

A Critical Study on Educational Rights with Special Reference to Article 21A of the Indian Constitution

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Abstract: *The Right to Education (RTE) has been recognised as a fundamental right under Article 21A of the Indian Constitution since 2009. The right was added to the Constitution by the 86th Amendment Act, which made education a fundamental right for all children aged 6-14 years. The Right to Education Act (RTE) was passed in 2009 to give effect to the constitutional amendment. The act ensures that every children between the ages of 6 and 14 years get free and compulsory education. It also lays down standards for schools, teachers, and infrastructure, and mandates the appointment of trained teachers and the provision of adequate facilities in schools. Several factors have an impact on the right to education in India. The main objective is to analyse whether Article 21A is effective in India. The research method followed is empirical. The data is collected through a questionnaire, and the sample size is 202. The convenience sampling method is adopted in the study to collect the data. The samples were collected from Friends, relatives through a Google form. The researcher used graphs to analyse the data collected. In conclusion, the right to education is a fundamental right and a significant step towards the development of the country. The enactment of Article 21A in the Indian Constitution has brought about a revolutionary change in the education system, especially for the marginalised section of society. It ensures that every child between the ages of 6 to 14 has access to free and compulsory education. From the analysis, we found that most of the respondents are aware of the Right to free and compulsory education. And the respondents feel that lack of awareness and lack of financial stability are the causes that affect children aged 6-14 in avoiding schooling. The suggestions are that the government should encourage the public to enrol in government schools, and that the government should take necessary steps to improve the infrastructure and standard of education.*

Keywords: marginalised, infrastructure, financial stability, compulsory, Constitution

I. INTRODUCTION

The Right to Education (RTE) has been recognised as a fundamental right under Article 21A of the Indian Constitution since 2009. The right was added to the Constitution by the 86th Amendment Act, which made education a fundamental right for all children aged 6-14 years. The Right to Education Act (RTE) was passed in 2009 to give effect to the constitutional amendment. It also lays down standards for schools, teachers, and infrastructure, and mandates the appointment of trained teachers and the provision of adequate facilities in schools. Several factors have an impact on the right to education in India. In addition, issues such as child labour, child marriage, and child trafficking also affect the right to education of children in India. Despite the efforts of the government to promote the right to education, several challenges remain. According to a report by UNESCO, India has the highest number of out-of-school children in the world, and a significant number of children who do attend school drop out before completing their education. Several factors can affect the realisation of the right to education in India, including poverty, gender discrimination, caste discrimination, lack of infrastructure, inadequate funding, and teacher shortages. Additionally, children with disabilities face significant barriers in accessing education, as the education system in India is not always inclusive. In



recent years, there has been an increased focus on the quality of education in addition to access to education. The Indian government has launched several initiatives aimed at improving the quality of education, including the National Education Policy of 2020. However, there are still significant challenges in implementing these policies, and access to education remains a significant issue in some parts of the country, particularly in rural areas and among marginalised communities. The passage of the RTE Act, 2009, was the fulfilment of a long-cherished dream of so many freedom fighters and the Constitution makers. The period spanning between the enforcement of the Indian Constitution to the landmark judgments in *Unni Krishnan v State of Andhra Pradesh* in 1993 saw several legal developments. The Court pointed out that private educational institutions were necessary because the governments could not meet the demand, particularly in the sectors of medical and technical education. The question was how to encourage private educational institutions without allowing them to commercialise education. Justice Mohan showed the same concern in the concurring judgment. It was observed that it would be unrealistic and unwise to discourage private initiative in providing educational facilities, particularly in the higher education sector. It was further observed that private institutions could be encouraged in this regard. This would make as much progress as possible in the field of education. The Court pointed out further that while eliminating the unscrupulous elements from the field, good institutions needed to be encouraged and protected. In order to achieve that laudable aim, the court added that regulatory controls had to be continued and strengthened. The State must strive to prevent commercialisation and racketeering in the field of education. It shall ensure that private educational institutions maintain minimum standards and facilities. The court further added that admission within all groups and categories could only be based on merit. The norms of admission should be predetermined, objective and transparent. The research aims to evaluate the constitutional, legislative, and policy dimensions of the right to education and assess their practical implementation. Particular attention is given to the effectiveness of the RTE Act, the role of the judiciary, and the implications for marginalised and minority communities.

