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The Right to Education in Practice: A Comparative Global Perspective

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Abstract

The right to education stands as a fundamental pillar for the development of individuals and the progress of societies. It not only empowers people to realize their potential but also fosters social inclusion, economic growth, and democratic participation. This paper traces the historical evolution of the right to education, from its early philosophical roots to its codification in international legal instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights.

A detailed examination of India's commitment to education rights is also undertaken, highlighting the constitutional provisions, particularly Article 21A, and legislative measures like the Right of Children to Free and Compulsory Education Act, 2009. Despite these significant advancements, the practical realization of the right to education faces numerous challenges. These include disparities in access and quality between urban and rural areas, gender and caste-based inequalities, inadequate infrastructure, and a lack of trained teachers.

The paper also explores contemporary issues such as the impact of privatization, digital divides exacerbated by technological advancement, and the need for inclusive education that accommodates children with disabilities. Recognizing education as a continuous and dynamic process, the study suggests comprehensive reforms. These include strengthening public education systems, ensuring equitable allocation of resources, promoting community participation, and adapting education policies to meet emerging global challenges. Furthermore, the role of the judiciary and civil society in upholding educational rights is critically analyzed.

The paper concludes that while substantial progress has been made in securing the right to education both internationally and within India, achieving its full potential demands sustained efforts, political will, and innovative strategies to overcome existing barriers and to ensure that education becomes truly universal, accessible, and meaningful for all.

Keywords: Right to Education, Human Rights, Indian Constitution, Educational Inequality, International Standards, Policy Reforms, Access to Education, Social Inclusion.

Introduction

Education has long been revered as a cornerstone of individual empowerment, societal equality, and comprehensive national development. Across the globe, education is not merely viewed as a medium of acquiring knowledge and skills; it is recognized as an essential instrument through which individuals realize their full potential, participate meaningfully in economic, social, and political life, and contribute constructively to the progress of their communities and countries. Historically, societies that invested in robust educational systems witnessed accelerated advancement across sectors, ranging from healthcare and governance to science and innovation. Education paves the way for breaking cycles of poverty, bridging social divides, and fostering a culture of tolerance and respect.

In modern constitutional democracies, education transcends its utilitarian value to assume the stature of a fundamental human right, essential for the exercise and enjoyment of all other human rights. Internationally, this notion has been solidified through pivotal instruments such as the Universal Declaration of Human Rights (1948), which proclaims education as a right that must be free and compulsory at least at the elementary stages¹. Regional conventions and national constitutions have since echoed this sentiment, embedding education into the framework of rights guaranteed to every individual, regardless of gender, race, socioeconomic status, or geographic location.

The recognition of education as a fundamental human right carries with it significant moral and legal obligations for States. It mandates governments to not only provide access to educational opportunities but to ensure that education is available, accessible, acceptable, and adaptable to the needs of different communities. These four essential features, often termed the "4A framework" developed by Katarina Tomasevski, the former UN Special Rapporteur on the Right to Education, form the bedrock against which educational policies and systems are evaluated. Moreover, the right to education is not a passive guarantee; it imposes active duties on the State to respect, protect, and fulfill this right through positive measures. Despite its universal recognition and the widespread consensus on its importance, the realization of the right to education remains fraught with challenges. Inequities in educational access, quality disparities between urban and rural regions, gender-based discrimination, inadequate infrastructure, shortage of trained teachers, and the growing privatization of educational institutions pose substantial hurdles. In many parts of the world, marginalized groups, such as indigenous communities, refugees, and children with disabilities, continue to face systemic barriers that deprive them of equal educational opportunities.

In the Indian context, the right to education has undergone a significant transformation over the decades. Initially enshrined as a Directive Principle of State Policy under Article 45 of the Constitution of India, it was elevated to the status of a fundamental right through the 86th Constitutional Amendment in 2002, leading to the insertion of Article 21-A. This monumental shift underscored the State's commitment to providing free and compulsory education to all

¹ Constitutional Reforms in Favour of Children, UNICEF, November 2008 available at www.uthcef.org

children between the ages of six and fourteen. Subsequently, the Right of Children to Free and Compulsory Education Act, 2009 (commonly known as the RTE Act), was enacted to operationalize this constitutional mandate. The Act laid down detailed obligations for the State, including norms for pupil-teacher ratios, infrastructure standards, and the prohibition of physical punishment and mental harassment. Nevertheless, despite these progressive legal frameworks, the implementation has been marred by several issues, including inadequate funding, bureaucratic inefficiencies, infrastructural bottlenecks, and socio-economic barriers that disproportionately affect disadvantaged sections of society².

The objective of this study is to conduct a detailed examination of the development, legal frameworks, challenges, and prospective pathways concerning the right to education, with a focus on the Indian legal system while drawing comparative insights from international norms and practices. It seeks to understand the historical evolution of the concept, from a welfare-oriented aspiration to a legally enforceable right. Further, the study intends to analyze key statutory provisions, constitutional mandates, landmark judicial pronouncements, and policy initiatives aimed at realizing the right to education. Particular attention will be paid to the role of the judiciary, which has consistently expanded the contours of the right to education through progressive interpretations, treating it as an integral component of the right to life under Article 21 of the Constitution. Additionally, the paper will examine the effectiveness of existing frameworks, identify persistent challenges, and propose recommendations for ensuring the full realization of this fundamental right in letter and spirit.

The methodology adopted for this research is primarily analytical and doctrinal. A doctrinal approach involves a thorough examination of existing legal materials, including constitutional provisions, legislative enactments, judicial decisions, international covenants, and declarations relevant to the right to education. This method enables a comprehensive understanding of the current legal position and the underlying principles that inform it. In addition to statutory and judicial sources, the research will engage with a wide array of scholarly opinions, including academic commentaries, policy reports, and empirical studies, to offer a multi-dimensional perspective on the subject. An analytical approach will be employed to critically evaluate the effectiveness of existing legal mechanisms, identify gaps in implementation, and explore the interplay between legal norms and ground realities. Comparative analysis with international best practices will also be undertaken to draw lessons that could inform domestic legal and policy reforms. By synthesizing doctrinal research with critical analysis, the study aspires to contribute meaningfully to the ongoing discourse on the right to education, highlighting not only the progress made but also the pressing need for renewed commitment and innovation in ensuring that this right is universally realized.

