

STATUS OF RIGHT TO EDUCATION IN PANDAMIC CORONA

Mrs. Chandani Vishwasrao Ghogare, NET and SET Department of Law , Bapuji Salunkhe law college Osmanabad. Email: chandanighogare02@gmail.com

Abstract-

Education is need of today's generation. Without education no one live in progressive and developed manner. International as well as national level there is provisions about empowerment of education. Free and compulsory education is provided by all nations. There are lots of education institutions, students; teachers working for this. Now day's situation changed because Corona virus spread across the globe. This virus has been affected on education system, educator, exam pattern, education institutions, and process of entire teaching in the world. Due to pandemic corona virus the government across the country temporarily has been started shutting down schools and colleges. The closedown of educational institutions is estimated to affect millions of learners across the world. Though school closures are an essential step in halting or limiting community-level and local transmission it affect on education system, students very much. Today we need to study on this so, in this article we see international perspective of right to education; where our constitution gives us right to education? What is corona? How in these days it's become very hard to tackle with this problem.

Key words - pandemic, education, corona virus, right.

INTRODUCTION

**“Education is the milk of tigress,
Who will drink he can't stay without roaring”**

Dr. Babasaheb Ambedkar.

Education is today's need. Education gives us strength, development, and progress of daily life. But the circumstances are change when Covid- 19 has first reported in Wuhan, China and subsequently spread in worldwide. It rapidly spreads and continuously evolves in the human to human population. Currently, people all over the world have been affected by corona virus disease. Lockdowns have been imposed in almost all countries to save the citizens. Even 3rd March 2020 lockdown imposed in India too. Schools, colleges and other educational institutions closed for a certain period of time. This closure was extended for again and again. It gives severe impact on education system. Right to education provided by our constitution, but in these days we observe this right is suffer from corona virus disease. No school, No classroom, No direct teaching, not proper assessment of students, No direct examinations. These are the situation we face today. -online learning is running today but there are many drawbacks from this. In these days learners suffers a lot!

Now question before us what is actually right to education and where we get this? We see this as follows-

What is right to education?

-Education is a basic human right for all and is important for everyone to make the most of lives - **Education is not a privilege. It is a human right.**

Education as a human right means;

- ❖ The right to education is legally guaranteed for all without any discrimination
- ❖ States have the obligation to protect, respect, and fulfill the right to education
- ❖ There are ways to hold states accountable for violations or deprivations of the right to education.

This is right to education now here after we see where from we get this human right-

RIGHT TO EDUCATION ON INTERNATIONAL PERSPECTIVE-

The right to education has been recognized as a human right in a number of international conventions. These are as follows-

1) Universal declaration of human rights, 1948: ¹

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) Educational 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 prior right to choose the kind of education that shall be given to their children.

2) International Convention on Economic, and social and cultural rights, 1966²

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 shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a society, promote understanding, tolerance and friendship among all nations and racial, ethnic or religious groups, and further and 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;

b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

d) Fundamental education shall be made equally accessible to all, on the basis capacity, by every appropriate means, and in particular by the progressive introduction of free education;

e) The development of a system of schools at all levels shall be actively pursued , an adequate fellowship system shall be established, and the whole period of their education;

3) The states parties to the present covenant undertake to have respect for the library of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the state and to ensure the religious and moral education of their children in conformity with their own convictions.

4) No part of this article shall be construed so as interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall confirm to such minimum standards as may be laid down by the state.

3) International Covenant on Civil and Political Rights, 1966-³

1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

¹ Universal declaration of human rights, 1948, Art.-26.

² International covenant on economic, social and cultural rights, 1966,Art-13.

³ International covenant on civil and political rights, 1966.

2) The states parties to the present covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Beside these there are

- 4) Convention on the rights of the child, 1989⁴;
- 5) Convention on the elimination of all forms of discrimination against women, 1979⁵,
- 6) Convention on the Elimination of all forms of racial discrimination, 1966.⁶
- 7) Convention on the rights of persons with disabilities, 2006⁷;
- 8) Convention on the protection of the rights of all migrant workers and members of their families, 1990⁸;
- 9) Convention relating to the status of refugee, 1951⁹;
- 10) Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, 1992¹⁰;
- 11) Declaration on the rights of indigenous peoples, 2007¹¹ shows the provision about right to education.

These are International conventions which provides right to education. Indian Constitution also gives right to education to us.

