

Right to Education in India (Article 21A)

- Education is a fundamental human right that is required for the full enjoyment of all other human rights.
- It encourages individual independence and empowerment while also providing significant development advantages.
- Nonetheless, millions of children and adults continue to be denied educational chances, often because of poverty.
- In 2009, the Right to Education Act (RTE) guaranteed free and compulsory education for children and established it as a fundamental right under Article 21-A.
- It explains the importance of free and compulsory education for children aged 6-14 years in India under Article 21 (A) of the Indian Constitution.
- The Right to Education is a cornerstone for ensuring that every child has the opportunity to receive a high-quality elementary education.

Right to Education - Constitutional Provisions

- **Article 21A** was included to make the right to education a **Fundamental right** for children aged 6 to 14.
- Originally, **Article 45** of the Indian Constitution and **Article 39 (f)** of the DPSP provided for state-funded, equal, and accessible education.
- The **Ramamurti Committee Report**, published in 1990, was the first formal document addressing the right to education.
- In the landmark case of **Unnikrishnan JP against the State of Andhra Pradesh & Others**, the Supreme Court ruled that education is a fundamental right derived
- from Article 21.
- The **Tapas Majumdar Committee** was established in 1999, with the goal of inserting Article 21A.
- Under 2002, the **86th amendment** to India's constitution designated education as a basic right in Part III of the Constitution.
- **Article 21 A states that the State shall offer free and compulsory education to all children aged six to fourteen years in the manner determined by the State.**

- **As a result, this clause recognises only primary education as a Fundamental Right, not further or professional education.**
- The 86th amendment paved the way for the **Right to Education Bill 2008** to be followed by the **Right to Education Act 2009**.
- The term "free" appears in the title of the article. What this means is that no child (except those allowed by their parents to a non-government school) is responsible to
- pay any fee, charge, or expense that may prohibit him or her from pursuing and completing primary education.
- This Act makes it mandatory for the government to ensure that all children aged six to fourteen years are admitted, attend school, and complete their elementary
- education.
- Essentially, this Act ensures that all children from economically disadvantaged families receive free elementary education.

Article 21A states that:

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.

Other provisions in the Indian Constitution promote and develop the educational structure.

- **Article 28** guarantees the freedom to attend religious instruction or worship in educational institutions.
- **Article 29:** This article guarantees equitable access to educational institutions.
- **Article 30:** Recognize minorities' freedom to create and manage educational institutions.
- **Article 46:** Discusses particular consideration for the advancement of education and economic interests of Scheduled Tribes, Scheduled Castes, OBCs, and the
- weakest sections of society.
- **Article 337:** This article governs the particular provision of educational subsidies for the Anglo-Indian community.

Amendments to achieve Right to Education (86th Constitutional Amendment, 2002)

- In 2002, the 86th Amendment to the Constitution provided the Right to Education as a fundamental right.
- The same amendment inserted Article 21A, which made the RTE a fundamental right for children aged between six and 14 years.
- The passage of the amendment was followed by the launch of the Sarva Shiksha Abhiyan (SSA) that aimed to provide “useful and relevant, elementary education” to
- all children between six and 14 years.
- According to this, the right to education was declared a basic right and was withdrawn from the list of State Policy Directive Principles.
- The RTE is the follow-up law envisioned by the 86th Amendment.
- The term "free" appears in the title of the article. It implies that no kid (save those allowed by his or her parents to a school not financed by the government) is
- required to pay any form of fee, tax, or expenditure that may prohibit him or her from pursuing and finishing primary education.
- This Act requires the government to assure the entrance, attendance, and completion of primary education for all children between the ages of six and fourteen.

93rd Constitutional Amendment (2006)

- In 2006, the 93rd CAA inserted Clause (5) in Article 15.
- This enabled the State to create special provisions, such as reservations for the advancement of any backward classes of citizens like SCs and STs, in all aided or
- unaided educational institutes, except minority educational institutes.
- The act aims to increase access to higher education, especially professional education, for students from socially and educationally deprived sections of people, as
- well as those from Scheduled Castes and Scheduled Tribes.
- In comparison to private unaided universities, the number of seats available in aided or State-maintained institutions was restricted, particularly in professional
- education.

- Article 46 states that the State should support with special attention the educational and economic interests of the weaker parts of the population and safeguard them
- from social injustice.

Right to Education Act (2009)

- The government subsequently brought the Right to Education (RTE) Act, 2009, which centres around inclusive education for all, making it mandatory to include
- underprivileged children in schools.
- Specifically, Section 12(1)(c) of the Act provided for a 25 per cent reservation of seats in unaided schools for admission of children from economically weaker sections
- and disadvantaged groups.
- It contained a "No Detention Policy" section, which was deleted by The Right of Children to Free and Compulsory Education (Amendment) Act, 2019.
- It also prohibits the use of teachers for non-educational purposes other than the decennial census, elections to local governments, state legislatures, and parliament,
- and disaster assistance.
- It calls for the selection of instructors having the necessary entrance and academic credentials.

Conclusion

To develop equality, inclusion, and unity, the government and all stakeholders should now focus on education quality and progressively work toward establishing a unified educational system and platform across the country for all parts of society. In general, education accounts for 5% of a country's GDP in order to enable social transformation. Education is the key to growing finer or one step ahead of others who are not educated. Education is a strong instrument for allowing a person to develop to their maximum potential. Many more conventions address the right to education for the advancement and promotion of the right to education.