Objectives

- To find a possible solution for increasing the literacy rate among children.
- To analyse whether Article 21A is effective in India.
- To discuss the causes that affect children of 6 - 14 in avoiding schooling.

II. REVIEW OF LITERATURE

Yadav, Sunita & Dubey, Dr. (2016) examine Articles 14 to 18 of the Indian Constitution, which guarantee the Right to Equality. While these provisions promote equal treatment and prohibit discrimination based on religion, race, caste, sex, or place of birth, they also empower the state to take affirmative action for the upliftment of disadvantaged groups such as women, children, SCs, STs, and OBCs. Their study employs a doctrinal and critical legal approach to analyze the balance between formal and substantive equality in education.

Sharma, Dr. Vishal, (2016). explores the judicial recognition of the right to education as a fundamental right under Article 21, particularly following the *Unni Krishnan* case. He addresses tensions arising between minority rights in education and broader societal concerns, especially allegations of fundamentalism in some religious institutions. The paper underscores the complex interplay between the rights of children, communities, and the state.

Kumar, Virendra.(2023). critically examines the constitutional validity of excluding unaided private minority institutions from the RTE Act's Section 12(1)(c). and outlines the broad vision of India's education policy, highlighting how constitutional mandates, including the DPSP and fundamental rights, shape policy frameworks such as the National Education Policy (NEP) 2020. The NEP aims to align Indian education with global standards while addressing issues of accessibility, affordability, and equity.

Tripathy, Maruti Kumar & Bhuyan, Sanjukta. (2021). investigate the implementation of the RTE Act in Odisha's Khordha district. Using survey data from 15 schools, the study identifies a high level of awareness among educators but reveals key implementation issues such as teacher shortages, poor infrastructure, and inadequate funding. The analysis raises significant constitutional questions, especially regarding the recognition of such institutions without extending state financial support.



Srivastava, Prachi, And Claire Noronha. (2014) explores private sector engagement during the early implementation of the RTE Act. Using data from interviews with policymakers, the study reveals behind-the-scenes negotiations and compromises that influenced the policy design and its contested implementation.

Mehendale, Archana, Et Al. Conduct a field-based exploratory study in Bengaluru and Delhi to examine the practical challenges in implementing Section 12(1)(c) of the RTE Act. Their qualitative findings identify barriers at the administrative, institutional, and parental levels and suggest the need for improved policy mechanisms.

Malvankar, Alka. (2009) discusses the intended impact of the RTE Act, particularly the provision mandating 25% reservation in private schools for disadvantaged groups. The study notes persistent disparities between private and government schools and calls for more robust oversight and support mechanisms.

Bhatty, Kiran.(2023) responds to criticisms of the RTE Act by contextualising it within the historical development of educational policies in India. She questions whether elementary education should be treated as a public good and revisits the foundational values of equity and opportunity in the Indian Constitution. The objective of this research is to investigate the reason for the educational backwardness and unequal share of empowerment in connection with education of the Muslim minority and give a probable solution to it.

Othman, Muhammad & Rahmat, Nur Ezan & Aziz, Norazlina & Sukbunpant, Sasipin. (2022) analyse the legal frameworks for the education of children with disabilities in Malaysia and Thailand. The study finds Malaysia's legislative efforts, particularly Section 28 of the Persons with Disabilities Act 2008, inadequate due to fragmentation and weak enforcement. A comparative doctrinal approach is used to highlight best practices and gaps. The findings show that while enrollment increased, educational quality and learning outcomes declined due to limited resources, inadequate infrastructure, and poor teacher training.

Matthey-Prakash, Florian. (2016) critiques the challenges in realising socio-economic rights like education in courts, despite constitutional backing through Article 21A. He also evaluates the role of School Management Committees (SMCs), finding that flaws in design and implementation have hindered their intended role in promoting accountability. They discuss the implications of India's concurrent list system for education and highlight flagship initiatives, such as the Mid-Day Meal Scheme and Sarva Shiksha Abhiyan, as efforts toward universalisation.

