

IMPACT OF ARTICLE 21A THE RIGHT TO EDUCATION UNDER THE CONSTITUTION OF INDIA

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ABSTRACT

The Indian Constitution, widely regarded as the nation's founding document, is as well-known as the country's many other well-known attributes, such as its art, architecture, traditional customs, culture, etc. To ensure that the fundamental rights guaranteed by Article 21, The government has a responsibility to ensure that the rights guaranteed by the constitution, including the right to life and personal liberty, Constitutional protections against exploitation, religious liberty, access to cultural and educational opportunities, and legal redress are not just words on paper.

Keywords: India, Life, constitution, fundamental rights, personal liberty.

INTRODUCTION

Education is vital to the success of any nation, and without it, that nation would eventually collapse. Hence, education has become a national priority. It's essential for the health and functioning of a democracy as a whole. When the population improves in knowledge and popularity thanks to education, so does the nation. It has several objectives, including employment, improvement, development of human resources, and a much-needed shift in the social milieu. It helps people in a country become self-reliant because it gives them more control over their own lives. It's the bedrock of society, the thing that keeps the government functioning, the people moving forward, and the economy booming.

People need knowledge as much as they need food, clothes, and a safe place to live. It's the bedrock that civilization rests on. Only through learning can we achieve social equality and fairness. Part III of the Indian Constitution ensures this right. The goal of "Education for Everyone" in the nation has been greatly advanced by this amendment. The administration has hailed this move as "the beginning of the second revolution in the chapter of citizens' rights." The implications of this clause on society, the courts, and other parts of the Constitution are examined in this article.

Without proper educational opportunities, a country would eventually die. Thus, education is the bedrock of a country. It's vital to the growth of the country and the smooth operation of our democratic system. Individual development via education contributes to national progress. Education serves numerous purposes, including fostering economic growth, enhancing human potential, and effecting positive social change. Freedom, empowerment, and self-sufficiency are the results. It's the bedrock of society that makes economic growth, social progress, and political stability possible. After food, clothing, and shelter, education is the next most important need for human survival. Education is the most powerful force for national improvement. It's the foundation on which civilization may grow and flourish. Justice and fairness in society may be promoted via educational opportunities.

A good education sets a youngster on the path to further learning and growth. In India, everyone is required to complete at least six years of primary school since it serves as a foundation for more advanced education and skills. It's a never-ending cycle that has everything to do with kids and youth. Children are a country's hope for the future. To promote and protect citizens' rights to a high-quality education, the government has also created a number of national institutions. Education is a lifelong journey that begins the moment a child is born. The state of education reflects and underpins societal and economic progress. Humans are able to go from a state of obscurity to one of enlightenment, from slow economic and social growth to more rapid improvement. A well-educated population not only benefits from and aids in national progress, but also benefits from it. A well-educated citizenry is the bedrock of a functional democratic government.

Education is essential to society's progress. The educational system of a nation has a direct impact on that country's future. Directive Principles of State Policy acknowledged the significance of education for all citizens but acknowledged that the Constituent Assembly had been unable to guarantee it as a basic right owing to financial constraints. The Indian judicial system made an effort in the 1993 case *Unni Krishnan v. State of Andhra Pradesh* to recognize the right to education as a fundamental human right. With a constitutional amendment² and subsequent legislation, India's government guaranteed its young people the right to an education in 2002.

LIRTERARTURE REVIEW

Dr. Priyamvada Mishra (2017) To begin, let me state the premise that the average middle-class family would never enroll their children in a public school but would do whatever it took to get them into a public university. It's unclear why there are two sets of requirements when the service provider remains constant. This is not a theory! Although the vast majority of pupils are enrolled in elementary school, the proportion of those who go to secondary and tertiary education gradually decreases as we proceed up the ladder. According to Mahatma Gandhi, everyone should be required to have a primary education and that this education should be provided at no cost to the student. The goal of the Right to Education Act, 2009 (Article 21 A) was to make schooling obligatory and free for all children aged 6 to 14. Education is seen as essential to achieving the goal of a quality of life, hence this provision was included as part of the Right to Life (Article 21). Nonetheless, the plan and its execution are very unlikely to occur. The following shocking data surfaced in CRY Report 2013 "Learning Blocks"

Mittal, kunjana. (2020). Without proper educational opportunities, a country would eventually die. Thus, education is the bedrock of a country. It's vital to the growth of the country and the smooth operation of our democratic system. Individual development via education contributes to national progress. Education serves numerous purposes, including fostering economic growth, enhancing human potential, and effecting positive social change. Freedom, empowerment, and self-sufficiency are the results. It's the bedrock of society that makes economic growth, social progress, and political stability possible. After food, clothing, and shelter, education is the next most important need for human survival. Education is the most powerful force for national improvement. It's the foundation on which civilization

may grow and flourish. Justice and fairness in society may be promoted via educational opportunities.