² K.Tomasevski, UN Special Rapporteur on Right to Education cited by Shantanu Gupta, What are the different strategies and approach to realize Right to Education (RTE) in India, Institute of Development Studies, Sussex, 2009, p. 9

Education occupies a unique and indispensable position in the hierarchy of human rights. It is simultaneously a right in itself and a means of realizing other civil, political, economic, social, and cultural rights. While significant strides have been made globally and within India to recognize and uphold this right, numerous challenges continue to impede its full realization. Legal frameworks, no matter how progressive on paper, require effective implementation, constant monitoring, and adaptive policymaking to translate into meaningful change on the ground. This study, therefore, seeks to delve deep into the legal and practical dimensions of the right to education, to unpack the complexities involved, and to suggest pathways for achieving the noble objective of education for all.

Concept and Importance of the Right to Education

Education holds a transformative power that shapes individuals and societies alike. The right to education is not merely a legal entitlement but a fundamental human right essential for the exercise of all other rights³. It encompasses several core components: accessibility, availability, acceptability, and adaptability. Accessibility ensures that education is within reach of all individuals without discrimination, whether based on economic status, gender, ethnicity, or disability. It demands both physical proximity to educational institutions and financial affordability. Availability refers to the existence of sufficient educational institutions, trained teachers, appropriate curricula, and infrastructure to meet the educational needs of the population. Acceptability addresses the quality of education, requiring that content be relevant, culturally appropriate, and of good standard, while teaching methods must be respectful of the dignity of learners. Adaptability emphasizes the flexible nature of education systems, which must evolve to respond to the diverse and changing needs of students and communities. Together, these components create a framework within which the right to education is understood not just as enrollment in a school, but as a guarantee of meaningful, inclusive, and empowering learning experiences for every individual.

The philosophical basis of the right to education is deeply rooted in the recognition of education as a fundamental means to realize other human rights. Philosophers and thinkers through the ages, from Plato to Rousseau, have emphasized the essential role of education in human development. Education cultivates rationality, critical thinking, and moral responsibility, empowering individuals to participate fully in civic life and to understand and claim their rights. Without education, individuals remain vulnerable to exploitation, discrimination, and social exclusion. The Universal Declaration of Human Rights (1948) acknowledges this, asserting in Article 26 that "everyone has the right to education" and that education should be directed towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. Through education, individuals gain the knowledge and skills necessary to secure their dignity, exercise political rights, and contribute to the well-being of their communities.

³ Digumarti Bhaskar Rao (2011). Right to Education, Hyderabad, NeelKamal Publications Pvt Ltd

Philosophically, education is not only instrumental but also intrinsically valuable, being essential to the flourishing of human potential and the pursuit of truth, justice, and equality.

In addition to its philosophical underpinnings, the right to education holds profound socio-economic significance. One of its most critical roles is in the eradication of poverty. Education equips individuals with the skills necessary for employment, entrepreneurship, and innovation. Studies have consistently shown that access to quality education significantly increases a person's earning potential and provides a pathway out of poverty⁴. Literate and educated populations are better able to engage in productive economic activities, adapt to technological changes, and contribute to national economic growth. Education also promotes health and well-being. Educated individuals are more likely to make informed health choices, access healthcare services, and adopt preventive health behaviors. For instance, maternal education has been directly linked to lower infant mortality rates and improved child nutrition outcomes. Health literacy, developed through education, empowers people to navigate complex healthcare systems and advocate for better services.

Employment opportunities are likewise intimately tied to educational attainment. In an increasingly knowledge-based economy, employers demand higher-order skills and competencies that only quality education can provide. A strong educational foundation enhances an individual's adaptability and resilience in the labor market, ensuring employability and upward mobility. Moreover, education fosters democratic participation. Educated citizens are more likely to be politically engaged, to vote, to advocate for policy changes, and to hold governments accountable. They are better equipped to understand their rights and responsibilities and to contribute to the building of inclusive, just, and participatory societies. Democratic governance thrives when the citizenry is informed, critical, and capable of meaningful participation in public affairs.

The broader social impacts of education are equally significant. Education fosters social cohesion, tolerance, and peace by promoting understanding among diverse groups. It can break down stereotypes, challenge prejudices, and create a culture of dialogue and mutual respect. Education for all genders promotes gender equality by empowering women and girls with knowledge, skills, and confidence to participate equally in all spheres of life. Furthermore, education plays a crucial role in environmental sustainability by raising awareness about environmental issues and promoting responsible behaviors. It is through education that future generations will learn the importance of preserving the planet for their own well-being and that of generations to come.

In understanding the right to education, it is crucial to recognize that it is not a privilege for a few but a universal entitlement. Every individual, regardless of background, deserves access to quality education that meets their needs and aspirations. The international community has repeatedly reaffirmed this commitment through various treaties and declarations, including the International

⁴ Peaslee, Alexander L. 1965 "Elementary Education as a Pre-requisite for Economic Growth." *International Development Review*, Vol. 7, pp. 19-24

Covenant on Economic, Social and Cultural Rights (ICESCR), which obliges states to recognize the right to education and to take steps to achieve free and compulsory primary education for all. Nevertheless, challenges remain. Many children, particularly in conflict-affected areas, rural communities, and marginalized groups, continue to be denied this fundamental right. Disparities based on income, gender, disability, ethnicity, and geography persist, demanding concerted efforts to ensure that the right to education becomes a reality for everyone.

States have a primary responsibility to respect, protect, and fulfill the right to education. Respecting the right involves refraining from actions that hinder access to education, such as unjustified school closures or discriminatory practices. Protecting the right requires taking measures against third parties, like private actors or social groups, that may impede individuals' access to education. Fulfilling the right demands proactive steps to build educational institutions, train teachers, develop inclusive curricula, and remove financial, social, and physical barriers to education. Civil society, communities, and international organizations also play vital roles in advocating for, supporting, and monitoring the realization of the right to education.

Moreover, the right to education must be understood dynamically, adapting to contemporary challenges and needs. The rise of digital technologies, for instance, demands that education systems integrate digital literacy, critical thinking, and lifelong learning opportunities. Global challenges like climate change, pandemics, and economic inequality call for educational content that is relevant, transformative, and empowering. Education systems must be inclusive, ensuring that children with disabilities, refugees, and other vulnerable groups are not left behind. They must also be resilient, able to continue delivering quality education in times of crisis through innovative and flexible approaches.

The right to education is a cornerstone of human dignity, freedom, and development. It is essential not only for individual empowerment but also for the creation of equitable, just, and prosperous societies. Understanding education as a right—and not merely as a service or commodity—requires a commitment to ensuring its accessibility, availability, acceptability, and adaptability for all. Its philosophical foundation underscores its role in realizing other rights, while its socio-economic impact highlights its indispensable contribution to poverty eradication, health, employment, and democratic participation. Realizing the right to education for all is not only a moral and legal imperative but a strategic investment in the future of humanity.