III. METHODOLOGY

The research method followed is empirical . The data is collected through a questionnaire and the sample size is 202. The convenience sampling method is adopted in the study to collect the data. The samples were collected from Friends, relations through google form The independent variables are gender and education level of respondents. The dependent variables Enough law to regulate ostensible ownership, Fraudulent transfer is one of the main problems with ostensible owners and Do you think consent of the real owner is necessary when the right has been already transferred to ostensible owner . The researcher used graphs to analyse the data collected.



IV. ANALYSIS

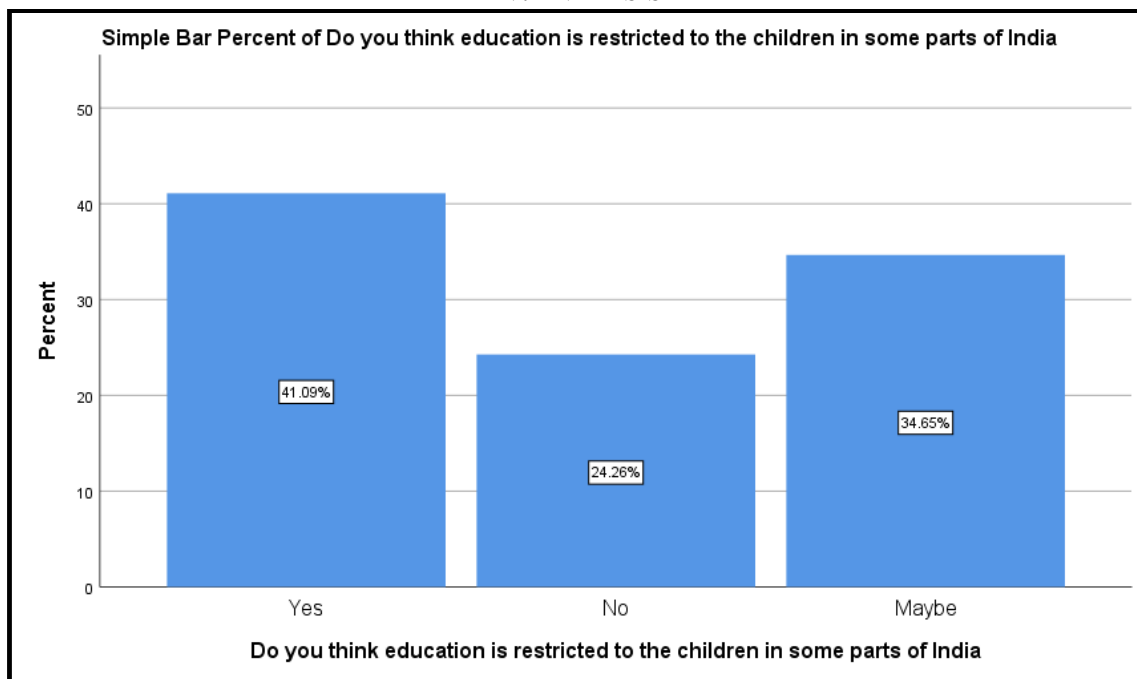


Figure 1, shows the awareness of the respondent on the statement Do you think education is restricted to the children in some parts of India

