

“THE IMPORTANCE OF EDUCATION FOR THE MAKING OF A COMPLETE INDIVIDUAL: A SOCIO LEGAL ANALYSIS”

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Abstract

This research work on education has been given me the opportunity to reflect on the importance of education and its vital role in the development of the human being. This work is divided into sections, with an attempt to present the different aspects of the education and its importance in the most logical and coherent manner. There is also a brief attempt to look at the legal regime of educational right in both national (especially in Indian context) and international. The researcher has adopted an analytical-cum-comparative style of writing, and chosen a uniform mode of citation throughout the paper. Paucity of time and limitation on number of pages limit the scope of the same.

Education is an indispensable element of human value. A man without education is equal to animal¹. It is always guided by certain rules and ideas which gave insight to human being to demarcate “right” or “wrong” and “good” or “bad” by virtue of reason. It is rightly, pointed out by Swami Vivekananda that education is the manifestation of perfection already in men. Hence, education is basic necessity of life. Therefore, it is first and foremost duty of the state to ensure qualitative and access able education to all. Now the next looming question towards its how far state is successful in achieving its goal?

Introduction

Before, we venture into various aspect of the education; it is indispensable to create certain basic understanding by raising few relevant questions. First and foremost, What is education? What is the purpose of education? These are the questions, which are not easy to define in this short analysis, or to give a single and universal definition of education. The first thing that strikes me

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¹ Unni Krishnan J.P. v. State of A.P., AIR 1993 SC 2178 (2230).

about education is gaining the knowledge. Education gives us knowledge of the world around us. It helps to develop the perspective of looking at life. As well as build the opinions and have points of view on things in life. The word 'education' comes from the Latin *e-ducere* meaning "to lead out". This is something advocated by Socrates according to him education was about drawing out what was already within the student. He said, "I cannot teach anybody anything, I can only make them think²." Whereas Aristotle says that "Education is the creation of sound mind and a sound body..." these were the perceptions of the Greek philosopher on education. Whereas according to American philosopher John Dewey³ education as "the development of all those capacities in the individual which will enable him to control his environment and fulfill his possibilities."

Now we should also need to observe the notion of education in terms of modern thinking of our judiciary. According to Hon'ble Justice Gajendragadkar "Education is enlightenment, it is the one that lends dignity to a man⁴".

In the light of the above definitions, it can be clearly documented that, education is something which creates the nexus between conduct and thinking, which comes from careful cultivation and practice and ultimately leads towards the development of human being.

What is the purpose of education?

Dr. Radhakrishnan has rightly said that "a civilization is not built of bricks, steel and machinery, it is built with men, their quality and character". Education does not have a single purpose; it serves multiple objectives, and the relative importance of each of these objectives can be very personal. According to Greek philosopher the purpose of the education is to make the people think whereas, in modern regime the purpose of education is to make it career oriented.

Therefore, it is difficult task to put the purpose of education in straight jacket formula. But, it's a time to get them marry both, according to need and demand of situation. Just like the saying of Elbert Hubbard that "It is a fine thing to have ability, but the

² Available at <http://www.teachersmind.com/Education.html>.

³ John Dewey was an American philosopher, psychologist and educational reformer whose ideas have been influential in education and social reform.

⁴ University of Delhi v. Rammath, AIR 1963 SC 1873 at p. 1875, para 6.

ability to discover ability in others is the true test of purpose of education.”

Education: key factor in development of Human Being

There are various factors which contributes in the development of human being among them education is one crucial factor. Education is the basic requirement of the civilized society. It equip the new generation with skills so essential for his/her overall development. It is pillar on which the entire fabric of nation resides. The importance of education can be traced back from ‘Neethishatakam’ by Bhartruhari⁵ (First Century B.C.) in the following words:

Education is the special manifestation of man; education is the treasure which can be preserved without the fear of loss; education secures material pleasure, happiness and fame; education is the teacher of the teacher; education secures honour at the hands of the state, not money.

The glimpse of role of education in human life can clearly also be attributed from the statement of former secretary-General of the United Nations:

“Literacy is a bridge from misery to hope. It is a tool for daily life in modern society. It is a bulwark against poverty, and a building block of development, an essential complement to investments in roads, dams, clinics and factories. Literacy is a platform for democratization, and a vehicle for the promotion of cultural and national identity. Especially for girls and women, it is an agent of family health and nutrition. For everyone, everywhere, literacy is, along with education in general, a basic human right.... Literacy is, finally, the road to human progress and the means through which every man, woman and child can realize his or her full potential.”— Kofi Annan

This statement makes clear that man becomes man through education which is the only means to cultivate in man human qualities and characteristics as well as the way to eradicate the poverty.