International Framework on the Right to Education

The right to education has been firmly established as a fundamental human right through various international instruments, recognizing its pivotal role in empowering individuals, fostering social development, and promoting equality. Over the decades, the global community has created a comprehensive framework to ensure that every person, irrespective of their background, enjoys

access to quality education⁵. Central to this international commitment are landmark documents and initiatives such as the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Rights of the Child (1989), the Sustainable Development Goals (particularly Goal 4), and the efforts led by UNESCO under the Education for All movement.

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, marks a historic milestone in articulating the right to education as a universal entitlement. Article 26 of the UDHR unequivocally proclaims that "everyone has the right to education." It further specifies that education should be free, at least at the elementary and fundamental stages, and elementary education must be compulsory. The article emphasizes that higher education should be equally accessible to all on the basis of merit. Beyond mere access, Article 26 also lays down the purposes of education: the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It stresses that education should promote understanding, tolerance, and friendship among all nations, racial or religious groups, and further the activities of the United Nations for the maintenance of peace. Although the UDHR is not a legally binding instrument, it set a strong moral and political foundation, influencing subsequent binding treaties and national constitutions worldwide.

Building upon the principles enshrined in the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 legally codified the right to education under Article 13. The ICESCR is significant because it imposes binding obligations upon the states that have ratified it, requiring them to take concrete steps toward realizing the right to education. Article 13 articulates education as both a human right and an indispensable means of realizing other human rights. It requires that education be directed toward the full development of the human personality and the sense of its dignity and that it strengthen respect for human rights and fundamental freedoms. The Covenant mandates that primary education must be compulsory and available free to all, secondary education must be generally available and accessible to all by every appropriate means, and higher education must be equally accessible to all based on capacity. Importantly, the ICESCR acknowledges the progressive realization of this right, recognizing that states may face resource constraints but must nonetheless take immediate steps and continually work towards its full implementation. The Covenant also protects academic freedom and the liberty of parents to choose schools for their children that conform to their religious and moral convictions, provided such schools meet the minimum standards set by the state.

Another major milestone in the international framework on education is the Convention on the Rights of the Child (CRC), adopted in 1989. The CRC provides a child-specific elaboration of the right to education, reflecting a global consensus on the importance of early education and child development. Article 28 of the CRC explicitly states that every child has the right to education and

⁵ Tomasevski, K. 1999. Children's rights, adult's duties. International Consultative Forum on Education for All. Education - a right or a privilege? Student journalists report on the right to education worldwide. 1999.

obliges states parties to make primary education compulsory and free for all. Furthermore, the Convention calls for the development of different forms of secondary education, including general and vocational education, to be made available and accessible to every child, with appropriate measures such as the introduction of free education and offering financial assistance in cases of need. It also encourages measures to make higher education accessible to all on the basis of capacity. Article 29 complements these provisions by outlining the aims of education, emphasizing the development of the child's personality, talents, and mental and physical abilities to their fullest potential. It also stresses the importance of preparing the child for responsible life in a free society, in a spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples. The CRC, being one of the most widely ratified human rights treaties, has played a crucial role in driving national and international efforts to enhance educational access and quality for children around the world.

In recent years, the international community has further reinforced its commitment to education through the adoption of the Sustainable Development Goals (SDGs) in 2015. Goal 4 of the SDGs is particularly dedicated to education, aiming to "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" by 2030. SDG 4 sets out a comprehensive and ambitious agenda, addressing various dimensions of education across all stages of life. It includes targets for universal primary and secondary education, early childhood development, technical, vocational, and tertiary education, and the promotion of relevant skills for work⁶. It also emphasizes eliminating gender disparities, ensuring equal access for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations. Furthermore, SDG 4 highlights the need to build and upgrade education facilities that are child-, disability-, and gender-sensitive and provide safe, inclusive, and effective learning environments for all. Importantly, it acknowledges the critical role of qualified teachers and calls for an increase in the supply of trained teachers through international cooperation. The SDG framework has galvanized action across nations, encouraging states to align their national education policies and programs with the global education agenda.

Parallel to these formal declarations and covenants, UNESCO has played a seminal role in advancing the right to education through its various initiatives, most notably the Education for All (EFA) movement. Launched in 1990 during the World Conference on Education for All in Jomtien, Thailand, EFA sought to meet the learning needs of all children, youth, and adults by the year 2000. It emphasized six key goals, including expanding early childhood care and education, ensuring free and compulsory primary education of good quality, promoting learning and life skills for young people and adults, increasing adult literacy, achieving gender parity, and improving the quality of education. Although many countries made significant progress, the ambitious goals of EFA were not fully realized by the 2000 deadline, leading to the extension and realignment of efforts through subsequent initiatives like the Dakar Framework for Action (2000) and eventually

⁶ International Covenant on Civil and Political Rights (ICCPR), GA. res. 2200A (XXI), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by India on April 10, 1979

contributing to the shaping of SDG 4. UNESCO continues to serve as the lead agency coordinating global efforts toward educational inclusion and quality, providing technical support, monitoring progress, and advocating for the prioritization of education on the international development agenda.

The international framework on the right to education reflects a deeply rooted global consensus on education as a transformative human right. From the aspirational provisions of the UDHR to the legally binding obligations under the ICESCR and CRC, to the actionable targets set under the SDGs and the continuous advocacy of UNESCO through EFA, education remains at the heart of international human rights discourse and development policy. Despite considerable progress, challenges persist, especially in ensuring equitable access, quality, and inclusivity. Moving forward, sustained commitment, adequate resource allocation, policy innovation, and international cooperation will be essential to fully realize the promise of education for all, thereby fostering a more just, peaceful, and prosperous world.

Constitutional and Legal Framework in India

Education is not merely a fundamental human right but a cornerstone for national development, social equity, and individual empowerment. In India, the constitutional and legal framework has progressively evolved to guarantee access to education, ensuring that no child is left behind. The journey from aspirational goals enshrined in the Constitution to concrete legislative measures like the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), marks a significant advancement in India's commitment to universal education.

The Constitution of India lays a strong foundation for the right to education. Initially, education was placed under the Directive Principles of State Policy, specifically under Article 45, which mandated that the State should endeavor to provide free and compulsory education for all children up to the age of fourteen years within ten years of the commencement of the Constitution. Though not justiciable at the time, this directive reflected the vision of the founding fathers to create an educated citizenry essential for democracy to flourish. However, the realization that education is integral to the exercise of several fundamental rights prompted the legislature to elevate it to a justiciable right through the 86th Constitutional Amendment in 2002. This amendment introduced Article 21A, making the right to free and compulsory education for all children between the ages of six and fourteen a fundamental right, enforceable by law.