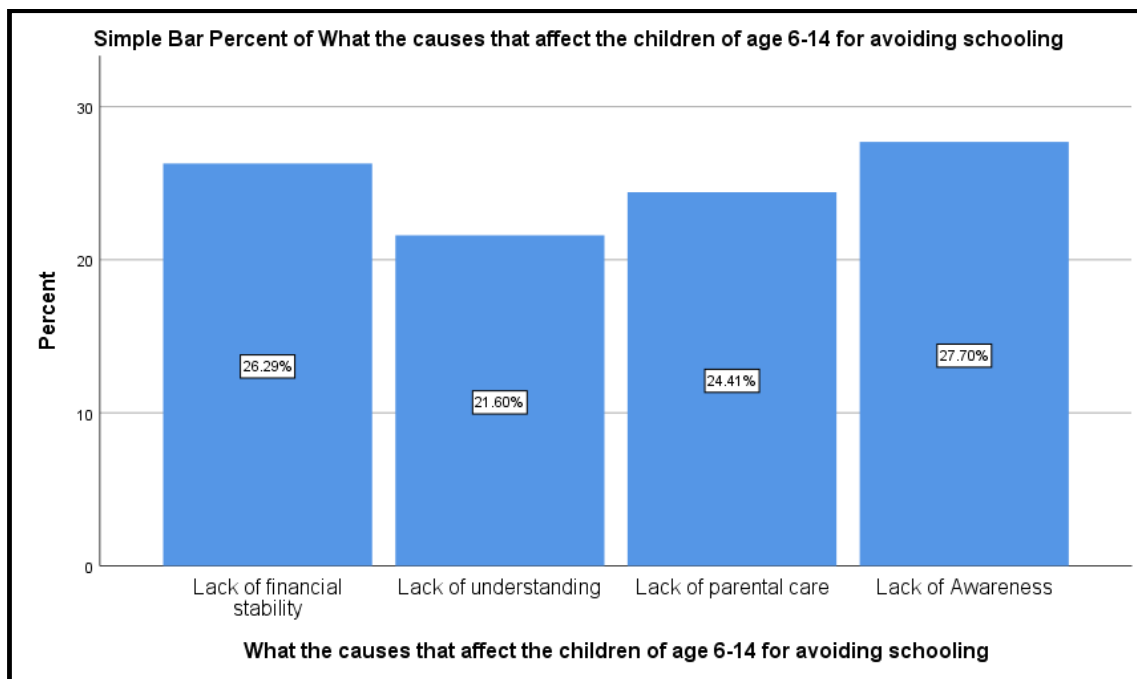


Figure 2, shows the opinion of respondents on the statement What the causes that affect the children of age 6-14 for avoiding schooling