INDIAN CONSTITUTION AND RIGHT TO EDUCATION

‘The state shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may, by law determine.’¹²

In Unnikrishnan JP V. State of Andhra Pradesh & Others - ‘Right to basic education is a fundamental right to life (Article 21.)’¹³ The court held that the parameters of the right must be understood in the context of the Directive Principles of state policy, including Article 45 which provides that the state is to endeavor to provide, within a period of ten years from the commencement of the constitution, for free and compulsory education for all children under the age of 14.¹⁴ Besides that, parents have duty to provide education to his children.¹⁵

These are the rights provided by our constitution. Since 1950 to Feb. 2020 all running ok, but due to corona rights are affected by virus and become weak like this right has also suffered from corona virus! we see here what is corona and what are its effect on society and enucation

WHAT IS CORONA VIRUS?

Corona virus (covid-19) is an infectious disease caused by newly discovered corona virus. A novel strain corona virus –SARS-CoV2-was detected in Wuhan city of China.

PANDEMIC CORONA

A pandemic describes an infectious disease where we see significant and ongoing person-to-person spread in multiple countries around the world at the same time.¹⁶

⁴ Convention on the rights of the child, 1989,-Art.28 &29.

⁵ Convention on the elimination of all forms of discrimination against women,1979, Art-10.

⁶ Convention on the elimination of all forms of racial discrimination,1966,Art-5 &Art.7.

⁷ Convention on the rights of persons with disabilities,2006.Art-24.

⁸ convention on the protection of the rights of all migrant and members of their families,1990,Art.12.4&Art,30

⁹ Convention relating to the status of refugee,1951,Art.22.

¹⁰ Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities,1992.Art-4.

¹¹ Declaration on the rights of indigenous peoples,2007, Art14,&15, Art. 17, 21.

¹² The Indian Constitution, Art.21 (A),Eighty –sixth Amendment,Act,2010.

¹³ Unnikrishnan J,P.& Others V. State of Andhra Pradesh & others 1993,AIR 217.

¹⁴ ID-13.

¹⁵ The Indian Constitution of India-Art.51.

¹⁶ ‘Corona virus: what is a pandemic and why use the term now?’ ‘BBC News, 11 March 2020.

WHO defines as “an outbreak of a new pathogen that spreads easily from person to person across the globe?” The official declaration of a pandemic means the disease has reached a tipping point where it spreads on a far wider geographic scale-sweeping through populations faster. It is not a black-and wide decision, as experts would say, but what the WHO typically looks for is sustained community outbreaks in different geographies¹⁷. Today covid-19 is a pandemic disease from the entire world suffers a whole heap.

HOW CORONA AFFECT TO THE SOCIETY?

All countries in the world have been suffered due to corona .Millions of people suffered from this virus. Few were dead .This is a pandemic disease so all countries started to take precautionary measure. As precautionary measure, many countries including India have announced lockdown. In lockdown all government and private officers, factories, shops, workshops, large stores, shopping malls, Cinema halls, weekly markets, fair, warehouses, have remain closed. All religious and social programs have been canceled. A construction activity has been banned. Ban on mass gatherings etc. This lockdown is necessary as a precautionary measure, but society suffer entirely worst with this corona and lockdown.

Each person of the world affect by this corona virus directly or indirectly. It affected people regardless of nationality, level of education, income or gender. This makes fear not only health related problems but also economy related problems. Heath concern is increases day by day, apart from that in these days global economy is in state of paralysis. Many of the families lost their income as well as income source. Many of the families’ economic disturbance and family disturbance arises in these days. Today the entire world is buzzing with uncertainty and questions-How long will the pandemic last? What will people’s lives look like once the pandemic is over?

IMPACT OF PANDEMIC CORONA ON EDUCATION

The corona has affected educational systems worldwide, Near-total closures of schools, universities and colleges are done because of corona. Most governments around the world have temporarily closed educational institutions; this is an attempt to control the spread of the covid-19 pandemic. But this closure has been run day and day more. Near about nine month over but does not show any hope to start up. These nationwide closures are impacting more than hundred millions of students. Students from privileged backgrounds, supported by their parents and eager and able to learn, could find their way past closed school doors to alternative learning opportunities.¹⁸ Those from disadvantaged backgrounds often remained shutting out when their schools shut down.¹⁹

Today, Technology may play an important role in the lockdown period for study from home. Students continue their education through online learning and via video calls with their teachers. Globally many countries have adopted this approach. It’s ok, education must go on.

DO RIGHT TO EDUCATION ENSURE TO LEARNERS IN CORONA PERIOD?

The constitution in its part III guaranteed Fundamental Rights including right to education²⁰ ‘The state shall provide free and compulsory education to children of the age of six to fourteen years in such manner as the state may, by law, determine.’ Right to education act 2009 is one further step for improvement given in education protections. These are ok, but here we think about corona and today’s situation of students. Now students suffer a lot about proper leaning, proper teachers, proper infrastructure, proper skill of online education etc. Free and compulsory education is become question mark before society.