Article 21A, inserted in Part III of the Constitution, marks a milestone in Indian legal history. It declares, "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." This provision made education not just a guiding principle but a legally enforceable right, thereby obligating the State to take concrete steps to ensure that every child receives quality education. The significance of Article 21A lies not merely in its recognition of the right but also in its capacity to bridge social and economic inequalities, fostering inclusive growth and social justice.

Complementing this is Article 45, which after the 86th Amendment, was modified to focus specifically on early childhood care and education. It now states, “The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.” The recognition of the critical importance of the formative years in a child's development underlines the shift towards a more holistic view of education, starting from early childhood rather than merely formal schooling. This is particularly crucial given the mounting evidence from educational psychology and neuroscience about the lasting impact of early childhood experiences on cognitive and emotional development.

Further, the Constitution introduces a societal obligation through Article 51A(k), one of the Fundamental Duties enumerated for citizens. It states that it shall be the duty of every parent or guardian to provide opportunities for education to their child or ward between the age of six and fourteen years. This reflects a vital shift in perspective: education is not solely the State's responsibility; it is a shared duty where families and communities must actively participate. By placing this duty on parents and guardians, the Constitution seeks to foster a culture where education is valued and prioritized within the family structure.

In giving effect to the constitutional promise of Article 21A, the Parliament enacted The Right of Children to Free and Compulsory Education Act, 2009, commonly known as the RTE Act. This legislation operationalizes the fundamental right by laying down specific standards and obligations for the State, schools, and other stakeholders. One of the most notable features of the RTE Act is its coverage of children aged between six and fourteen years, thereby encompassing the crucial elementary education phase. The Act emphasizes not just access to education but also the quality of education, prescribing norms and standards relating to pupil-teacher ratios, infrastructure, teaching hours, and learning outcomes.

Another vital aspect of the RTE Act is the prohibition of capitation fees and screening procedures at the time of admission. Schools are barred from charging any fees or conducting any form of entrance test or interview that could potentially discriminate against or exclude children. This measure aims to dismantle socio-economic barriers and promote inclusivity in education, ensuring that children from disadvantaged backgrounds have equal opportunities to access quality schooling. The Act also mandates that private unaided schools reserve 25% of their seats at the entry-level for children belonging to weaker sections and disadvantaged groups, further promoting equity.

The concept of neighborhood schooling forms the bedrock of the RTE Act's implementation strategy. The Act requires that the State government establish schools within a prescribed distance of children's residences, thereby minimizing logistical and financial barriers to access. This provision is particularly important in rural and remote areas where distances and lack of transport facilities often serve as significant impediments to school enrollment and attendance. Additionally, the Act sets quality benchmarks for school infrastructure, including classrooms, toilets, drinking

water facilities, libraries, and playgrounds, recognizing that a conducive physical environment is essential for effective learning.

Apart from the RTE Act, various other laws and schemes complement the constitutional and legislative framework to strengthen the educational ecosystem in India. Prominent among them is the Sarva Shiksha Abhiyan (SSA), launched in 2001, which served as a major government program for the universalization of elementary education before the enactment of the RTE Act. The SSA aimed to provide useful and relevant elementary education to all children between the ages of six to fourteen years by 2010. It focused on reducing gender and social disparities in education, improving the quality of teaching, and ensuring community participation through Village Education Committees. Post-2009, the SSA became the primary vehicle for the implementation of the RTE Act, aligning its objectives with the legal mandates of free and compulsory education.

Another significant intervention in the field of education is the Mid-Day Meal Scheme (MDMS), one of the largest school feeding programs in the world. Initiated in 1995 and later expanded, the scheme aims to improve the nutritional status of school-aged children while simultaneously boosting enrollment, retention, and attendance rates, particularly among disadvantaged groups. By providing free cooked meals to children in government and government-aided schools, the MDMS addresses the twin challenges of hunger and education. Studies have shown that the scheme has not only improved educational indicators but also contributed to social equity by promoting inter-caste and inter-community interaction among children.

The integrated approach of constitutional provisions, statutory enactments, and government schemes reflects India's comprehensive strategy towards achieving the goal of universal education. However, despite the robust legal framework, challenges remain. Issues such as infrastructural deficits, teacher absenteeism, quality of education, dropout rates, and socio-economic disparities continue to impede the realization of the right to education in its fullest sense. Moreover, the Covid-19 pandemic has further exposed and exacerbated existing inequalities, particularly the digital divide, which hinders access to online education for children in rural and marginalized communities.

The judiciary in India has played a proactive role in interpreting and expanding the right to education. In cases such as *Mohini Jain v. State of Karnataka*⁷ and *Unni Krishnan, J.P. v. State of Andhra Pradesh*⁸, the Supreme Court recognized education as a fundamental right even before the formal inclusion of Article 21A. Through its progressive judgments, the Court has consistently underscored the significance of education as essential to the enjoyment of other fundamental rights and as a tool for achieving socio-economic justice. Judicial interventions have thus been instrumental in pushing the State towards greater accountability and responsiveness.

⁷ 1992 AIR 1858, 1992 SCR (3) 658

⁸ 1993 AIR 2178, 1993 SCR (1) 594

The constitutional and legal framework governing education in India represents a significant achievement, reflecting the nation's commitment to building an egalitarian society. The inclusion of education as a fundamental right, backed by enforceable legislation and complemented by supportive schemes like the SSA and MDMS, demonstrates a holistic approach to human development. Nevertheless, achieving the transformative potential of this framework requires sustained political will, adequate resource allocation, community participation, and continuous monitoring and evaluation. Education must not only be universally accessible but also be of high quality, equitable, and responsive to the diverse needs of India's children, ensuring that every child can realize their full potential.

Judicial Interpretation and Role of the Judiciary

The Indian judiciary has played a pivotal role in interpreting and expanding the scope of the right to education as an integral component of the right to life under Article 21 of the Constitution. Through various landmark judgments, the Supreme Court has gradually transformed the perception of education from being a directive principle to an enforceable fundamental right. The dynamic interpretation of constitutional provisions, coupled with judicial activism, has significantly contributed to making education more accessible, especially for marginalized and disadvantaged groups in society.

One of the earliest and most influential cases in this regard was *Mohini Jain v. State of Karnataka* (1992). The case arose when Mohini Jain, a medical aspirant, challenged the capitation fee system implemented by private medical colleges in Karnataka. She was denied admission due to her inability to pay an exorbitant capitation fee. The Supreme Court, in this case, delivered a landmark verdict that recognized education as a fundamental right flowing from the right to life and dignity guaranteed under Article 21. The Court held that the right to education is implicit in the right to life, as the dignity of an individual cannot be ensured without access to education. Justice Kuldeep Singh, delivering the judgment, emphasized that the state has an obligation to provide education to its citizens and that the denial of education amounts to a violation of fundamental rights. The Court observed that the charging of capitation fees by private institutions amounted to a denial of the right to education for those unable to afford such fees, thereby creating inequality contrary to the constitutional vision of justice and equality. This decision significantly elevated the status of the right to education within the fundamental rights chapter, moving it beyond the realm of the Directive Principles of State Policy where it had previously resided.