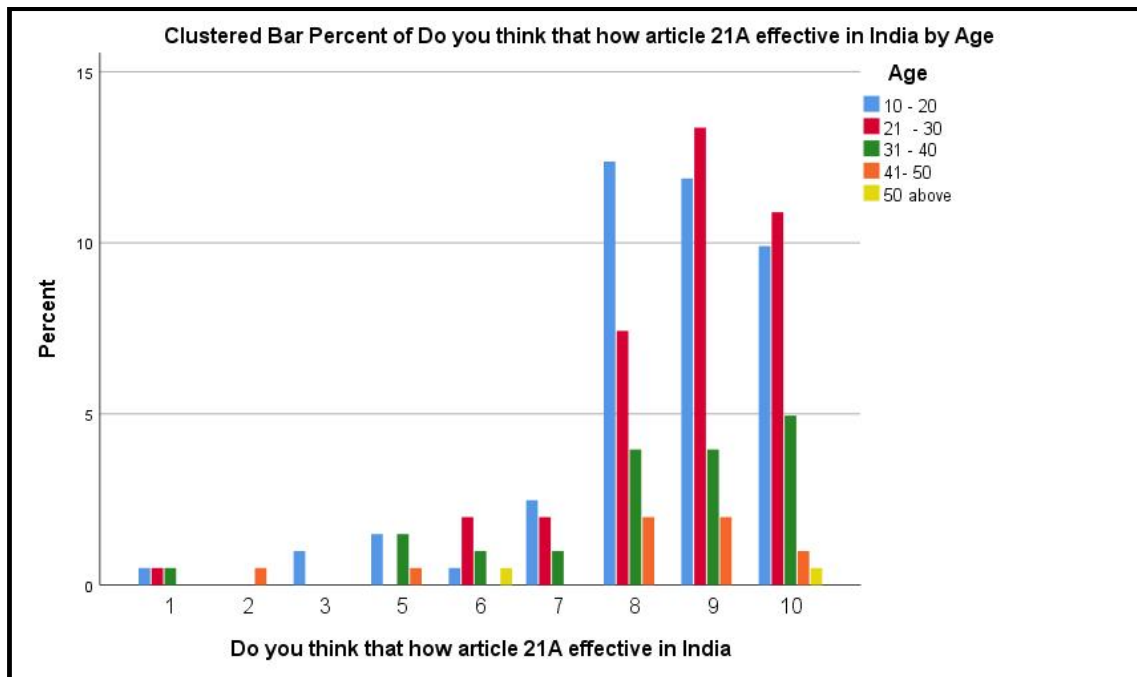


Figure 3, shows the Influence of Age on the statement Do you aware that Right to Education is a Fundamental Right under article 21A.

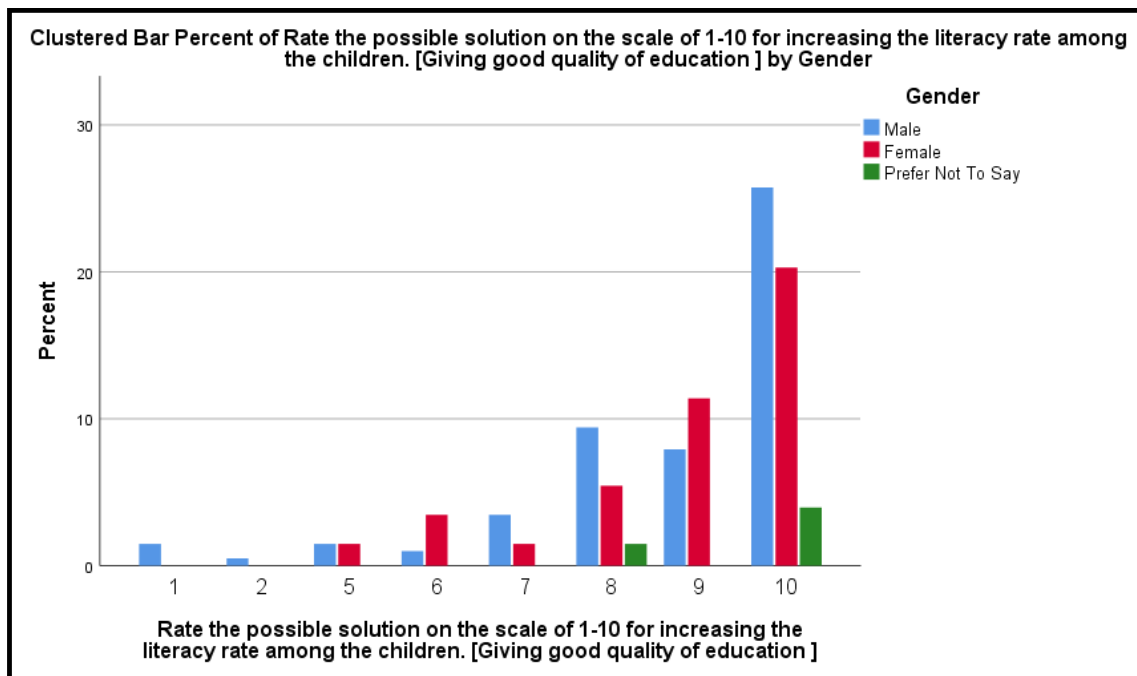


Figure 4, shows the Influence of Gender on the statement Rate the possible solution on the scale of 1-10 for increasing the literacy rate among the children. [Giving good quality of education]