Vishal sharma (2016) Human progress is impossible without education. In the Unni Krishnan case, In reaction to a court ruling that interpreted the right to education as part of the right to life, the Indian parliament ratified Amendment 86 to the country's constitution. The rights of minorities are also accorded considerable weight in the Indian Constitution. While minorities in India have had the freedom to establish their own educational institutions for the last 25 years, the right to education itself was not enshrined in the Constitution until recently. It is critical to determine whether Article 21A of the Indian Constitution conflicts with Section 30 (1). Is there a distinction between these items with regard to the meaning, breadth, and nature of education? Is there a conflict between a child's right to a general education and the right of a religious or linguistic minority, or the right to a specialized education for a child? The purpose of this research is to identify and examine these discrepancies. Given the widespread belief that fundamentalism is being fostered in the brains of young people by religiously inspired schools, this research takes on further significance.

Dr. Raj Kumar Yadav (2012) After the passage of the 86th Amendment Act in 2002, Article 21(A) became law. As part of the promise of independence, public education was provided for free to all children between the ages of six and fourteen. The Right to Education Bill was enacted by the union cabinet in 2008, six years after a constitutional amendment in India. The Indian Constitution's Article 21A mandated this action. The legislation went into effect in India on April 1, 2010, making education a basic human right in India along with 135 other nations. On July 2, 2009, the cabinet gave the measure its blessing. On July 20 the Rajya Parliament and on August 4 the Lok Sabha both voted in favor of the measure. Indian Prime Minister Manmohan Singh made the following remarks in his speech: "We're dedicated to making sure kids from every background and orientation can go to school if they want to. An education that equips people with the facts, theories, principles, and dispositions essential to productive citizenship in India." Many individuals are unaware of even the most basic of their legal protections. The nation's future depends on its youth, and RTE is the key to securing that future. Youth were not required to study in the past, but in the modern world, they must so that they can function effectively; an illiterate person is more likely to be tricked or to be unaware of his rights and responsibilities to others.

ARTICLE 21A OF THE INDIAN CONSTITUTION

The key to progress for the human race is education. A nation's potential is proportional to the quality of its educational system. The Constituent Assembly agreed that education is crucial, but they lacked the resources to make it a constitutional requirement. In *Unni Krishnan v. State of Andhra Pradesh* (1993), the Indian Supreme Court tried to include the right to education within the Right to Life. In 2002, the Indian Parliament amended the country's constitution to ensure that all future residents will have the right to an education.

Judiciary and Parliament had many opportunities to clarify the scope and character of this new fundamental right, especially in view of the potential for it to clash with the existing minority right to establish and manage schools of its choice. A few important issues needed to be discussed. In the aforementioned case, the Supreme Court decided

to incorporate the Right to Education in the scope of Article 21, which raises the question of whether or not this new right has any precedence over existing rights that are equivalent.

RIGHT TO EDUCATION UNDER THE INDIAN CONSTITUTION

Many articles and schedules of the Indian Constitution were written to protect the rights of students. The 42nd Amendment to the Indian Constitution, passed in 1976, made education a concurrent concern in order to increase access to elementary and secondary education and improve educational opportunities for children in rural and urban regions alike.

Although not originally included in the list of basic rights, Article 45's Directive Principle requires the State to make reasonable measures to ensure that all children up to the age of 14 have access to free and compulsory education. It was completed during the first decade of the Constitution's existence. The mandate in Article 45 applies to all educational levels, not only primary school, up to and including the age of 14.

Hence, these kids should have been able to attend school for free. Decisions made by the Supreme Court at the time addressing matters with the "Right to Education" were based on the Court's implicit interpretation of other constitutional provisions, such as Articles 21, 24, 30(1), 39(e), and 39(f). The Court has often emphasized that Article 45 does not require the state to meet this requirement at the cost of minority groups, and that the state may fulfill its moral imperative to "provide for free and compulsory education for children" via government-run and assisted schools.

India is now one of 135 countries that guarantee all children the right to an education after this law went into effect on April 1, 2010. It prohibits the establishment of unrecognized institutions, is against charging fees or conducting interviews with prospective students, and sets minimum criteria for elementary schools receiving public funding.

The Right to Education Act monitors every community by conducting regular surveys to find children who are entitled to but are not receiving an education. There have always been serious problems with education in India, both at the federal and state levels. The Right to Education Act (RTE) of 2009 lays out the responsibilities of the federal government as well as those of the individual states and localities.

