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Right To Education and Sustainable Development: Some Theoretical Perspectives

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Abstract

The present paper highlights the importance of Right to Education for the Sustainable Development and also acknowledges the justiciability of the Right to Education as an important Human Right and its entitlement to be guaranteed to all the children. It also suggests some useful implications for making it more enforceable.

Sustainable Development is the futuristic goal of every society. To accomplish this goal there is a need of some powerful tools out of those 'Education' is the most important tool which gives shape to the 'Sustainable Development'. Sustainable Development and human rights are interdependent and serves the same purposes of dignified livelihood, freedom and equality and centering policies in the human lives throughout the process. Broadly speaking, for the progress of our country and for the success of democracy 'education' is the basic requirement. In the past few decades, our education system has gone through various Committees and Commissions for doing improvement and modification in the present system of education. They gave many recommendations for various levels of education. 'Right to Education Act - 2009' is the outcome of all those suggestions and recommendations meant for elementary stage. This Act envisages the purpose of providing free and compulsory elementary education to all children of the specified age group (6-14 years). It also fulfills the criteria of ensuring quality education to all children by promoting inclusive education and the common school System. Moreover, 'Equality in Education' is a constitutional imperative. To enhance the quality and efficiency of education, 'Right to Education' enlists the rules to be followed and the tasks to be done by the Centre, State and the Local authorities.

But even after the completion of four years of the enforcement of the Right to Education Act, there are still major hurdles to overcome for making it a reality and achieving the goal of the Sustainable Development.

Keywords: Education, Human Rights, Right to Education Act, Sustainable Development.

1. Introduction

Education is the backbone of a country's development. It is also the part and parcel of human life. In the words of John F. Kennedy-

"Our progress as a nation can be no swifter than our progress in education. The human mind is our fundamental resource"

According to the Constitution of India, Education is the subject of both Union and State. So, it is the responsibility of both the Centre and the State for its expansion and progress. Also, our Government has come up with a landmark initiative of implementing Right to Education Act, 2009 for strengthening the education system in India and improving its quality. The Right to Education Act, 2009 came into force in the entire country except Jammu and Kashmir from April 1, 2010. The Right to Education Act, 2009 is an important tool to promote Sustainable Development in our country as it helps in improving the quality of life and maintaining the standard of people. Therefore, it has come up as a milestone for maintaining and intensifying the quality of Education in India.

2. Objectives

The objectives can be stated out as follows

1. To explore about some of the theoretical concepts of the Right to Education and Sustainable Development.
2. To suggest some possible recommendations for making the implementation of Right to Education Act, 2009 more effective so that the goal of Sustainable development can be accomplished.

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3. Importance of Education

The importance of Education can be understood by the following points-

1. **Education beats poverty:** One extra year of schooling increases a person's earnings by
2. Up to 10%. 171 million people could be lifted out of poverty if all students in low-income countries left school with basic reading skills.
3. **Education promotes gender sensitization:** Education broadens the outlook of a person. It calls for Women empowerment and triggers a social attitude towards gender equality. People are able to understand the capabilities of women and give them every possible help and opportunity for their social growth.
4. **Education reduces child mortality:** A child born to a literate mother is 50% more likely to survive past age five. In Indonesia, child vaccination rates are 19% when mothers have no education and 68% when mothers have at least secondary school education.
5. **Education contributes to improved maternal health:** Women with higher levels of education are most likely to delay and space out pregnancies, and to seek health care and support.
6. **Education helps combat HIV, malaria and other preventable diseases:** In addition, it facilitates access to treatment and fights against stigma and discrimination.

4. Education encourages environmental sustainability. It allows people make decisions that meet the needs of the present without compromising those of future generations. The UN Decade of Education for Sustainable Development (DESD), launched in 2005, urges countries to rethink education, curricula and teaching practice in ways that complement the drive to achieve Education for All (EFA).

5. Relation between Education and Sustainable Development

Education and Sustainable Development are closely related. Sustainable development has been defined in many ways but the most familiar definition remains that given in the Brundtland Commission report, Our Common Future (WCED, 1987):

"Development that meets the needs of present without compromising the ability of future generations to meet their own needs"

Sustainable development takes different forms in different societies and environments and is the process whereby societies realize that state of dynamic equilibrium termed

6. Sustainability (Reid, 1995).

Education for sustainable development (ESD) is about the learning needed to maintain and improve our quality of life and the quality of life of generations to come. It is about equipping individuals, communities, groups, businesses and government to live and act sustainably; as well as giving them an understanding of the environmental, social and economic issues involved. It is about preparing for the world in which we will live in the next century, and making sure we are not found wanting.

Any sustainable development has multi-layer approach,

encompassing educational, economic, social, political, geopolitical and developmental dimensions. In order to achieve such goal, it is imperative to create a society with least differences at any continuum of life-scale. To achieve this and make our present society, which is going through a drastic social and political transformation, develop, there is a need to set in the dimension of Human Rights Education in regular University curriculum across the nation, which is far too diversified in terms of language, population and geographical boundaries. But few things should be kept into focus for making sustainable development a reality:-

1. Safeguarding the resources that exist and efficient use of resources.
2. A society permeated by democratic values.
3. Citizens' participation and possibilities to influence the development of society.
4. Equal opportunities irrespective of sex, socio-economic, ethnic or cultural affiliation.