Following *Mohini Jain*, the Supreme Court had the opportunity to revisit and refine its approach to the right to education in the case of *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993). In this case, the constitutionality of schemes regulating admissions and fees in private professional educational institutions was challenged. A five-judge bench of the Supreme Court, while partially departing from *Mohini Jain*, clarified the scope and extent of the right to education under Article 21. The Court held that the right to education is indeed a fundamental right but limited it to children

up to the age of fourteen years, aligning it with Article 45 of the Directive Principles which mandated the state to provide free and compulsory education to children within that age group. Beyond fourteen years, the right to education was not held to be an absolute fundamental right but was subject to the economic capacity and development of the state. The Court also devised a regulatory framework to ensure that private educational institutions could not exploit students through arbitrary fee structures while recognizing their autonomy to a certain degree. The judgment in *Unni Krishnan* marked a crucial development by setting boundaries for the right to education and by emphasizing the state's primary responsibility to provide elementary education. Moreover, it set the groundwork for future legislative actions aimed at realizing the constitutional promise of education for all.

The constitutional journey towards recognizing and enforcing the right to education culminated with the enactment of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), which made education a justiciable right for children aged 6 to 14 years. The constitutional validity of this transformative legislation was challenged in *Society for Unaided Private Schools of Rajasthan v. Union of India* (2012)⁹. In this case, private unaided schools contended that the RTE Act infringed upon their right to autonomy and their freedom under Article 19(1)(g) to practice any profession or to carry on any occupation, trade, or business. They argued that being compelled to admit 25% of their intake from economically weaker sections and disadvantaged groups amounted to an unreasonable restriction. The Supreme Court, however, upheld the constitutionality of the RTE Act by emphasizing the paramount importance of the right to education over commercial interests. The Court recognized that private institutions, though unaided, cannot be entirely exempt from fulfilling constitutional obligations, particularly when it comes to ensuring social justice and equality. Justice Radhakrishnan, writing for the majority, reasoned that education is not a mere business but a charitable activity intended to serve societal needs. By requiring private unaided schools to admit a certain percentage of students from marginalized backgrounds, the Act sought to realize the constitutional vision of an egalitarian society. The Court thus firmly entrenched the right to education as not only a state obligation but also a societal one, extending the responsibility to private actors in the educational domain.

In recent years, the judiciary has continued to demonstrate an active approach in promoting and protecting education rights, particularly for marginalized and disadvantaged communities. Judicial activism in this sphere has been characterized by a willingness to interpret the Constitution in a purposive manner, often stepping into the domain of policy to ensure that the right to education is effectively realized. Courts have frequently intervened to address issues such as the inadequacy of school infrastructure, the quality of education imparted, discrimination in access to educational institutions, and the rights of disabled children to inclusive education. For instance, in cases concerning the rights of children with disabilities, the Supreme Court and various High Courts have held that inclusive education is a constitutional mandate and have directed governments to

⁹ 12th April, 2012

provide necessary facilities and accommodations. Similarly, the courts have expanded the understanding of the right to education to include the right to a quality education, not merely the right to attend school.

Moreover, the judiciary has played a critical role in monitoring the implementation of the RTE Act. Public Interest Litigations (PILs) filed by activists and organizations have led to court orders mandating compliance with the norms and standards prescribed under the Act, such as infrastructure requirements, teacher-student ratios, and curriculum development. The courts have recognized that mere enrollment in schools is insufficient if the education imparted is substandard or discriminatory. Judicial directives have often pressed governments to allocate adequate budgets, fill vacant teacher posts, and ensure that marginalized groups are not excluded from the benefits of educational policies. This proactive stance has underscored the judiciary's commitment to ensuring substantive equality in education.

A notable aspect of judicial intervention has been the focus on addressing systemic inequalities that impede access to education. Courts have acknowledged that socio-economic barriers such as poverty, caste discrimination, and gender bias continue to deny educational opportunities to millions. Recognizing this, the judiciary has stressed the importance of affirmative measures, including scholarships, mid-day meal schemes, free textbooks, and transportation facilities to bridge the gap between the privileged and the marginalized. Judicial pronouncements have thus reaffirmed the state's duty to create enabling conditions for the exercise of the right to education, going beyond the mere establishment of schools to ensuring that no child is left behind due to systemic disadvantages.

In addition to reinforcing constitutional guarantees, the judiciary has also drawn upon international human rights instruments, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, to emphasize India's commitment to providing free and compulsory education. By invoking these instruments, courts have situated the right to education within a broader human rights framework, thereby strengthening its normative force. Such references have also served to underline that the right to education is indispensable for the realization of other rights and for the overall development of individuals and communities.

The judicial interpretation and the role of the judiciary in promoting the right to education in India have been both transformative and progressive. From recognizing education as a fundamental right in *Mohini Jain*, refining its contours in *Unni Krishnan*, to upholding the constitutionality of the RTE Act in *Society for Unaided Private Schools*, the courts have consistently expanded the horizons of educational rights. Recent judicial activism has further fortified these gains by addressing ground-level challenges and pushing for systemic reforms. Through its interventions, the judiciary has not only vindicated the rights of individuals but also advanced the constitutional vision of a just, equitable, and inclusive society where every child, irrespective of socio-economic background, has access to quality education. The journey of judicial engagement with the right to

education thus stands as a testament to the enduring power of constitutionalism and the judiciary's role as a guardian of fundamental rights.

Challenges in Realization of the Right to Education

The Right to Education (RTE), enshrined under Article 21A of the Indian Constitution and implemented through the Right of Children to Free and Compulsory Education Act, 2009, was a landmark step towards ensuring that every child has access to quality education. However, despite its noble intentions, the realization of this right continues to face multiple challenges across the country. These challenges are deep-rooted and multifaceted, encompassing infrastructural deficiencies, quality concerns, social inequities, commercialization by the private sector, the adverse impact of the COVID-19 pandemic, and significant gaps in the implementation of legal norms.

