
Research Papers



EDUCATIONAL RIGHTS OF CHILDREN: AN ASSESSMENT

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Abstract

Human Rights are essentially a product of democracy. Man's struggle against tyranny has been long and sustained tyranny has from time to time, surfaced in different forms and modes. Human being has always tried to assert their rights, more often than not successfully. Sometimes there has been a dismal failure, onslaught on human rights continues. So does man's struggle against tyranny.

Human rights are the basic and absolute rights that every person has because he or she is a human being. They recognize the vulnerability of the human being in civil political, economical, social and cultural processes and provide protection.

Every human being has these rights although the extent to which they can be enforced in practice varied from country to country. Have in rights comes with having duties and responsibilities. In preserving the freedom, rights and justice for all, everyone has a responsibility to abide by the law and everyone has duties in the community. In exercising freedoms and rights, everyone must also respect the rights and freedoms of others.

At the international level most of these basic human rights have been described in the United Nations (UN), Universal declaration of Human Rights 1948 . the 31 articles of the Human Rights Declaration may be classified into four categories (a) Social (b) civil (c) Economic (d) Educational and cultural. Educational and cultural Rights, the Universal Declaration has the following to say:- Everyone has the right to education. At least elementary and fundamental education should be free for everybody. Every person has the right to the protection of language and culture. Some of the basic human rights

include.

- a)The right to equal treatment and non-discrimination.
- b)The right to nationality.
- c)The right to own property.
- d)The right to education.
- e)The right to work and to just and favourable conditions of works.
- f)The right to freedom from slavery and forced labour.
- g)The right to freedom of movement.
- h)The right to equal assess to public service in the country.
- i)The right to freedom of through, opinion and expression.

International Conventions regarding education of children with special needs

1.The right to education has been recognized in several international instruments. The concept of human rights for disabled persons began to become more accepted internationally in the 1970s. Article 26 of the

2. Universal Declaration of the Human Rights (1948) states that ' education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedom. It shall promote understanding, tolerance and friendship among all nationals social or religious groups and shall further the activities of the United Nations for the maintenance of peace. The following are some declarations in this regard:

3. The Declaration of the Rights of Mentally Retarded Persons, (1971)
4. The Declaration of the Rights of the Disabled persons (1975)
5. Warnock committee Report (1978)
6. IYDP- National Draft Plan for Education of Handicapped (1981)
7. World programme of Action Concerning Disabled persons (1982)
8. Decade for Disabled persons (1983-1992)
9. The Asian & Pacific Decade of the Disabled (1993-2002)
10. UN convention on the Rights of the Child (1989)
11. The Jomtien World Declaration on Education for all (1990)
12. UN Standard Rules on the Equalization of Opportunities for persons with disabilities (1993)
13. The Vienna Declaration (1993)
14. Salamanca Statement and Frame work for action (1994)
15. Biwako Millennium Framework for Action (2002)
16. World Education Forum (Dakar, 2000)
17. Beijing Declaration of the Rights of People with Disabilities (2000)
18. International Convention on the Rights of Persons with Disabilities (2006)
19. Together, these documents recognize that inclusive education is human rights of every child.

National Instruments to ensure education of Children with special needs

Following Articles of the Indian Constitution, reflect the commitment to provide education to all, including children with special needs.

Article 15 the state shall not discriminate against any citizens on grounds of religion, race, caste, sex, place of birth or any of them.

Article 21A provides for free and compulsory education to children in the 6-14 age groups as a Fundamental Rights in the constitution of India. Consequent to this insertion the existing Art 45 in

the Directive Principles was replaced and made applicable to children in the 0-6 age group.

Article 29(2) provides that no citizen shall be denied admission into any Educational Institution maintained by the state.

Article 41 the state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved wants.

Article 45 – directs the State to provide free and compulsory education for all the children until they attain age of 14 years.

Article 46 shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the scheduled Castes and the Scheduled Tribes.

Our constitution commitments have been reflected through various commissions of education appointed at different points of time.

- i. Indian Education commission 1964-66)
- ii. National Policy for Children (1974)
- iii. National policy on Education (NPE) (1986)
- iv. Behr-ul-Islam committee (1987)
- v. Ramamurthy Committee (1991)
- vi. Program of Action (POA) (1992)

Following are the legislations in this regard

- i. Rehabilitation council of India Act (RCI-1992)
- ii. Persons with Disabilities (Equal Opportunities, Protection of Rights & Full participation) Act (1995).
- iii. National Trust for the Welfare of Persons with Autism, Cerebral palsy, Mental Retardation and Multiple Disabilities (1999)
- iv. National Curriculum Framework (NCF-2005)
- v. Action Plan for Inclusive Education of Children and Youth with Disabilities (2005).
- vi. National policies on Disabilities (2006)

Schemes Run by government of India:

- 1) Integrated Education of Disabled Children (IEDC-1974)
- 2) Project Integrated Education for the Disabled (PIED-1987)
- 3) District Primary Education Programme (DPEP-1994)
- 4) National Handicapped Finance and Development Corporation (NHFDC-1997) Scheme of Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances (ADIP) Scheme.
- 5) Sarva Shiksha Abhiyan (Educational For all

Campaign) (2000-2001)

National Institutes for Disabled Persons in India:

Government of India – has set up the following national institutes to provide comprehensive services to children with special needs.

a) National Institute for the Visually Handicapped (NIVH), Dehradun.

b) National Institute for Orthopedically Handicapped (NIOH), Calcutta.

c) National Institute for Rehabilitation Training and Research (NIRTAR), Olatur, Cuttack.

d) Pandit deen Dayal Upadhyay National Institute for the Physically Handicapped (IPH) New Delhi.

e) Ali Yavar Jung National Institute for the Hearing Handicapped (AYJNIHH), Mumbai.

f) National Institute for the Mentally Handicapped (NIMH), Secundereabad.

g) National Institute for the Empowerment for Persons with Multiple Disabilities.

Though Several International and national initiatives have already been taken but we are still very far from achieving the goal of “education for all”. The attainment of this goal cannot be considered complete till we are able to provide an inclusive education to the disabled.

REFERENCES

1. Bani Borgohain, Human rights social justice and political challenge, Kanishka Publishers New Delhi, 1999.
2. D.D. Basu, Introduction to the constitution of India, (21st Edition), Nagpur: Wadhwa, 2005.
3. Kurukshatra, 2010
4. M.H. Syed, Human rights the New era, Kilaso Books, New Delhi, 2003.
5. Mohammad Shabbir (ed.), Human rights in the 21st century, Rawat Publications, New Delhi, 2009.
6. Neera Bharihoke, Human Rights and the law, Serials publications, New Delhi, 2009.
7. Yojana April, 2011.
8. Z.A. Nizami, Devika Paul, Human rights in the third world counties, Kirs publications, Delhi, 1994.