7. Human Rights

Every person has dignity and some rights. The human beings themselves have drawn some principles of Human Rights to ensure that the dignity of every individual is properly and equally respected. This also means to ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent and conscience and satisfy his or her spiritual needs.

Human rights are legally guaranteed by human rights law, protecting individuals and groups against actions that interfere with fundamental freedoms and human dignity. They are expressed in treaties, customary international law, bodies of principles and other sources of law. Human rights place an obligation on States to act in a particular way and prohibit States from engaging in specified activities. However, the law does not establish human rights. Human rights are inherent entitlements which come to every person as a consequence of being human.

The Universal Declaration of Human Rights is rightly based on the recognition that freedom of speech and belief and freedom from fear and want is the highest aspiration of the common people. The Universal Declaration of Human Rights consist of 30 articles which emphasize equality of all human beings without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or status. From the Human Rights viewpoint, education is an end in itself rather than merely a means for achieving other ends.

The following are some of the most important characteristics of human rights:

1. Human rights are founded on respect for the dignity and worth of each person;
2. Human rights are universal, meaning that they are applied equally and without discrimination to all people;
3. Human rights are inalienable, in that no one can have his or her human rights taken away; they can be limited in specific situations (for example, the right to liberty can be restricted if a person is found guilty of a crime by a court of law);
4. Human rights are indivisible, interrelated and interdependent, for the reason that it is insufficient to respect some human rights and not others. In practice, the violation of one right will often affect respect for several other rights.

5. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person.

8. Human Rights Education at Elementary Level

Education for human rights should be imparted from the beginning of elementary level and will develop a sense of humanity among children. An important aim of education is to develop positive attitudes and values in children while they are young. Advances made in the psychology of Learning and Instruction has shown that it is possible to expose young children to these issues as part of their preparation for adulthood and future citizenship. Even the curriculum of the elementary level today exposes children to local, regional and national cultures.

In a country like ours, it is all the more important to expose children to the concept of one World and Human Rights at this stage because many children do not go beyond the elementary level. It is important to have a proper, developed programme for children at the elementary stage. They are entering the school for the first time, and secondly, right at this stage they start developing broader perspectives because of being exposed to reading and interpersonal interaction. This, in turn brings numerous changes in their attitudes and behaviour.

9. Right to Education as a Human Right

The Right to Education is recognized as a Human Right by the United Nations and is understood to establish an entitlement to free, compulsory elementary education for all children, an obligation to develop education accessible to all children, and a responsibility to provide basic education for individuals who have not completed elementary education. In addition to these, access to educational provisions, the Right to Education encompasses the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality.

The Right to Education is enshrined in Article 26 of the Universal Declaration of Human Rights (UDHR) and Article 14 of the International Covenant on Economic, Social and Cultural Rights (CESCR). The Right to Education has also reaffirmed in the 1960 UNESCO Convention against Discrimination in Education, 1st Protocol of ECHR and the 1981 Convention on the elimination of All Forms of Discrimination against Women.

The Right to Education is among the listed human rights whose status affects the realization of all other rights. Tomasevski (2005:224), passionately telling the difficulties on realizing her job as the UN Special Rapporteur on the Right to Education, states that "the Right to Education defies classification either as a civil and political right or an economic, social and cultural one. It forms part of both Covenants and, indeed, all core human rights treaties. It emphasized that the right to education represented an interface between civil and political rights and economic, social and cultural rights".

Legally, education is enshrined in all of the major international treaties, starting by the UDHR. UDHR establishes the right to education, in its article 26, in the following terms:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical

and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children (UNHR, art. 26). From this sole definition of the right to education, traces of what it really means, its substance, are set forth but other international legislation also deal with it. The most important provisions in this respect are Article 2 of the UDHR, Articles 13 and 14 of the CESCR, Articles 28 and 29 of the CRC, and Article 13 of the Protocol of San Salvador⁷ (Nowak 2001:225) and what underlies all of these norms is the assurance that people will have education which enables them to "participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace" (CESCR, Art. 13).

10. Salient Features of Right to Education Act, 2009

Some of the salient features of the RTE Act are as follows-

1. Free and compulsory education in a neighbourhood school till elementary education to all children of India in 6-14 age group.
2. No child shall be held back, expelled or required to pass board examination till completion of elementary education.
3. A child who completes elementary education shall be awarded a certificate.
4. Calls for fixed student-teacher ratio.
5. RTE Act will apply to the whole of India except Jammu and Kashmir.
6. Provides for 25% reservation for weaker section and disadvantaged section in admission to Class I to Class VIII in all private schools.
7. Ensures good quality of elementary education.
8. School teachers will need adequate professional degree within five years.
9. No child shall be subjected to physical punishment or mental harassment.
10. Screening procedure shall be punishable with fine. No donation and/or capitation fee.
11. No teacher shall be deployed for any non-educational person other than Census, disaster relief duties and election duties.
12. To constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of the children.
13. No teacher shall engage himself or herself in private tuition.
14. School infrastructure to be improved in the three years, else recognition cancelled.
15. Financial burden will be shared between stated cultural governments.
16. Child's mother tongue as medium of instruction and, Continuous and Comprehensive Evaluation (CCE)

System of child's performance will be used.

