individual and such education must be completed. Under this Act only it also stated the duties of authorities and parents to provide education under Section-6 of the above Act of 2009.⁷

Organisations in the world which are providing aid to all the nations to overcome such difficulties and challenges faced by them and even they are helping them to come

out of such situations and provide to all the citizens free and compulsory education. Major organisations who are playing such a role are:

- United Nation Children's Fund (UNICEF)
- World bank
- International Labour Organisation (ILO)

3. Availability

The availability of education institution should be in sufficient quality so that all students are able to get admission in the education institutions. In all the education institutions there must be a proper building, with facilities such as sanitation, safe drinking water, sufficient number of teachers, proper medical care, play area for child, library, trained teachers and adequate teaching materials like white boards, markers etc.

The word Availability has been defined as an important element for right to education under the international instrument called International Covenant on Economic Social and Cultural Rights, 1966. Under Article -13(2) (e) of the above Covenant stated that, "the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved".⁸

Availability doesn't mean that such kind of infrastructure and all the facilities should only be available in developed countries but also to developing countries and should be available till the grassroots level so that

⁶ <http://portal.unesco.org/en/ev>.

⁷ <http://www.bareactslive.com/ACA/ACT959.HTM>.

⁸ http://www.portal.unesco.org/en/ev.php-URL_ID=152447&URL_DO=DO_TOPIC&URL_SECTION=201.html.



proper implementation of right to education is been done.

It is very easy to say that all the human beings are give equal rights but to actually provide them with equal rights are really tough. Likewise it can be stated that education which is such an important part of the society still there are so many people who cannot afford basic education because of lack of support from the authorities.

As the word Available has been defined under International instrument, likewise this word has been give importance under National level as well under the Act of 2009, where it has explained the meaning of Right to Education in the beginning of the Act and also explaining in a broader sense the meaning of right and education which has been stated above.⁹

At International level various programs and forums were enacted to provide education such as World Education Forum,2000 and under this forum it stated six basic goals that have to be achieved by all the countries and one of the most important goal was availability and the other were as follows, affordability, accessibility, adaptability etc.¹⁰

Moreover Universal Declaration of Human Rights, 1948(UDHR), have also been a part of and contributed for providing right to education to everyone. It had stated under its charter that is Article -26 of Universal Declaration of Human Rights which elaborate that right to education must be provided to each and every individual at every stage and not to discriminate any person by its gender. Also it stated under its charter that, through education only a man as

able to develop him or her self and becomes strong enough to deal with various challenges in the future and most important it helps to strengthen right of fundamental freedom.¹¹

4. Accessibility

This means that all the education institutions must be accessible to all the individuals irrespective of there race, caste, gender, or any other kind of discrimination. As from the beginning of each and every society it has been noticed that male are given more preference than female whether it's education or any other field. So first we need to remove these inequality and discrimination from the societies.

Furthermore we also need to remove the traditional thinking from the minds of the people which are deeply rooted into their minds. Due to such a thinking people are not able to move out of the vicious cycle and think beyond their traditional rules and procedures, because of this it lets to violation of human rights not only in the society but in the whole world. When cultures become accustom to human rights abuses then breakdown happens within the society and injustice and corruption become acceptable occurrence.

Accessible means various factors on which this word has been dependent on such as the physical reach (the location of the school should not be too far) safer environment in the school like no exploitation of girl child), geographical location, each and every students are getting the same facilities like others.

⁹ <http://www.civilserviceindia.com>.

¹⁰ <http://www.blog.ipleader.in>.

¹¹ <http://www.un.org/en/universal-decalation-human-rights>.



Education must be accessible to all the citizens because when education is easily accessible to all the individuals in the world then only such evil practices such as child labour, human trafficking, slavery, bonded labour, gender discrimination, and discrimination on the basis of any disabilities would be eliminated from the society.