⁵ Tej Bhadursingh, *Girl Child: Right to Education, still A far cry in India*, AIR, Vol. 87, issue 4, 2000.

Literacy a gateway to Eradicating Poverty

“Education is not a way to escape poverty - It is a way of fighting it.”(Julius Nyerere, former President of the United Republic of Tanzania). The 2005 UN Report entitled “Innovation: Applying Knowledge in Development” points out that science, technology, and innovation have helped to lessen poverty and hunger and drive economic growth in much of South-East Asia (Juma and Lee, 2005).⁶ Economists have - for a very long time - stressed that education has a vital role in eradication of the poverty. It is also accepted by The Nobel Laureate, Amartya Sen and Adam Smith. Education can reduce the poverty by using the man power which led to the growth in the productivity. The pragmatic example of it is Africa itself. Since Africa is very enrich in its natural resources (crude oil, gold, diamonds, lumber, hydropower) but it it remains one of the poorest countries in the world. The next looming question towards why is it? The answer of this question is high level of illiteracy in Africa where only about 60 percent of children in sub-Saharan Africa attend elementary school⁷.

Civilized Society: Role of the Education

Education plays vital role in building a civilized society. It also promotes the accountability, transparency and good governance in the state. It is the foundation of the growth and development of the state. It helps the sense of the dignity and better understanding. Education enables the entire person to participate effectively in the free society, promote the understanding, tolerance and friendship among the people. Therefore, education is a tool to maintain peace, unity and integrity of the nation. As we know every coin has two faces so we have to also need to examine the other face of it. As it is earlier said that education is effective tool in maintenance of the peace and security. Hence, if there is lack of education, it might lead the violence and breach of the peace. The glaring example is unrest in Arab country. High level of inequality, high rates of youth unemployment, discrimination, corruption, economic disparities etc. are the crucial factor of Arab country violence.

According to John Daniel, former UNESCO Assistant Director General for Education alarmingly warns “the Arab region has

⁶ Habibullah Khan & Jeremy B. Williams, Poverty Alleviation through Access to Education: Can E-Learning Deliver? July 2006, available at <http://www.u21global.edu.sg/Education/home>

⁷ Available at <http://povertyhci.weebly.com/causes-of-poverty.html>

some of the world's lowest adult literacy rates, with only [62.2%] of the region's population of 15 and over able to read and write in [2000-2004] well below the world average of [84%] and the developing countries average of [76.4%]⁸. Therefore, educated people are more capable to chalk out effective policy and way to help make their environment and society better place to survive.

Hence, education is tool to humanize the people. It gives us power to think properly about our rights and duties. Man becomes more human as a result education. We are what education makes us. Education plays a vital role in human life and is always guided by certain rules in harmony with certain ideals, values and standard of life.

Participation in Democracy

India is a democratic country, where everybody has a right to participate in government, right to vote, right to expression etc. Our apex court reiterated such right (voting rights) as a part of the fundamental right to freedom of speech and expression guaranteed by Art. 19(1) (a) of the Constitution in various judicial pronouncements⁹. But do you think this right can be possible to exercise effectively, without understanding of policies and mandate of politician. The answer would be definitely negative.

According to the statistics it's a very disappointing that a very few portion of population are exercising their right to vote. And such populations are mostly people who are illiterate. Because of illiteracy, they are not able to understand the policies of politicians and unable to check the credibility of it by cross questioning. We have a plenty numbers of example which shows that, how these politician are easily lured the illiterate people and dominate their will for making their vote bank. And all these are the reason of bad governance corruption etc. even though government takes lots of initiative to make the people exercise their rights but still it's a distant dream to achieve, for example Gujarat government makes casting of vote compulsory. I do not think making a vote compulsory is a solution of democratic concept of the government without capacity of understanding the right to vote. Therefore, holds public elections for government is not in true sense democracy. In my words the basic notion of democracy lies in ability of people to understand their rights,

⁸ Available at portal.unesco.org/education/en/files/43524/.../Hammoud,%2BH.do

⁹ People's Union of Civil Liberties (P.U.C.L.) V. Union of India.

capacity to choose proper government, and better understanding of policies, rules and regulation of the government.