11. The Ten Functions of the Right to Education Act, 2009

The Ten Functions of the Right to Education can be described as follows-

- 1. It makes Education free.** Clause (2) of Section 3 of RTE Act states that "no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education." Similarly, Section 8(a) states that "the Appropriate Government shall provide free and compulsory education to every child."
- 2. It makes Education compulsory for the state to provide.** Section 2(a) and 2(h) define authorities in relation to school. Section 3(1) states that "Every child of the age of six to fourteen years shall have a right to free and compulsory education till completion of elementary education." Section 4 states special provisions for children not admitted to, or who have not completed elementary education. Section 6 states duties of Appropriate Government and Local Authority to establish schools within 3 years. Section 7 describes Central Government's role and Section 9 obligations of Local Authority.
- 3. It makes the curriculum consistent with constitutional values.** Sub-clause (a) of Clause (6) of Section 7 states that "the Central Government shall develop a framework of National Curriculum with the help of academic authority specified in Section 29. Section 29 describes the Curriculum and Evaluation Procedure.
- 4. It provides for the Quality, Duties and Rights of Teachers.** Section 23 states the Qualifications for appointment and terms and conditions of service of Teachers. Section 24 states Duties of Teachers and redressal of grievances and Section 25 Pupil-Teacher Ratio. Section 26 says about the filling up of vacancies of Teachers. Section 27 states about the prohibition of deployment of teachers for non-educational purposes and Section 28 about the prohibition of private tuition by teacher.
- 5. It provides Quality Norms for Schools.** Section 18 states that no school to be established without obtaining certificate of recognition. Section 19 clearly specifies Norms and Standards of School. Section 21 describes School Management Commission and Section 22 School Development Plan.
- 6. It pushes for Social Reform.** Clause (1) of Section 12 states that at least 25% of Class I children should be from weaker section and disadvantaged group. Clause (3) of Section 12 states that all schools to furnish any information as required. Section 13 stands for No Capitation fees and Screening procedure.
- 7. It provides for Child Protection.** Section 16 stands for no failure and no expulsion and Section 17 for no

physical punishment and mental harassment. Sub-clause (g) of Clause (2) of Section 29 states that a child should be free of fear, trauma and anxiety and should express views freely. Section 31 states the monitoring of Child's Right to Education by the National Commission for Protection of Child's Rights/ State Commission for Protection of Child's Rights.

- 8. It makes Procedures simpler.** Section 5 states rights of transfer to other schools. Section 14 states that there is no need of age proof for admission and age proof cannot be the criteria for denial of admission in schools. Section 15 stands for all year round admission.
- 9. It puts Power in Local hands.** Section 9 enlists the Duties of Local Authority (Panchayat / Municipal Corporation). Section 21 states the formation of School Management Committee (SMC) which should comprise 75% parents.
- 10. It removes the Oppression of Exams.** Section 16 states that "no child admitted in a school shall be held back in any class or expelled from school till the completion of Elementary Education." Section 30 provides for no provision of Board Examination till completion of Elementary Education.

12. Suggestions and Recommendations

A few suggestions to make the Right to Education Act, 2009 more effective and worthwhile are as below:-

- The Right to Education Act, 2009 makes Education free and compulsory for every child of the age of 6-14 years but it should also make provisions for the children of below 6 years. It can make provisions for pre-primary education which can prepare a child for future studies by making him/ her adept in basic life skills and providing a base for the next stage of Education.
- Similarly, the Right to Education Act, 2009 has made provisions only for Elementary Education but not for Secondary and University Education. What about those children who don't have facilities for continuing education further after the completion of Elementary Education? What about those children who are really talented and have good interest in further studies? What about those children who want to attain vocational skills and don't have money to pay for Professional Degrees?
- The Right to Education Act, 2009 is obligatory only for the government schools, all local authority schools and all aided private schools. It does not include private or independent schools. But, for promoting the Common School System it is necessary that there should be the inclusion of such schools also.

13. Conclusion

In the end, we can say that for empowering the sustainable development in a democracy it is important for the Right to Education Act, 2009 to become a reality and an enforceable law that is bound to be followed with full dedication by the parents, authorities and the government. As Right to Education is one of the Human Rights, its implementation is mandatory in letter and spirit. For the proper functioning of democracy it is the moral duty of the Government to see that every individual is equipped with the necessary knowledge, skills and attitudes to discharge his duties as a responsible

and cooperative citizen. Therefore, we can understand that the Right to Education Act, 2009 is a valuable source for giving effect to the smooth functioning of both democracy and Sustainable Development.

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