Only sound and wealthy private schools could adopt online teaching methods. These facilities are never running in Low income private and government schools. This is the

¹⁷ Anita Babu , ‘Corona virus declared a pandemic: what does it mean?’ The week, March 12, 2020.

¹⁸ Andreas Schleicher, ‘The impact of covid-19 on education –insights from education at a glance 2020’, pg, 4.

¹⁹ id at 18.

²⁰ supra at -12.

position of schools, apart from that severe situation shows many of the parents in India. Some parents are live below poverty line; they have not bare single android phones to give online learning to his child. Many of the parents in India are not in a position to maintain expenses of the online learning. Some families suffer from loss of jobs in these days. Their economical crises are different. Due to any of the reason parents are not give proper education facilities to students.

In one hand Constitution provide free and compulsory education as state may determine, but is it possible that all get properly. In India some students join school because for hunger, At least with school these students get one time meal. If parents have problem about to fulfill hunger of child then how they concentrate about study of their child .More than education they feel the problem of hunger. This is a position of poverty line parents.

Those students not having the capacity to pay for online learning they are deprived from education. Those who are in a middle class they too hardly manage expenses of online education .Android phone, laptops, tabs, if we calculate these prices with monthly recharge, online payment then it goes beyond the capacity of livelihood. But education is a must .For their beloved children parents manage the online expenses by taking loans. If we see the ratio of these category parents its more than double to those parents who easily manage online expenses easily.

This in not mean that who affords online education they have not problem. As a student, participating in the home learning programs, online school has become confusing to adjust with online and offline learning to learner themselves. Apart from this, these students are not practically perfect and they have not proper knowledge of how to manage with online education. This is shown about students; but actually when we think about teachers; they have not proper knowledge, skill, or proper training about online teaching. Both are weak then how e-learning become successful.

This home-learning programs to be even more stressful than regular classrooms. On these online education students only reading and watching, mobile or other e-device of learning, but this not mean they are conceptually perfect. When the question arose about their conceptual point students remain silent. Normal classes become manageable and less stressful with friends. Online classes have not given the benefit of having friends to socialize. Many students participation in home learning through online programs also say that the workload of online classes is larger than that of regular classes.

Apart from that e-devices also become question mark before parents. Other than education there are lots of activities available on these e- media. This is one of the headaches before parents, students. Some time it might become the reason of family violence.

Right to education²¹ in constitution shows that the state shall provide free and compulsory education for the age six and fourteen years which become misery before parents. State is busy to find corona vaccine and to tackle corona problems. He not provides sufficient concentration towards education. State not provides sufficient facilities to students. Many of the students drop out from the school .In corona period every parent feel education become more expensive.

POSSIBLE SOLUTIONS FOR PROPER, AND SMOOTHLY EDUCATION DURING COVID-19-

- Today is time to take education indoor. Use e-devices for education. Online education is solution for this crucial period, though it's not more reliable but at least for waiting period for being normal, students use them.
- Parents trained about e-learning. With this training at least they will understand how to manage with their child in online learning.
- State provides some facilities to purchase e-devices for students.
- Teachers should be trained for e-teaching to ease of education.

²¹ supra at-12.

- Students also trained for e-learning, with this teaching they study well.
- Power supply and range problem must be solved properly for best management of education. These are some measures which become useful in corona period for right to take education. And that not waist student's time which goes apart from education.

CONCLUSION

As we all know this is a crucial time before whole world. The world which is run constantly, stopped suddenly. This happens because of pandemic corona virus. Sometimes understanding is more important. There is nothing more important than this moment. Social distance is today's need. If we break this social distancing it's become costly for our self, our family and our society also. So it's ok for this situation. Schools running in this period are become very hard to manage social distancing. With following social distancing education is also important-

*“vidyevina mati geli; Mativina neeti geli;
Neetivina gati geli; Gativina shudra khacle;
itke anarth eka avidyene kele.”²²*

Mahatma Jyotirao Phule.

It's true. So, we need education. Though constitution provides us education, but in these days, it's very hard to manage. Students not lose hope of learning education. By way of e-learning, online or off line education students should learn. Never lose hope. One day vaccine will come and all become normal. Then our education system gives well education to us.

Bibliography-

- ❖ Universal Declaration of Human Right-1948;
- ❖ International Covenant on Economic, Social and Cultural Rights,1966;
- ❖ International Covenant on Civil and Political Rights, 1966
- ❖ Indian constitution of India, 1950.
- ❖ BBC news, 11 March, 2020.
- ❖ Andreas Schieicher, 'The impact of covid -19 on education –insights from education at a glance 2020. www.oecd.org.
- ❖ <https://www.who.int>.

²² Lack of education leads to lack of wisdom; which leads to lack of morals, which leads to lack of progress, which leads to lack of money, which leads to the oppression of the lower classes. see what state of the society one lack of education can cause.