I would frankly, speaking that in the guise of democracy we are making a mockery of the politics, politician are playing their politics, just because of illiteracy and lack of understanding of the people. Apart from above role of education there are various facet in which education has a crucial role in development of human being for example, awareness of rights and duties very helpful in reducing the crimes rates. Because of there are various crimes which have a direct nexus with illiteracy such as domestic violence, child labour, minimum wages, cheating, etc.

Right to Education as a Human Right: International Legal Regime

Right to education recognizes universally, on 10 December 1948 in the Universal Declaration of Human Rights (UDHR). Art. 26 of UDHR clearly explicit everyone has the right to education. It further stated that education is required for 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 peace¹⁰. Ultimately, right to education got real legal momentum after the adoption of internationally binding Covenant International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 and International Covenant on Civil and Political Right (ICCPR). Article 13¹¹ of ICESCR obliged the state to ensure the rights of education and it reiterate primary education shall be free and compulsory.

¹⁰ Article 26.

- (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 available at <http://www.un.org/en/documents/udhr/index.shtml>

¹¹ Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and

Now the fundamental question is how the obligations relating to the right to education undertaken by the member states? In that spirit, it is crucial to analyze the provision and practicality of national law. This will be deal in following section of the paper.

Right to Education: Indian Scenario

As we know India is a signatory to three key international instruments that guarantee the right to the education – Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, 1966 and the Convention on the Rights of the Child, 1989. Hence, India obligedis to fulfill its obligation under the international law. Therefore realization of such right can be analyse from its efforts in this regard.

Right to education is fundamental right recognised by the Supreme Court in case of *Mohani Jain v. State of Karnataka*¹² the scope of such right again expanded in case of *Bandhua Mukti Morcha v. Union of India*¹³. After various pronouncement of judgment, finally, right to education as a fundamental right get it place in Article 21A of Indian constitution, which is inserted by 86th Constitutional Amendment Act 2002. In lieu of it parliament passed the law Right to Education Act, 2009 w.e.f. April 1st 2010. It's really a very appreciable step and window of progress for children's right to education. But the success and failure of an Act would largely depend upon how effectively the Act is implemented. It is notable that, still the dropout at elementary school are 52.79%, while at the primary level it is 34% is happening¹⁴. It definitely raises the question mark of effectiveness of the Act. There are various loopholes in the Act which need to be address effectively some are as follow:

shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons 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.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;

¹² AIR 1992 SC 1858.

¹³ AIR 1997 SC 2218.

¹⁴ Available at

www.shareyouressays.com/.../essay-on-improvement-of-education-in-

- a. There is no mechanism has been mentioned in the Act to address the problem of the drop out.
- b. More concentration on quantity rather than quality
- c. No penalty provision in case of government failed to fulfill its obligation under the Act.

Recently the validity of the Act is challenged in the case of *Society for Un-aided Private Schools of Rajasthan v. U.O.I. & Anr*¹⁵. In instant case Apex court (chief justice S.H. Kapadia and Justice Swatanter Kumar majority opinion) upheld the validity of Act and asked the private school to admit at least one-quarter of their students from poor families living in the vicinity.

Its, really a landmark judgment. But I think this Hon'ble court has failed to depict the ground reality. There are some questions which left unanswered. For instance, why is there need of reservation of seats in private school? What about government school? Are they not equipped to provide the quality educations as Private School are? The real picture is yes. Still, in rural area many schools exist only in name. Often you found that in government school one teacher is running whole school. Many of school do not have a qualified teacher. These all are the ground reality which is require deep thought.

Conclusion

Therefore, in the light of above discussion it can be clearly documented that, Education is a powerful tool which enable all persons to participate effectively in democratic government. It promotes the understanding, tolerance etc. it has capacity to equip the people economically and socially sound. Hence, education plays a vital role in human life. Therefore, to make it more effective, we have to think critically what we are offering in the dawn of developed nation. Because the quality of education will determine the quality of nation.

So last but not least in the light of Human Rights jurisprudence some innovative revision and amendment is needed to make the education more effective.



¹⁵ Writ petition (C) No. 95 OF 2010.