It is a primary duty of all the authorities and other social actors to take an affirmative action which means a positive discrimination that is when authorities provide free aid to poor children or reservations for women. As now its high time that all the authorities come together and make a wise decision so that all the children are able to get free education and they are not been exploited or denied from right to education.¹²

5. Acceptability

The word acceptability means that the education must be provided to all the citizens which means that quality of education and good quality of teaching as well to all. The above statement means that the education must be provided in an effective, relevant manner and appropriate to all the individuals. Students should not be told to study any specific form.

The techniques of teaching the students must be easy and unbiased and should be done in an appropriate environment for all individuals.

Even health and safety measures must be made by the school authorities to the staff as

well as to the students. Further the school authorities should eliminate corporal punishment which are give to the students. There are some minimum standards which are laid down by the Government while providing education to all the students and such kind of standards must be acceptable by the students.¹³

As stated in the present Covenant from Article -13(1) to Article 13(4) states the minimum standards that must be adopted while providing right to education to all under international law. Likewise under National law it has been stated that, the laws made by the Central Government would be followed by all the State Government and other authorities while they are providing right to education to all and it's stated under Article-7(6a) of Right to Education Act, 2009.¹⁴

Moreover which means in a simple sense that the value of education should be appropriate and there should be no discrimination while providing education to all.

6. Adaptability

Adaptability means that to meet and fulfil the specific needs of all the children. We need to adapt according to the changes in the society as the society changes our needs also changes so we need to overcome the earlier challenges and make solutions in such a manner that we are able to face any challenges in the future.

¹² http://www.create-rpc.org/pdf_document/policybreifindia.pdf.

¹³ <http://www.manupatra.com>.

¹⁴ <http://www.bareactslive.com/ACA/ACT959.HTM.&>

http://www.portal.unesco.org/en/ev.php-URL_ID=152447&URL_DO=DO_TOPIC&URL_SECTION=201.html.



As earlier discussed we also need to remove the gender gap in the society and help all to stand at a same platform and also to provide them with equal opportunities so that each individual is able to grow his or her self in an appropriate manner and develop themselves so that they are able to stand alone fight for their rights and face all the challenges in their future.¹⁵

The education system and the program which has been adopted must be flexible and to adjust according to the societal changes. Moreover it's also observed that the religious and cultural holidays must be respected by the all the education institutions and students as well.

It is very important that we need to give more and more attention and care to the students who are with disabilities and provide them right to education in an effective and friendly manner so that they are been not denied from right to education.

7. Role of UNESCO

It is an United Nations Organisation which helps us to promote and provide education and it's one of the most important human right. The purpose of United Nations Educational Scientific and Cultural Organisation is that it helps us to achieve sustainable development and to attain quality of education. There are four pillars of education which helps us to attain essential elements such as learning to know, learning to do, learning to live together, learning to be. There are several goals which are enacted

by United Nations Educational, Scientific and Cultural Organisation such as, eradicating poverty, providing basic amenities, reducing gender disparities, preventing deaths of girl child and last but most important that is free and compulsory education.¹⁶

United Nations Educational Scientific and Cultural Organisation is one of the main body working to provide right to education to all and it also promotes that for each and every child the system of the school must be friendly which means that each child should to treated equally, then must work closely with the students and their families, also to provide them a support, safety and secure as they are away from their home.

There are various NGO's working under United Nations Educational Scientific and Cultural Organisation a such as Education International. International Association of Universities, International Council for Philosophy and Humanistic studies, International Council of Sport Science and Physical education etc, all these above organisations are coordinating with all the other nations to provide and promote education to all, also its encouraging all the nations to frame policies and develop an appropriate system for providing education. United Nations Educational, Scientific, and Cultural Organisation is also engaged in many activities such as foster partnership with other nations, to strengthen national

¹⁵ <http://www.manupratra.in/newline/articles/upload/538B0C53.24D2/Pdf>.