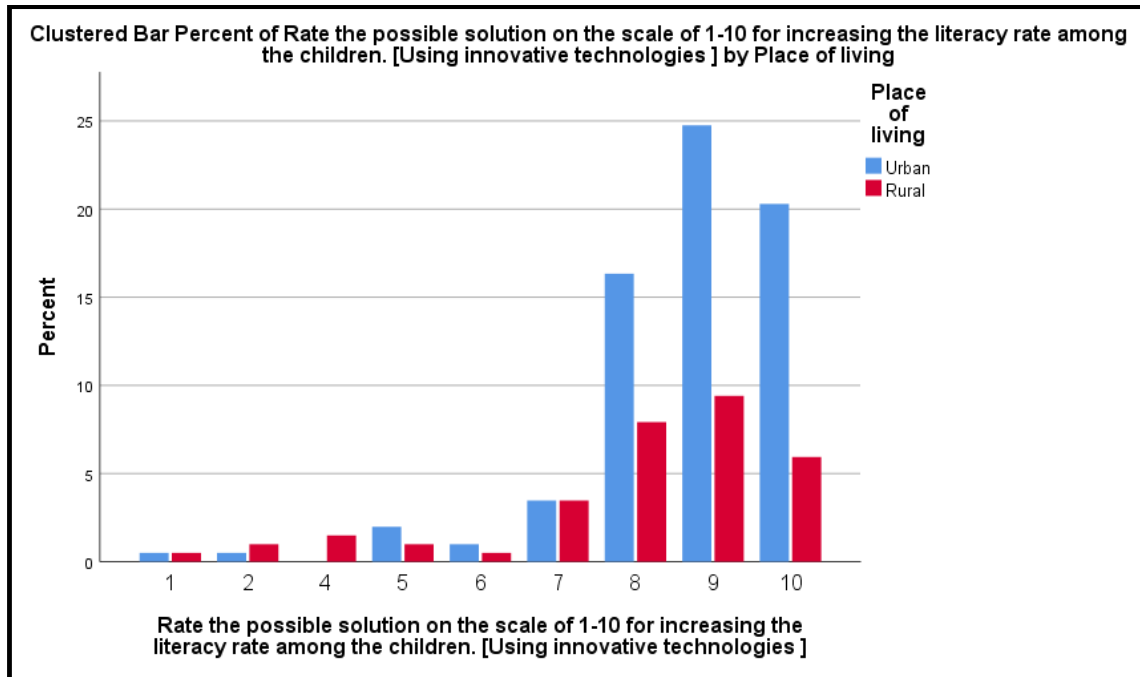


Figure 5, shows the Influence of Occupation on the statement Rate the possible solution on the scale of 1-10 for increasing the literacy rate among the children. [Using innovative technologies]

