

## RIGHTS IN INDIAN CONSTITUTION: WITH SPECIAL REFERENCE TO RTE ACT

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### ABSTRACT

Rights are the basic need of a person to live with dignity and glory. Rights were not born of men but they were born with men. This is a very old concept. Many national and international conventions declared this. The Universal Declaration of Human Rights declared the importance of human rights. Indian constitution makers expressed their dedication in this field and six Fundamental Rights were provided. These rights are justifiable. Right to Education is also the part of Fundamental rights and provided free and compulsory education to all children. The growth and development of a state depended upon the availability of education. Right to Education was clearly declared in UDHR IN 1948. Article 45 of Indian constitution put an obligation on states to provide compulsory education and by 86th constitutional amendment It became a fundamental right and started a new era in the field of education.

**Keywords:** Constitution, Human Rights, Education, Fundamental rights, Amendment

Rights are very essential for Human Society. It is not a new phenomenon. This concept is as old as our civilization. Very rightly said by someone, rights were not born of men, but they were born with them. According to Laski "rights are those conditions of social life without which no man can seek in general, to be himself at his best". The principles of human rights were drawn up as a way of providing the Dignity of every human being equally. In the Preamble of UN charter, there's a determination to affirm faith in human rights. Human Rights refer to all rights that are provided to all and it contains all types of Rights. Although the concept of Human Rights is as old as our society, the term human right is a new term. It was used in the 20th century mainly when the president of the USA named Franklin Roosevelt used this term for the first time in 1941 in his famous message to the Congress. He stressed that the world should be founded on four, basic freedoms, like freedom of speech, freedom of religion, and fear Etc. After the independence of the USA, in 1789, they implemented their constitution. But there was no provision for human rights. The first ten constitutional amendments of this constitution related to human rights. These amendments are known as the Bill of Rights. In 1948 UNO's General Assembly adopted the Universal Declaration of Human Rights which had 30 articles. This declaration has been the landmark in the history of Fundamental rights. This declaration contains civil, political, economic, social, and cultural rights.

### RIGHTS IN INDIAN CONSTITUTION

Rights are very essential for the development of Human beings. Without rights one cannot live in our society with dignity and Glory. At the time of implementation, the constitution provided seven rights to all Indian citizens.

After some time, the right to property was removed from the list in 1978 by the 44th Constitutional Amendment and now Citizens are enjoying six rights only. Part third of Indian constitution deals with Fundamental Rights. These rights are known as fundamental rights because these are very important for human beings. Indian constitution provided us only constitutional

rights, not natural rights. It means one can claim only these six rights in the judiciary. These are Right to equality, Right to Liberty, Right against exploitation etc. But after a long time of implementation of Indian constitution, one important right, the Right to Education, was added in 2010 by the 86th Constitutional Amendment. Rights that are provided to Indian citizens are as follows:

### **1. Right to Equality**

- (i) Equality before law and equal protection of law (art.14)
- (ii) Prohibition of discrimination on ground of religion, race, caste, sex or place of birth (art.15)
- (iii) Equality of opportunity in matter of public employment (art.16)
- (iv) Abolition of Untouchability (art.17)
- (v) Abolition of Titles (art.18)

### **2. Right to Liberty**

- (i) Protection of six rights (art.19)
- (ii) Protection in respect of conviction for certain offences (art.20)
- (iii) Protection of life and personal liberty (art.21)
- (iv) Right to Education (art.21A)
- (v) Protection against arrest and detention (art.22)

### **3. Right against Exploitation**

- (i) Prohibition of Traffic in Human Being and Forced labour (art.23)
- (ii) Prohibition of employment of children in factories etc. (art.24)

### **4. Right to Freedom of Religion**

- (i) Freedom of Conscience and free profession, practice and propagation of Religion (art.25)
- (ii) Freedom to manage religious affairs (art.26)
- (iii) Freedom from taxation for promotion of Religion (art.27)
- (iv) Freedom from attending religious instructions (art.28)

### **5. Cultural and Educational Rights**

- (i) Protection of Interest of Minorities (art.29)
- (ii) Right of minorities to Establish and Administer Educational Institution(art.30)

### **6. Right to Constitutional Remedies (art.32)**

## **INDIAN CONSTITUTION AND RIGHT TO EDUCATION**

Education is the most important tool which has the ability to have an impact on the destiny of an individual as well as on the country. Nelson Mandela had proclaimed "Education is the most powerful weapon which you can use to change the world". Education is considered

essential for a man to live with dignity. Dr. A. P.J. Abdul Kalam said on the evening of 58th Independence Day 'It is the most important element for the growth and prosperity of our nation'. Education is the milestone in the development of human beings and Society. Right to Education is a human right. It is clearly declared in the Universal Declaration of Human Rights. If someone has the right to education, then no one can deny providing him free education. Article 26(1) of the Universal Declaration of Human Rights declared that everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Article 26(2) of UHRD declared that education shall be directed to the full development of the human personality and art.26 (3) declared that parents have the right to choose the kind of education that shall be given to their children. The Indian constitution in its original enactment defined education as a state subject, but in 1976, by 42nd second Constitutional Amendment Education became a subject of concurrent list.

The Indian Parliament passed the Right to Education Act in 2009 by 86th Constitutional Amendment and it came into force in 2010. It was applied to all the states of India, but at that time, Jammu and Kashmir was exempted from this.

But, in 2019, when they became the union territory of India this act was implemented on them. This is constitutional right and provided in part third of Indian Constitution under article 21, which is the part of right to Liberty. The ACT required that all children of ages 6 to 14 must be educated. The ACT ensured the availability and accessibility of elementary education to All Children's .India became one of 135 countries to make education a fundamental right Of every child when the ACT came into force, on 1st April 2010. This act lays down some conditions, Relating to student-teacher ratio. The right to Education Act made a provision for all Private schools to reserve 25% seats for socially and economically weaker section children. This provision ensures the availability of Education to the weaker section. Right To education also tried to provide an acceptable and adaptable education to children. In the case of the Society for Unaided schools of Rajasthan vs. Union of India Supreme Court mandated the constitutional validity and uniformity of Right to Education Act 2009.

#### **DIRECTIVE PRINCIPLES OF STATE POLICY AND RIGHT TO EDUCATION**

Not only fundamental rights but Directive Principles of State Policy of Indian constitution also confirmed our dedication to education. The Constitution makers of India recognized the importance of Right to Education and mentioned it in Part iv of Indian constitution as Directive Principles of State Policy. There are some articles related to right to education directly or indirectly.

Article 45-to provide early childhood care and education for all children until they complete the age of 6 years.

The 86th amendment act made this directive principle a fundamental right.

Article 46-Promotion of the economic and educational interest of scheduled caste, scheduled tribes and weaker section.

#### **FUNDAMENTAL DUTIES AND RIGHT TO EDUCATION**

Education is not only the right of child in fact it is the duty of parents to provide education to children. Article 51A of Constitution contains Fundamental Duties and "It shall be the duty of every Indian who is a parent or guardian to provide opportunities for education to the child or as the case may be or ward between the age 6 to 14years".

## CONCLUSION

There is no doubt that rights are very essential for the all round development of human beings. These are the security of human dignity. The Universal Declaration of Human Rights has been a milestone in the way of human rights. Indian Constitution provided six constitutional rights to citizens. Right to Education is one of them which was added in Indian by 86th constitutional amendment. It opens the path of progress for economically and socially weaker sections. After the implementation of this law, a new ray of hope is visible in the field of education.

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