¹⁶ <http://www.nationalencyclopedia.com/united-nations-related-agencies/united-nations-educational-scientific-and-cultural-organisation-UNESCO-ACTIVITIES.html>.



education, enhance public awareness to educate individuals in their own countries.¹⁷

United Nations Educational, Scientific and Cultural Organization has also helped many nations by providing easy access to right to education to all. It has a close collaboration with the United System and its working towards educating and providing right to education to girls, women disabled persons and indigenous persons as well. It also provides State obligations such as to take preventive measures against the third party, to take positive measures to access education in all the communities and also we need to avoid the hindrance in the enjoyment of right to education.¹⁸

Under the framework of United Nations, Educational, Scientific and Cultural Organisation it has elaborated the 4 A's such as availability, acceptability, affordability, accessibility. As these 4A's are utmost important for providing right to education. United Nations, Educational, Scientific and Cultural Organisation is one of the most important organisation which is working on and providing access to right to education as it's the utmost important fundamental right which must be provided to each and every citizen. And this is one of first organisation which is working on such a theme.

Moreover such an organisation is also providing preventive measures to eradicate such discrimination against such a fundamental right. By enacting such organisation it has helped many nations as they have joined their hands and come to curb

such a practice. Through such an organisation only it has made universal access to right to education, solidarity and non-discrimination.

8. Curative Measures

A strong education system helps us provide opportunities and to improve health of all the individuals.

To fill gap between men and women as educate a girl child is must for each and every society.

Through education it helps to bring values, norms, actions and responsibilities to all the individuals.

When education is provided it also helps to achieve all the other goals automatically.

And when a well delivered education is provided to all the individuals it provides support for strong earnings, and economic progress.

Moreover education helps in faster growth of the society as it helps the person to develop their skills and ability.

There are three important aspects which helps to provide an qualitative education such as deeper learning, participation of all the students in all the fields and the last but the most essential one that is better feedback loop from teacher to their students or vis-à-vis.

¹⁷ <http://en.unesco.org/partnerships/nongovernmental-organisation-and-foundation>.

¹⁸ <http://en.unesco.org/themes/rights-to-education/state-obligations>.



The primary duty of the Government is to improve the quality of education to eliminate illiteracy and achieve sustainable development in the world.

Furthermore there is an urgent need to strengthen the education system by making strict policies and also working towards the implementation of such policies.

There are some important elements which would help us to achieve qualitative education such as public awareness that we need to education every individual, best training given to all the teachers, then must talk their parents so that they can send their child to school and not to employ them in any hazardous employment, also it's important to motive the children but special attention must be given to girl child.

Authorities should make initiatives to provide right to education through schemes, programs and seminars.

Conclusion and Suggestions

Right to education is must and it should be provided to all as it's not only the responsibility of the Government or any official authorities but also of the parents as they should also understand the need and importance of education for their child. Every literate person must come forward and spread awareness in their communities and groups that education is very important for their child as when education is not provided to these individuals then only exploitation happens in the societies.

Through education only we would be able to curb these social evils from the societies. It has been stated in many articles that nothing

has been done regarding Right to education but more things need to be achieved. Right to education is not only a right but it's the most precious right that must be given to all and it would only be achieved by the 4 A's mentioned and explained above.

Through education only the child is able to understand what is right or wrong and it also helps to gain knowledge about various things which are essential in his or her life that they must learn such as the first thing is that when a child goes to school he or she becomes more confident and the risk factor reduces such as exploitation. Then the second thing is that the child is able to express his or her experience with other individuals or adults. The last thing is that going to school helps the child to prevent him or her from diseases, learns to have a good hygiene. Right to education would only be achieved when all the authorities, government, teachers, management committees and parents should come together for proper implementation of education procedures and they should make various steps and actions to overcome illiteracy. By doing so it would helps us to improve our literacy rate and we need to provide each and every child with a rightful place.

There is a need to provide Right to Education to all the citizens as such a right is one of the basic right as though which all the rights are correlated with each other. As when such a right is violated then automatically other rights are violated too. So there is an urgent need to protect such a right from violation. And now it's the time when we need to take an action to provide this particular right to all the citizens.