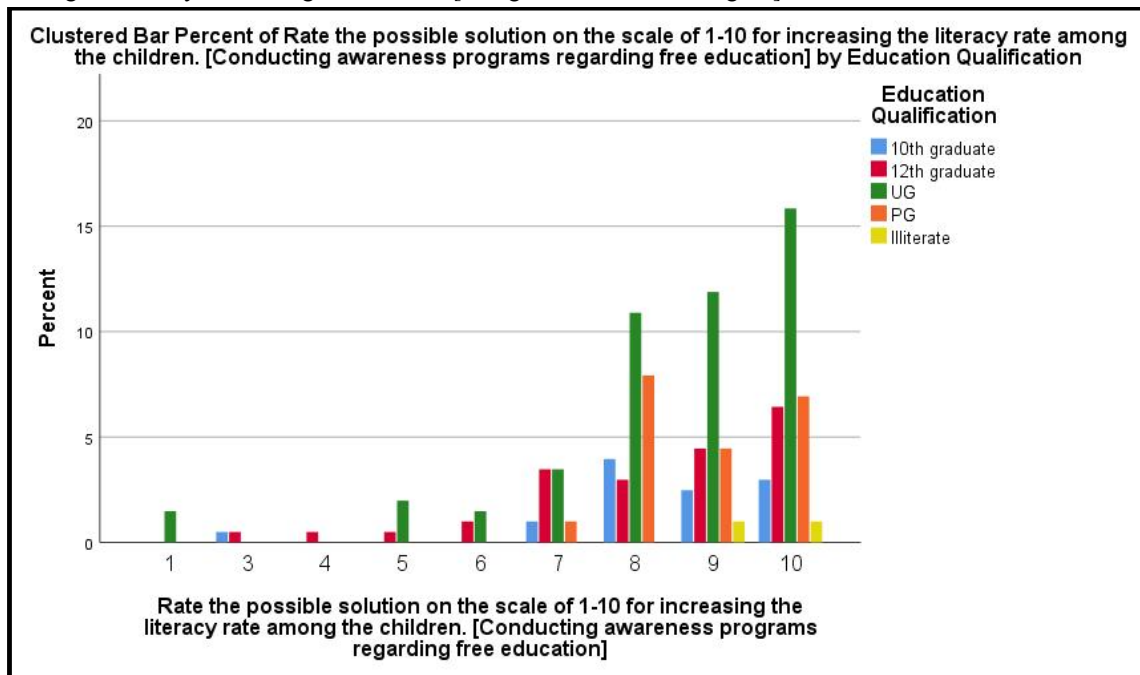


Figure 6, shows the Influence of Income on the statement Rate the possible solution on the scale of 1-10 for increasing the literacy rate among the children. [Conducting awareness programs regarding free education]



V. RESULT

From Figure 1, It is clear that 92.06 % of Respondents are aware about laws that ensure educational rights. Only 7.92 % of Respondents are not aware about laws that ensure educational rights. **From Figure 2,** It is clear that 27.75% Respondents felt that lack of awareness is a reason for avoiding schooling. 26.10% Respondents felt that lack of financial stability is a reason for avoiding schooling. 19.80% Respondents felt that lack of parental care is a reason for avoiding schooling. 8.42% Respondents felt that lack of understanding is a reason for avoiding schooling. **Legend Figure 3,** It is clear that Respondents being the age group below 20 years are highly aware that Right to Education is a Fundamental Right under article 21A. Respondents being the age group between 21 to 30 are aware that Right to Education is a Fundamental Right under article 21A. Respondents being the age group between 31 to 40 are unaware that Right to Education is a Fundamental Right under article 21A. Respondents being the age group between 41 to 50 are highly unaware that Right to Education is a Fundamental Right under article 21A. **Legend Figure 4,** It is clear that male Respondents felt Giving good quality of education is a way to increase the literacy rate among the children. Female Respondents felt Giving good quality of education is a way to increase the literacy rate among the children. **Legend Figure 5,** it is clear that respondents who are living in the rural area felt that Using innovative technologies is a way to increase the literacy rate among the children. it is clear that respondents who are living in the urban area felt that Using innovative technologies is a way to increase the literacy rate among the children. **Legend Figure 6,** It is clear that Respondents who have UG as their educational qualification felt Conducting awareness programs regarding free education is a way to increase the literacy rate among the children. Respondents who have PG as their educational qualification felt Conducting awareness programs regarding free education is a way to increase the literacy rate among the children. Respondents who have HSC as their educational qualification felt Conducting awareness programs regarding free education is a way to increase the literacy rate among the children. Respondents who have SSLC as their educational qualification felt Conducting awareness programs regarding free education is a way to increase the literacy rate among the children.

VI. DISCUSSION

From Figure 1, It is clear that 92.06 % of Respondents are aware about laws that ensure educational rights. Only 7.92 % of Respondents are not aware about laws that ensure educational rights basically education is a must for the children as it is their rights so every person should aware about the educational right for the students it is also clear that nowadays people or not that much aware about the educational rights that are given to the students and people are also not using the rights for their children so it is compulsory that every parent or a guardian should make the children use their educational right properly . **From Figure 2,** It is clear that 27.75% Respondents felt that lack of awareness is a reason for avoiding schooling. 26.10% Respondents felt that lack of financial stability is a reason for avoiding schooling. 19.80% Respondents felt that lack of parental care is a reason for avoiding schooling. 8.42% Respondents felt that lack of understanding is a reason for avoiding schooling The thing is that the right to education is compulsory for every children from 6 to 14 and violation of the law is punishable offence also and mainly people should also make awareness about the right to education among the students and also to the parents that it is compulsory for the students from the age of 6 to 14 but now days still people or discontinuing schooling due to some reasons like financial stability so in the confusion itself it is said that we will should make their children Study and from the age of 6 to 14 the education is compulsory and free problem is still been faced in the rural areas .**Legend Figure 3,** It is clear that Respondents being the age group below 20 years are highly aware that Right to Education is a Fundamental Right under article 21A. Respondents being the age group between 31 to 40 are unaware that Right to Education is a Fundamental Right under article 21A. Respondents being the age group between 41 to 50 are highly unaware that Right to Education is a Fundamental Right under article 21A Thing is that people should be aware about the fundamental right that is enriched in the article 21A and every children should make use of the fundamental rights that is given in the Indian constitution , and mainly that education is a fundamental right for each and every student that is given in the Indian constitution that should not be violated by anyone.**Legend Figure 4,** It is clear that male Respondents felt Giving good quality of education is a way to increase the literacy rate among the children. Female Respondents felt Giving good quality of education is a way to increase the literacy rate among the children The thing is that India is