A fundamental barrier to the effective realization of the Right to Education is the widespread infrastructural deficiency in schools across India. The lack of basic facilities such as sufficient classrooms, functional toilets, clean drinking water, and adequate teaching staff remains a serious concern. Numerous government schools continue to operate out of dilapidated buildings, some even under open skies, exposing children to harsh weather conditions and unsafe environments. Toilets, especially for girls, are either unavailable or poorly maintained, leading to absenteeism and increased dropout rates among female students. The shortage of trained and qualified teachers further aggravates the situation, as classrooms often accommodate large numbers of students with one teacher struggling to meet the diverse learning needs of all. Teacher absenteeism and lack of motivation due to poor working conditions have also been highlighted as critical issues. These infrastructural gaps not only affect the enrollment but also the retention and academic performance of children, undermining the very essence of the Right to Education.

Another major challenge is the poor quality of education being imparted, which starkly contrasts with the rise in enrollment rates achieved after the RTE Act. Despite more children being in school today, learning outcomes remain dismally low. Annual surveys such as the Annual Status of Education Report (ASER) consistently reveal that a significant proportion of students in elementary grades are unable to read simple texts or solve basic arithmetic problems expected at their level. The rote learning methods employed, lack of emphasis on critical thinking, and outdated curricula contribute to these poor outcomes. Furthermore, teacher training programs are often inadequate and fail to equip teachers with modern pedagogical skills. As a result, education becomes a ritualistic process rather than an empowering experience for children. Without focusing on the quality of learning, mere enrollment becomes meaningless, depriving children of the opportunity to develop into competent and confident individuals.

Equity in education remains another area of serious concern. Deep-seated caste, gender, and regional disparities continue to deny many children the benefits promised by the RTE Act.

Children from marginalized communities such as Scheduled Castes (SC), Scheduled Tribes (ST), and minority groups often face discrimination within educational institutions, leading to alienation and high dropout rates. Gender inequality further exacerbates this problem, with girls, especially from rural areas, facing additional barriers such as early marriage, domestic responsibilities, and societal pressures discouraging their education. Moreover, significant regional disparities exist, with certain states and districts lagging far behind others in terms of school infrastructure, teacher availability, and learning outcomes. Children from remote and tribal areas often have to travel long distances to access schooling, which is a major deterrent to continued education. These inequities threaten the inclusive spirit of the RTE Act and highlight the urgent need for targeted interventions to bridge these gaps.

The increasing involvement of the private sector and the commercialization of education present another formidable challenge. While private schools often boast better infrastructure and academic results, they also charge exorbitant fees, making them inaccessible to children from economically weaker sections. Although the RTE Act mandates private schools to reserve 25% of seats for underprivileged children, compliance remains patchy, and many schools find ways to circumvent the provision. Moreover, the preference for private education fuels social stratification, with the rich and middle class opting for private institutions and the poor being left with underfunded government schools. This two-tiered system perpetuates educational inequality, undermining the principle of universal and equitable education. Commercial motives also compromise the quality and ethics of education delivery, shifting the focus from holistic development to mere academic performance.

The COVID-19 pandemic exposed and deepened the existing vulnerabilities within the education system. As schools were forced to shut down to curb the spread of the virus, the reliance on digital platforms for learning highlighted the stark digital divide in the country. Millions of children from rural areas and low-income families lacked access to smartphones, computers, or reliable internet connections, effectively pushing them out of the education system for prolonged periods. Even among those who had access, the absence of a conducive learning environment at home and limited parental support made effective learning difficult. The prolonged disruption of schooling not only caused significant learning losses but also increased dropout rates, particularly among girls and marginalized communities. Furthermore, the closure of schools deprived many children of mid-day meals, healthcare, and the social safety net that schools provide. The pandemic thus served as a grim reminder that technology cannot be a substitute for robust physical infrastructure and that the right to education must be resilient to such crises.

Another persistent challenge is the gap between the intent and the actual implementation of the Right to Education Act. Although the Act lays down comprehensive norms regarding school infrastructure, pupil-teacher ratios, learning outcomes, and inclusive practices, many states have struggled to fully comply with these standards even after more than a decade of the law coming into force. Issues such as lack of political will, bureaucratic inefficiencies, insufficient funding,

and weak monitoring mechanisms have hampered effective implementation. Regular audits and reports have revealed numerous instances of non-compliance, including fake enrollments, misuse of funds, and failure to maintain prescribed standards. The grievance redressal mechanisms envisaged under the Act are either absent or ineffective, leaving parents and children with little recourse in case of violations. Furthermore, the decentralized approach to implementing RTE, while empowering in theory, has led to inconsistencies in interpretation and execution across states. Without strong accountability frameworks and community participation, the promise of the RTE Act remains largely unfulfilled.

The Right to Education Act marks a historic milestone in India's journey towards universal education, its realization on the ground faces multiple and interlinked challenges. Addressing infrastructural deficiencies, improving the quality of education, ensuring equity across caste, gender, and region, curbing commercialization, bridging the digital divide exposed by the pandemic, and strengthening implementation mechanisms are all critical for making the right to education a meaningful reality for every child. These challenges call for concerted efforts from the government, civil society, and communities alike. Increased investment in education, political commitment, teacher training, community engagement, and a child-centric approach to policy-making are essential steps towards building an education system that truly leaves no child behind. Only then can the Right to Education serve as a powerful tool for social transformation and national progress.

Contemporary Issues and Reforms

One of the most significant contemporary discussions in Indian education policy revolves around the proposed extension of the Right to Education (RTE) Act. Initially enacted in 2009, the RTE Act guaranteed free and compulsory education to children between the ages of 6 and 14. However, educational experts, policymakers, and child rights activists have been advocating for its expansion to cover a broader age group, specifically children aged 3 to 18 years. The rationale behind this proposal stems from the understanding that early childhood education is critical in laying the cognitive and emotional foundation for lifelong learning. Likewise, ensuring educational rights up to the age of 18 aligns with the completion of secondary education, which is increasingly seen as a minimum requirement in the modern economy. By incorporating early childhood care and pre-primary education into the RTE framework, India would not only comply with the global trends set by the Sustainable Development Goals (SDGs) but also address the gap that currently exists in preschool education access, especially for children from marginalized communities. Simultaneously, the inclusion of higher secondary education would empower adolescents with the necessary skills and qualifications for either pursuing higher education or entering the workforce with better opportunities. Nevertheless, such an expansion poses logistical and financial challenges, requiring significant investments in infrastructure, teacher training, and curriculum development.

