



The Indian Constitution: Human Rights and Education

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Abstract:

Every country in the world takes special care of the protection of Human Rights and Education of the children because today's children determine the future of the country. But the reality is that children are abused and tortured in various ways in all countries. According to UNESCO data, about 29 million 60 thousand children in India have been orphaned and abandoned in various ways. The United Nations has sought to strengthen the protection of the Human Rights and Education of the children through the Millennium Development Goals and Sustainable Development Goals. Naturally, India's population will continue to increase in the coming days, and if awareness is not raised now regarding the protection of the Human Rights and Education of the children, India's proper development will face multiple obstacles. Our country, India, has undertaken multifaceted initiatives for the protection of the Human Rights and Education of the children. Significant contributions to the fields of child protection of the Human Rights and Education in India are evident through the initiatives of both government and private organizations. In post-independence India, no significant state initiatives were observed regarding the protection of Human Rights and the expansion of their education. However, subsequently, India enacted a series of laws by the constitution aimed at ensuring Human Rights protection and promoting their Education. In the context of the Indian Constitution, the extent to which India has adopted and implemented programs in the field of Human Rights and Education has been analysed in this article.

Key Words: Indian Constitution, Human Rights, Child Rights, Education, Child Education.

Introduction:

If we look at the history of India's freedom struggle, we can see that independence was achieved through the long-term struggle of countless people and the blood of martyrs. India achieved independence on August 15, 1947, overcoming many obstacles and opposing forces. To transform the India abandoned by the British into a new nation, people from various strata of society stepped forward and began engaging in multifaceted deliberations. In the newly independent India, the Constitution was drafted in 1948 under the leadership of Dr. B. R. Ambedkar. The Constitution of India was adopted by the Constituent Assembly on 26 November 1949 and came into effect on 26 January 1950. The Constitution of India, drafted under the leadership of Dr. B.R. Ambedkar, came into effect on January 26, 1950; this Constitution declared that India is an independent, sovereign, democratic republic country. In 1975, the terms Socialist and Secular were incorporated into the Indian Constitution through the 42nd Amendment. The Indian Constitution has important role in protecting Human Rights and Education for every citizen. The Right to Education Act was passed in the parliament of the India (Agarwal, 2019). The State of the India has taken various valuable activities on protecting Human Rights and ensures Education of every citizen of the country.

Objectives:

- i. Exploring the Role of the Indian Constitution in Protecting Human Rights.
- ii. To understand the extent of the role played by the Constitution of India in protecting the right to education.

Discussion:

Indian Constitution is the largest constitution in the world and this constitution specifically mentions and describes the duties and responsibilities of the state to protect human rights. Our Indian Constitution specifically addresses the human rights of all citizens in several areas, and the fundamental rights of citizens are specifically mentioned in Articles 12 to 13 of this Constitution. Along with this, the Indian Constitution also describes what should be done if the fundamental rights of Indian citizens are violated and the legal recourse to the courts. The fundamental rights of citizens have been specifically enumerated in the Indian Constitution. The fundamental rights enshrined in the Constitution include the right to freedom of expression, the right to personal liberty, the right against exploitation, and the equal rights of all citizens, these human rights have received special emphasis in the Constitution of India. The fundamental rights of citizens are not only enshrined in the Constitution of India, but if they are violated, individuals or the public can seek redress through the judiciary. The Indian Constitution outlines several Directive Principles in Articles 35 through 51, wherein particular emphasis has been placed on the right to protection from poverty and malnutrition, the right to work, and the right to education.

Human rights are a written and explicit statement of all the rights of individuals. Every citizen of the world has equal rights and dignity (Ray Chowdhury, 2015). This is a moral right that can never be taken away from the people in any way or at any time. Rights are an important condition in human life without which it cannot exist (Laski, 2009). The sphere of human rights has been specifically mentioned in the Indian Constitution. All rights of all citizens have been recognized as legal rights through the enactment of various laws at both national and international levels. If the human rights of an individual or the public are violated, any person or group may seek judicial remedy from the Supreme Court; this provision is enshrined in Article 32 of the Indian Constitution, which has enriched the Constitution. The Universal Declaration of Human Rights mentions the responsibilities of governments regarding the right to education and the full implementation of these obligations (Chattopadhyay, 2021). But the reality is completely different where human rights and children's rights to education are not protected. Unconstitutional activities in various parts of society continue to create obstacles to the protection of human rights, especially the rights of children. The state continues to face repeated obstacles in protecting Child rights and education. In particular, children face obstacles in the protection of their human rights and education through child labor, child marriage, missing children, child sex prostitution, commercial sexual exploitation, and infanticide (Sonu, 2010). The World Children Report observes that approximately 13 crore children are deprived of their right to education (Chattopadhyay, 2021) furthermore, between 2004 and 2012, nearly 20 million women faced discrimination based on gender (Mukhopadhaya, 2022).

