

## Right to Education and the Role of Judiciary in India

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### Introduction

Education is universally recognized as a fundamental human right essential for the development and empowerment of individuals and societies. In India, the Right to Education (RTE) has been enshrined as a constitutional right, bolstered by judicial activism that has played a crucial role in ensuring its implementation and effectiveness. This article delves into the significance of the Right to Education in India and examines the pivotal role of the judiciary in shaping its trajectory.

The Right to Education is a fundamental human right recognized in various international and national legal frameworks. It encompasses the right to access education without discrimination and to receive an education of good quality. Here's a more detailed breakdown of what this right entails:

### Key Components of the Right to Education:

#### 1. Accessibility:

- **Universal Access:** Education must be accessible to all individuals, without discrimination based on race, gender, disability, religion, or socioeconomic status.
- **Free and Compulsory Primary Education:** States are obligated to provide free and compulsory primary education to all children.
- **Availability of Secondary and Higher Education:** Secondary and higher education should be available and accessible to all, with progressive introduction of free education at these levels.

#### 2. Acceptability:

- **Quality of Education:** Education must meet minimum standards in terms of content, methods, and learning outcomes. It should be relevant, culturally appropriate, and of good quality.
- **Language and Curriculum:** Education should be delivered in a language that students can understand, and the curriculum should be culturally relevant and unbiased.

#### 3. Adaptability:

- **Flexible Education Systems:** Education systems should be flexible and adapt to the

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needs of changing societies and communities. This includes accommodating different learning styles and the needs of diverse student populations.

- **Inclusion:** Education systems should be inclusive, particularly for marginalized and disadvantaged groups.

#### 4. Availability:

- **Adequate Infrastructure:** Schools and educational institutions must have adequate infrastructure, including buildings, sanitation facilities, and teaching materials.
- **Qualified Teachers:** There should be a sufficient number of trained and qualified teachers.

### The Evolution of Right to Education in India

The genesis of the Right to Education can be traced back to the Indian Constitution, which under Article 21A, mandates that the State shall provide free and compulsory education to all children between the ages of 6 and 14 years. This provision was further strengthened by the 86th Constitutional Amendment Act of 2002, which inserted Article 21A into the Constitution, making education a fundamental right.

Despite these constitutional provisions, the ground reality in India revealed stark disparities in access to education, particularly affecting marginalized and underprivileged communities. Recognizing these challenges, the Indian judiciary intervened proactively to uphold the right to education through landmark judgments that interpreted and enforced the constitutional mandate.

### Judicial Activism and Enforcement of Right to Education

The judiciary in India, especially the Supreme Court and various High Courts, has been instrumental in advancing the cause of the Right to Education. One of the most notable cases in this regard is the **Mohini Jain v. State of Karnataka** (1992) case, where the Supreme Court affirmed that the right to education flows from the right to life under Article 21 of the Constitution. The court held that access to education is a fundamental right and directed the state to provide education to all children, irrespective of economic or social barriers.

Subsequently, in the **Unni Krishnan v. State of Andhra Pradesh** (1993) case, the Supreme Court emphasized the obligation of the state to provide adequate infrastructure, facilities, and qualified teachers in educational institutions. The court underscored the need for affirmative action to ensure that children from disadvantaged backgrounds have equal opportunities in education.

### Challenges and Interventions

Despite judicial interventions, several challenges persist in the realization of the Right to Education in India. These include inadequate infrastructure, teacher shortages, poor quality of education, socio-economic disparities, and barriers faced by children with disabilities. In response to these challenges,

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the judiciary has continued to play a proactive role in monitoring and enforcing compliance with RTE norms.

The **Right of Children to Free and Compulsory Education Act, 2009** (RTE Act) was a significant legislative step aimed at operationalizing the constitutional mandate. However, its effective implementation has been uneven across different states. Judicial oversight has been critical in ensuring accountability and addressing shortcomings in the implementation of the RTE Act.

### **Judicial Precedents and Impact**

Judicial pronouncements have significantly influenced policy formulation and implementation concerning education in India. The courts have consistently upheld the principle that the Right to Education is not merely a directive principle of state policy but a justiciable fundamental right. They have intervened in cases of school closures, denial of admission, discrimination, and inadequate infrastructure, ensuring that the state fulfills its obligations under the RTE Act.

The **Pramati Educational and Cultural Trust v. Union of India** (2014) case is another notable instance where the Supreme Court addressed issues of autonomy and regulatory framework in the education sector. The court emphasized the importance of striking a balance between autonomy of private educational institutions and regulatory oversight to ensure equity and quality in education.

### **Role of Judiciary in Ensuring Inclusivity**

In recent years, the judiciary has expanded its role beyond ensuring access to education to promoting inclusive education for children with disabilities. The **National Federation of the Blind v. Union Public Service Commission** (2013) case is a landmark judgment where the Supreme Court directed the UPSC to provide concessions and facilities to visually impaired candidates appearing for competitive examinations.

Furthermore, the judiciary has intervened to protect the rights of transgender students, ensuring their access to education free from discrimination. The **National Legal Services Authority v. Union of India** (2014) case recognized transgender persons as a socially and economically backward class entitled to reservations in education and employment.

### **Conclusion**

The Right to Education in India is a cornerstone of social justice and equality, enshrined in the Constitution and reinforced through judicial activism. The judiciary, through its progressive interpretation of constitutional rights and proactive interventions, has played a transformative role in expanding educational opportunities and safeguarding the rights of marginalized communities.

However, challenges remain, and concerted efforts are required to bridge the gap between constitutional ideals and ground realities in education. The judiciary must continue to uphold the spirit of inclusivity, equity, and quality in education, ensuring that every child in India receives a meaningful and empowering education.

As India navigates its path towards inclusive development and sustainable growth, the role of the judiciary in upholding and advancing the Right to Education remains indispensable, anchoring the aspirations of millions of children and reaffirming education as a fundamental right for generations to come.

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