Another major reform that has reshaped the landscape of Indian education is the emphasis on skill-based education, prominently featured in the National Education Policy (NEP) 2020. Recognizing the limitations of a rote-learning-based system, the NEP advocates a paradigm shift toward developing critical thinking, creativity, problem-solving skills, and vocational expertise among students. This new approach is designed to bridge the gap between academic knowledge and practical application, thereby making education more relevant to real-world needs. Vocational training is now being introduced from as early as Grade 6, with internships to expose students to various industries and crafts. Moreover, flexibility in subject choices and the dismantling of rigid stream barriers in higher secondary education seek to create a more holistic and multidisciplinary learning environment. By focusing on skill development, the NEP aims to prepare students not just for examinations but for life, equipping them with competencies that are essential in an era dominated by technological advancements and dynamic job markets. However, the implementation of skill-based education requires extensive teacher training, updated curricula, and partnerships with industries, all of which present their own set of challenges in a diverse and populous country like India.

Inclusive education, particularly the integration of differently-abled children into the mainstream schooling system, remains another critical issue in contemporary educational reforms. The idea of inclusive education is rooted in the belief that every child, regardless of their physical, mental, or emotional condition, has the right to learn alongside their peers in a supportive and adaptive environment. The RTE Act, along with subsequent policies, mandates the inclusion of children with special needs, yet the actual realization of this goal has been inconsistent across regions. Barriers such as lack of trained special educators, inaccessible school infrastructure, and societal prejudices continue to hinder progress. The NEP 2020 reiterates the importance of inclusive education, proposing the establishment of resource centers, widespread sensitization programs, and the development of curricula that are adaptable to varied learning needs. Furthermore, the policy underscores the use of assistive technologies and personalized learning strategies to make education truly accessible. Inclusive education is not just a legal obligation but a moral one, as it promotes diversity, empathy, and equal opportunity. However, achieving full inclusion will require a cultural shift in attitudes towards disability, substantial public investment, and continuous monitoring and evaluation of inclusive practices in schools.

The integration of technology into education, accelerated during the COVID-19 pandemic, has introduced both opportunities and challenges. Digital education initiatives such as DIKSHA, SWAYAM, and e-Pathshala have broadened access to educational resources, offering flexible and personalized learning experiences. Online classes, virtual labs, and digital libraries have become essential components of the modern educational ecosystem. Nevertheless, the digital divide remains a major obstacle. Students from rural areas, economically disadvantaged backgrounds, and marginalized communities often lack access to devices, reliable internet connections, and digital literacy skills. This inequity exacerbates existing educational disparities, defeating the purpose of democratizing education through technology. Furthermore, concerns regarding data

privacy, online safety, and the overall effectiveness of online learning compared to traditional classroom teaching remain topics of active debate. The NEP 2020 recognizes the potential of technology in enhancing education but simultaneously warns against its uncritical adoption without addressing issues of accessibility and quality. Bridging the digital divide will require comprehensive strategies, including infrastructure development, subsidies for devices and internet services, community-based digital literacy programs, and the creation of high-quality, inclusive digital content in multiple languages.

Public-private partnerships (PPPs) have emerged as a vital mechanism in driving educational reforms, particularly in areas where public resources are limited. Collaborations between governments, private organizations, non-profits, and communities can mobilize financial investment, technical expertise, and innovative practices, thereby expanding access and improving the quality of education. PPPs have been instrumental in building schools, developing curricula, training teachers, and implementing technology solutions. For instance, initiatives like the Akshaya Patra mid-day meal program and Teach For India's fellowship program showcase successful models of public-private collaboration. However, the growing involvement of private players also raises concerns regarding regulation, equity, and accountability. Without robust regulatory frameworks, there is a risk of commercialization of education, where profit motives might overshadow the core objective of inclusive and quality education for all. It is therefore crucial to ensure that PPPs are governed by transparent contracts, clear standards, and strong monitoring mechanisms. The government must play an active role in safeguarding the public interest, ensuring that private participation complements rather than replaces public responsibility. At the same time, promoting community engagement and feedback mechanisms can enhance the responsiveness and effectiveness of PPP initiatives.

The contemporary issues and reforms in Indian education reflect a dynamic landscape that seeks to balance tradition with innovation, equity with excellence, and access with quality. The proposed extension of the RTE Act symbolizes a commitment to holistic educational rights, while the focus on skill-based education addresses the urgent need to align learning with real-world demands. Inclusive education reaffirms the moral imperative to leave no child behind, and technological integration represents both the promise and the peril of modern learning environments. Public-private partnerships, if properly regulated, can be powerful engines of educational development. However, realizing the vision of an equitable, inclusive, and high-quality education system will require sustained political will, societal commitment, and collaborative efforts across all sectors of society. Only then can education truly become the transformative force that empowers individuals and propels national progress.

Comparative Perspectives

Across different countries, the approach to ensuring access to education reflects a blend of legal frameworks, judicial activism, and policy innovations. Finland often stands as a global benchmark

for universal, high-quality education, owing to its emphasis on equality, teacher autonomy, and student well-being. Education in Finland is seen not merely as a service but as a fundamental right, deeply rooted in the nation's social fabric. The Finnish system eliminates early academic tracking, offers free meals, healthcare, and counseling in schools, and ensures that teachers, who must hold master's degrees, are given high respect and considerable freedom in classrooms. Notably, standardized testing is minimal, and the focus is on developing a love for learning rather than competition.

This holistic, equity-driven model results in minimal performance gaps between students of different socio-economic backgrounds, a feat attributed to the consistent political will to maintain education as a non-commercial, non-politicized sphere. In contrast, the United States approaches education primarily as a state responsibility, leading to significant variation in the quality and accessibility of schooling across different regions. Historically, judicial intervention has been pivotal in shaping educational rights in the U.S. One of the most significant milestones was the Supreme Court decision in *Brown v. Board of Education* (1954)¹⁰, which struck down racial segregation in public schools, declaring it unconstitutional and emphasizing that education "is a right which must be made available to all on equal terms." This decision marked a turning point, embedding the principle that the state cannot deny access to education based on race. Despite this, the American education system continues to grapple with deep inequalities, often tied to residential segregation and disparities in local funding. Unlike Finland's centralized egalitarian model, the U.S. landscape is fragmented, and while some federal standards exist, much autonomy is left to individual states, resulting in a patchwork of outcomes where wealth often dictates quality.

Moving to South Africa, the constitutional framework explicitly guarantees the right to basic education for all citizens. Section 29(1)(a) of the South African Constitution enshrines this right as immediately realizable, not subject to progressive realization like other socio-economic rights. This strong constitutional commitment has translated into extensive judicial enforcement, with courts playing an active role in compelling the government to fulfill its educational obligations. Landmark cases like *Governing Body of the Juma Musjid Primary School v. Essay* (2011)¹¹ and *Minister of Basic Education v. Basic Education for All* (2015)¹² highlight how the judiciary has intervened to ensure access to textbooks, adequate school infrastructure, and protection against unjustified school closures. The Constitutional Court has consistently held that the right to education is a necessary foundation for the realization of other rights and is central to human dignity and development. Yet, despite the robust legal framework and active courts, South Africa faces persistent challenges related to historical inequalities, under-resourced rural schools, and systemic administrative shortcomings.