86TH CONSTITUTIONAL AMENDMENT ACT, 2002

Children between the ages of 6 and 14 have the right to a free and mandatory public education, as established by three provisions added to the Constitution by the 86th Amendment Act of 2002. This change was made to acknowledge the difficulties faced by India's educational system and to defend the rights of its inhabitants to get an education.

Article 21A of India's Constitution's Part III guarantees all children the opportunity to attend a regular school during the day and get a basic education that meets minimum criteria.

With the new wording, "the State should endeavor to guarantee early childhood care and free and obligatory education for all children up to the age of six," Article 45 has been revised.

Article 51A (k) was included to make it clear that parents or guardians are responsible for providing educational opportunities for their children between the ages of 6 and 14.

THE CONFLICT BETWEEN ARTICLE 21A AND ARTICLE 30(1) OF THE INDIAN CONSTITUTION

Although Articles 21A and 30(1) approach the Right to Education from distinct perspectives, they have a common theme. The former is a right of every kid individually, whereas the latter is a right of minorities collectively. It's crucial to pinpoint the areas of agreement and disagreement between the two parts, as well as the degree to which they compete or contradict one another.

The constitutional bench of the Supreme Court of India decided in *Pramati Educational and Cultural Trust v. Union of India* (2014) that aided and unaided minority educational institutions must offer "free and compulsory education" to "all," or 25% of the nation's pupils. The scope to which different government rules may intrude onto the freedom to 'administer' minority educational establishments was always the sole question at hand. It did not, however, deal with the right to "establish" minority educational institutions. There has never been enough focus on how marginalized communities might establish their own educational institutions.

According to Article 21A of the Indian Constitution, all children in India are entitled to a basic education regardless of their background. Since basic rights are not usually subject to waiver, every child is born with a right that cannot be surrendered. Yet, the State has a higher obligation to safeguard the children's Right to an Education under Article 21A since it focuses on children under the age of 14. The most important aspect of the Act of 2009 is that it guarantees the same sort of elementary-level foundational education that is provided under Article 21A. This is not meant to be a spiritual or academic specialization.

Article 30(1), as interpreted by the Supreme Court in *Re Kerala Education Bill* (1958), mandates that linguistic and religious minorities be granted the right to establish schools of their choosing. There are no limits on the subject areas that may be taught in these classrooms. It is inevitable that minorities' preferred educational institutions would include secular general educational institutions since all parents want the best for their children and want them to graduate from college and be prepared to work in the public sector. In other words, the Article gives minorities the freedom to choose schools that will help them achieve their goals of educating their children with a thorough, high-quality general education while also preserving their religion, language, or culture.

As a second point to remember, This Article protects the rights of all minorities to form and run their own educational institutions, regardless of the basis for the minority's existence, whether it be language or religion. Notwithstanding the clear lack of restrictions in the Constitution, legal interpretation has not yet resulted in a precedent mandating that minority set up organizations that might achieve both goals.

In 2002, The Supreme Court reasoned that minorities, in order to raise law-abiding citizens, must provide a stable environment for their children, would want them to have access to both religious and secular education. These were not advisable recommendations, though. Because of this, neither state nor local governments have implemented the Supreme Court's directives.

Until recently, Madrasahs were clearly recognized as schools in Maharashtra, as shown by a recent government decree classifying "Madrasahs not offering traditional courses" as non-schools. The state's identification of such educational institutions as schools runs counter to the aim of Article 21A, which is to ensure that children obtain basic education. Every kid has the right to 12 years of compulsory education that will lay the framework for their future success in life and their development as a unique individual.

These Madrasahs are run by a wide variety of Islamic groups in India, and they educate children of all faiths and no faith. Nevertheless, certain sects within India's Islamic community assert that Madrasahs are exclusive training grounds for future clerics, and as such, they exclude non-Muslims from enrollment. Due to the fact that they are minority-led educational institutions, the state provides funding to these groups. According to Article 29(2) of the Indian Constitution, all Indian citizens have the right to attend any publicly funded or operated school. The fact that minority-serving institutions continue to function notwithstanding this provision is, nevertheless, inarguable.

According to the Supreme Court's 2014 decision in *Pramati Educational and Cultural Trust v. Union of India*, the state's purpose of providing "free" and "compelled" education to "all" cannot be achieved by requiring minority educational institutions to allow students from other groups. Yet, the Court ruled that all schools might be affected by state regulatory measures, even those serving minorities that receive or do not receive financial assistance. The Supreme Court's previous findings in the *Pramati* case were affirmed, and they said that schools that educate minorities for free or at cost are subject to the regulations necessary to be labeled as such by the government.