considered as the only country that have the very low literacy rate, so for increasing the literacy rate in our country a good quality of education should be given to each and every children in our country so respondents think that this is the only way in which we can increase the literacy rate in our country. **Legend Figure 5**, it is clear that respondents who are living in the rural area felt that Using innovative technologies is a way to increase the literacy rate among the children. it is clear that respondents who are living in the urban area felt that Using innovative technologies is a way to increase the literacy rate among the children clear that adopting new techniques can also be an way to increase the literacy rate but it cannot be the only way to increase the literacy rate because instilled many places there is no proper technologies are the quality of education that has been given to increase the literacy rate but if schools if people adapt new technique and change the method of education they can easily improve the literacy rate in our country. **Legend Figure 6**, It is clear that Respondents who have UG as their educational qualification felt Conducting awareness programs regarding free education is a way to increase the literacy rate among the children. Respondents who have SSLC as their educational qualification felt Conducting awareness programs regarding free education is a way to increase the literacy rate among the children. This is because still in many areas the people or not that aware about the things that is happening in the education so by creating awareness among the people is also considered as one of the way to increase the literacy rate in our country so that people would voluntarily come forward and make their children study.

Limitations:

The major limitation of my study is the sample frame which is in bus stops and markets have no or very less root to Medical waste disposal. There is a major constraint in the sample frame as it is limited to a small area. Thus, it proves to be difficult to extrapolate it to a larger population. Another limitation is the sample size of 200 which cannot be used to assume the thinking of the entire population in a particular country, state, or city. The physical factors have a larger impact, thus, limiting the study. Moreover, there are difficulties faced to collect the data using google forms due to the denial of people to fill forms.

Suggestions:

The suggestions are that the government should encourage the public to enrol in government schools, and that the government should take necessary steps to improve the infrastructure and standard of education. The private schools should strictly instruct to reserve 25 % seats for the weaker and disadvantaged group of students. There must be more allocation of funds to the state governments for implementing the Act. The government schools in absence of sufficient funds are not able to abide by the norms laid down under the Act. There must be proper incentives for the parents and the students who are abiding by their fundamental duty as laid down under Article 51-A of the Constitution.

VII. CONCLUSION

In conclusion, the right to education is a fundamental right and a significant step towards the development of the country. The enactment of Article 21A in the Indian Constitution has brought about a revolutionary change in the education system, especially for the marginalised section of the society. It ensures that every child between the age of 6 to 14 has access to free and compulsory education. The implementation of this article has led to a significant increase in the literacy rate of the country, which is a positive step towards achieving the goal of an educated and prosperous nation. The Right to Education Act, 2009, provides a comprehensive framework for the implementation of this fundamental right, including provisions for infrastructure development, teacher training, and financial support to students from weaker sections. The government and the society must ensure that this right is implemented in letter and spirit to ensure equal opportunities and access to education for all. Education plays a critical role in the overall development of an individual and the nation, and ensuring this right is a significant step towards achieving this goal. Therefore, it is essential to continue to work towards making education accessible to every child in the country and provide them with the best possible opportunities for a better future. From the analysis we found that most of the respondents are aware of the Right to free and compulsory education. And the respondents feel that lack of awareness and lack of financial stability are the causes that affect the children of age 6-14 for avoiding schooling.



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