The state will always strive to protect human rights, which are the overall living conditions of an individual or group. In our country, the state has played a significant role in protecting the human rights of individuals and groups by the constitution. The Human Rights Commission was established in 1993, and it continues to play a significant role to this day in ensuring the protection of both individuals and groups. The Protection of Human Rights Bill was passed by both the Rajya Sabha and Lok Sabha of the Indian Parliament in 1994 and the respected President assent to the Act. In this regards as per right to education act, every child's has rights to education (Verma, 2008).

The Indian Constitution places special emphasis on Human Rights and Education and it has been included in both the Concurrent and Union Lists. Every country plays a particularly significant role in its education sector, as the holistic development of a nation is determined through education for everything is inextricably linked to it. Every country in the world places special emphasis on its Human Rights and Education system, as the overall development of a nation is achieved through education. If the country's Human Rights and Education system collapses, then the country's development is impossible. The Indian Constitution has given importance to education as almost free and compulsory education (Bandyopadhyay, 2009).

Education has been accorded special importance in the Indian Constitution and has been categorized under the Union, State, and Concurrent Lists. The Indian Constitution comprises a total of 212 subjects across three lists. These three lists contain a total of 15 educational subjects. In the Indian Constitution, 7 subjects are listed in the Union List, 2 in the State List, and 6 in the Concurrent List. The Union List of the Indian Constitution contains seven subjects related to education. Article 62 stipulates that the administration of institutions such as the National Library, the National Museum, and the Victoria Memorial shall remain under the control of the Central Government. Article 63 stipulates that universities such as Banaras Hindu University, Visva-Bharati University, and Aligarh Muslim University are to be administered by the Central Government. Article 64 states that the responsibility for the management of national scientific and technical institutions shall rest with the Central Government. Article 65 states that professional and vocational institutions shall be administered by the central authorities. Article 66 states that the responsibilities and duties regarding multiple institutions of higher education shall be discharged by the Centre. Article 67 states that the responsibility for the maintenance of ancient and historical monuments, archaeological sites, and similar entities shall lie with the Centre. Article 68 states that centers for Botany, Zoology, Anthropology, etc., shall remain under the control of the Central Government. The State List of the Indian Constitution comprises a total of 66 subjects, two of which relate to education. The Concurrent List of the Constitution of India comprises a total of 47 subjects, 06 of which relate to education.

India has the largest number of school-going children in the world approximately 25 crores. (Prasad and Kant, 2021). In this context, it can be said that if India does not play a significant role in the education of this vast number of children, the country's progress will face obstacles in the days to come. These vast numbers of children play a pivotal role in shaping the future of India. This represents a tremendous opportunity for the nation. India will have the largest number of young people by 2050 (Sourabh, 2022). For this vast youth population, the Government of India's secure education system is absolutely essential. The state has significant steps to reformation of the all system. State has taken several policies for increase the literacy rate (Sharma and Jha, 2016). Different social obstacle has in Indian society (Vide, 2022). These are barrier of development of better India. The state has taken different activities like policy, act., commission etc. for the development of new India.

The education system as prescribed by the Indian Constitution will provide specific direction in developing this large number of young people into ideal citizens, so that India can develop as a whole. The Indian Constitution safeguards the entire Indian education system by incorporating it into the Union, State, and Concurrent Lists, thereby providing the framework for its implementation. Under the Indian Constitution, education has been accorded legal recognition as a fundamental right for all Indian citizens.

Conclusion:

Human rights and the right to education are fundamental rights of humanity; the responsibility for their protection lies with the Constitution, which helps any state evolve into a progressive and democratic nation. The protection of human rights and the protection of the right to education are mutually interrelated and interdependent. India has taken different activities of overall development of India. In India, various law commissions and state-sponsored bodies play diverse roles in safeguarding human rights and the right to education by the Indian Constitution.

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