Article 30(1) of the Indian Constitution, which protects the rights of religious minorities, is not universal, as this summary of the Supreme Court's reasoning shows. The Constitution's guarantees of liberty, justice, and equality regulate this right. As a means of diagnosing the standard of future religious education for kids, such regulatory procedures are therefore permissible under the law if they are applied at schools connected with all religions. As this approach permits a harmonious interpretation of the rights of both children as individuals and minorities as a group, it may be advantageous for the nation as a whole. Religious schools for children under 14 should be outlawed entirely because of Article 21A's promise that all children have the right to a secular education.

ARTICLE 21A GUARANTEE THE RIGHT TO EDUCATION IN MOTHER TONGUE

The Right to Free and Basic Education does not "guarantee" the right to acquire education in one's "mother tongue or home language," the Rajasthan High Court decided in the pivotal case *School Development Management v. State of Rajasthan*

(2022). The Rajasthan High Court's ruling came after a petition was filed there by the school's SDMC and some of the students' parents.

Facts of the case

It was contended in court that switching instructional formats in the midst of a course constituted a violation of students' due process rights. The parents were certain that they didn't want to see a "complete conversion of the existing school," which was planning to preserve English as the sole language of teaching. They said that pupils' academic performance would suffer because of the abrupt move, which would compel them to enroll in different schools in the middle of the school year.

The state government of Rajasthan maintained that students who want to study Hindi as a second language might do so at any of the state-run schools in the area. The administration defended its position by pointing to the policy decision of a single English-medium school in a city of more than 5,000 inhabitants as evidence that their decision was reasonable. The High Court, however, rejected the claim after analyzing the applicable constitutional requirements.

Decision and analysis by the Rajasthan High Court

Article 19(1)(a), which gives the Freedom of Speech and Expression, includes the Right to Education as an intrinsic part of that right, hence it cannot be said that the Right to Education is not protected by any of the fundamental rights. Taking into account the limitations of Article 19(2), the bench concluded that the State government's administrative decision in this matter did not constitute a "reasonable restriction".

To quote the Court: "in the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign nations, public order, decency, or morality, or involving contempt of court, defamation, or instigation of a crime," clause (2) may only be invoked in "extraordinary circumstances." Because of this, Article 19 (1)'s guarantee of a right to an education in Hindi for all children cannot be diminished by a state government's decision (a).

To "scoop out 601 students with one stroke of the pen under the faith that they would be accommodated in neighboring schools" is illegal, the Court said. Article 14, which protects the right to equality, would also be violated if the state government made a judgment without providing evidence or establishing clear criteria. In addition, the Court remarked that education is a Concurrent List item in the Constitution, a list of topics that may be legislated on by both the federal government and individual states.

To the maximum degree feasible, instruction must take place in the student's native language, as required by the Right to Education Act of 2009. According to Judge Mehta, "English as a medium of instruction cannot be forced on a kid by state legislation, much less by a policy or administrative decision, as in the instant case." The Court ruled against the petition, saying that switching to an English-medium school in the midst of the school year was "dehors the authority of the State."

THE INDIAN JUDICIARY AND ARTICLE 21A OF THE INDIAN CONSTITUTION

Education is the single most effective way to invest in people, improve their lives, build a more just and prosperous society, and increase economic growth. The government has also set up a variety of national institutions to advocate for and protect people's access to quality education. Learning is a lifelong process that starts at birth. Education is both the basis for and a reflection of societal and economic development.

Successful democratic societies and governments have one thing in common: a commitment to public education. It gives the country fresh ideas on how to fix the problems plaguing it. Education is a human and constitutional right that promotes both individual liberty and social harmony. Human resource development is predicated on access to quality education because it raises individuals' proficiency levels, efficiency, productivity, and overall quality of life. Hence, if we are to realize the aim of universalizing basic education, the state must provide all children between the ages of 6 and 14 with an obligatory and free primary education.

The freedom to seek higher education is not guaranteed under the Indian Constitution. Yet, the issue has been brought up in a number of Public Interest Litigation proceedings before India's Supreme Court in recent years. Although Article 21A has only been around for a short while, there has already been some judicial discussion of its implications and reach. To better grasp how Article 21A is applied, you need not look for a full study of the case described below, but rather a summarized version of the ratio of the case.

CONCLUSION

The amendment to the fundamental right to education is one of the most significant pieces of legislation in India's history since it guarantees that all children have access to an excellent education. The future of every nation rests in its children. So, education is a mechanism through which a young person may be exposed to other viewpoints and conventions, prepared for academic achievement in a chosen subject, and provided with the resources he needs to thrive in his new setting. Without an education, a child has little chance in today's society. Everyone should have the chance to further their education. This is why elementary education serves as the bedrock for higher levels of learning.

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