¹⁰ 347 U.S. 483

¹¹ Date of Decision 11 April, 2011

¹² (20793/2014) [2015] ZASCA 198

Unlike Finland, where the system prevents disparities from arising, and unlike the U.S., where judicial action addresses specific injustices but systemic gaps remain, South Africa represents a model where strong constitutional guarantees and judicial enforcement are essential tools for social transformation but where the legacy of apartheid-era discrimination continues to complicate progress. Comparing these three countries reveals the complex interplay between law, policy, and social realities in shaping educational outcomes. Finland exemplifies how proactive state commitment and cultural consensus around education can achieve equity without heavy litigation. The United States illustrates how courts can catalyze change but also how decentralization and socio-economic stratification can limit the full realization of educational rights. South Africa demonstrates the potential of constitutional guarantees and active courts in a transitional society but also the limits of legal solutions without corresponding systemic reform. Ultimately, ensuring universal, high-quality education demands more than just legal recognition; it requires sustained political will, adequate resource allocation, and a societal belief in education as a collective public good.

Conclusion

The right to education stands as one of the most vital human rights, forming the foundation upon which other rights can be realized. It serves as an instrument for individual empowerment, social mobility, and the advancement of societies at large. The examination of the international framework, constitutional mandates, legislative measures, and judicial pronouncements reveals that while education has been recognized as a fundamental right, its practical realization remains highly uneven and fraught with systemic challenges. Despite constitutional guarantees such as Article 21A and legislative enactments like the Right to Education Act, 2009, a significant gap persists between policy and practice. Disparities based on socio-economic status, gender, caste, and regional differences continue to impede the full realization of this right. Moreover, issues such as poor infrastructure, inadequate teacher training, high dropout rates, and the commercialization of education have diluted the spirit and purpose of the right to education.

The need for stronger implementation mechanisms is, therefore, immediate and undeniable. It is not enough for education to be recognized in the constitutional or legislative texts; it must be actively and efficiently delivered¹³. Government bodies at both the central and state levels must ensure that the mandates of the Right to Education Act are not only enforced but are continually monitored for quality and compliance. Monitoring must not be limited to enrollment figures but must include indicators such as learning outcomes, student retention, inclusivity, and infrastructure adequacy. Regular and transparent audits of schools, especially government and aided schools, should be institutionalized to assess their compliance with minimum standards. Innovative educational strategies should also be introduced, focusing not merely on quantitative expansion but also on improving the qualitative aspects of education. Experiential learning, the use of

¹³ Viswanath, M. (2014). Right to Education using Human Rights Based Approach: A Policy Perspective for India. *Journal of Humanities and Social Science* 16(6). 46-54.

technology for enhancing classroom engagement, and the incorporation of skill-based education must be prioritized.

Legal reforms are equally crucial to bridge the gaps that exist today. One of the foremost recommendations is the extension of the Right to Education beyond the 6–14 years age group. The right must cover the early childhood years (3–6 years) as well as secondary education (14–18 years), in line with the objectives of holistic human development. Early childhood education has been internationally recognized as critical to long-term learning outcomes, and secondary education is vital for employability and social advancement. Expanding the age range would ensure continuity in education and avoid the abrupt drop-off that currently exists after the elementary level. Furthermore, stricter accountability measures must be introduced into the existing legal framework. Schools that fail to comply with RTE norms should face meaningful consequences, and there should be clear mechanisms for grievance redressal for parents and students. Additionally, the regulation of private educational institutions is essential to prevent the commercialization of education, which undermines the principle of equitable access. Guidelines concerning fee structures, admission processes, and the prohibition of capitation fees must be stringently enforced.

The strengthening of public education should be at the heart of reform efforts. A robust public education system is the greatest equalizer in any society, capable of bridging class, caste, and regional divides. Investments must be significantly increased in government schools to ensure that they are not seen as inferior alternatives but as institutions of choice. Teacher recruitment, training, and retention need to be prioritized, with an emphasis on both pedagogical competence and inclusivity training. Education policies must also focus on marginalized groups, including Scheduled Castes, Scheduled Tribes, minorities, children with disabilities, and girls, ensuring that affirmative measures are taken to remove barriers to their access and retention.

The fundamental premise that education is a continuous and lifelong right must be embedded deeply within national consciousness and policy. It must not be seen as a charity or a luxury, but as an inalienable human entitlement central to personal dignity and societal progress. Education empowers individuals to participate fully in civic, political, and economic life. It is a prerequisite for realizing other fundamental rights, such as the right to freedom of expression, the right to work, and the right to participate in governance. In a democracy like India, where the principles of equality and justice are enshrined in the Constitution, the right to education assumes even greater significance. Ensuring its effective realization is not only a legal obligation but also a moral imperative.

In conclusion, while significant strides have been made in recognizing and promoting the right to education in India and globally, much remains to be achieved. Recognition must be matched with realization, and policies must be translated into palpable outcomes on the ground. Stronger implementation, effective monitoring, innovative approaches, and comprehensive legal reforms

are essential to bridge the existing gaps. Strengthening public education and ensuring inclusivity and quality are central to making the right to education a living reality for every child. Only then can education fulfill its role as the cornerstone of equality, justice, and sustainable development. It is through steadfast commitment, collaborative efforts, and a rights-based approach that the vision of universal, quality, and equitable education can finally be realized.

References

1. Government of India. (2009). *The Right of Children to Free and Compulsory Education Act, 2009*. Ministry of Law and Justice.
2. International Covenant on Economic, Social and Cultural Rights. (1966). *United Nations General Assembly, Resolution 2200A (XXI)*.
3. Mohini Jain v. State of Karnataka, (1992) 3 SCC 666.
4. Society for Unaided Private Schools of Rajasthan v. Union of India, (2012) 6 SCC 1.
5. Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645.
6. United Nations. (1948). *Universal Declaration of Human Rights*. United Nations General Assembly.
7. United Nations. (1989). *Convention on the Rights of the Child*. United Nations General Assembly.
8. United Nations Educational, Scientific and Cultural Organization (UNESCO). (2015). *Education 2030: Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4*. UNESCO.
9. United Nations Educational, Scientific and Cultural Organization (UNESCO). (2020). *Global Education Monitoring Report 2020: Inclusion and education – All means all*. UNESCO.
10. Ministry of Human Resource Development, Government of India. (2020). *National Education Policy 2020*.
https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf