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**RIGHT TO EDUCATION: ARTICLE 21A OF THE INDIAN
CONSTITUTION**- Harsh Mishra¹ & Dr. Taru Mishra²**ABSTRACT**

The right to education is a fundamental human right recognized by the Indian Constitution under Article 21, which guarantees the right to life and personal liberty. However, the reality of education in India presents a stark contrast to the constitutional ideals. Despite various legislative measures taken to promote universal education, a large number of children in India are still deprived of their right to education.

Furthermore, there are challenges related to the implementation of laws and policies aimed at ensuring the right to education. Many government schools lack basic amenities such as clean drinking water, toilets, and electricity. Additionally, the teacher-student ratio is often imbalanced, leading to a lack of personalized attention and poor learning outcomes.

To address these challenges and ensure the right to education for all, there is a need for concerted efforts from all stakeholders. The government needs to allocate sufficient resources and take proactive measures to promote universal education, especially in underserved areas. Private sector and civil society organizations can also play a crucial role in bridging the education gap and promoting quality education. Moreover, a collaborative effort is needed to ensure the effective implementation of laws and policies aimed at ensuring the right to education for all.

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INTRODUCTION

Education is widely recognized as a fundamental right that is crucial to personal and societal development. The Indian Constitution acknowledges this by including the Right to Education (RTE) as a fundamental right under Article 21A. This right guarantees all children between the ages of 6 and 14 access to free and compulsory education.

The RTE Act was enacted in 2009 to ensure that every child in India has access to quality education, regardless of their socio-economic background. This Act assigns responsibilities to both the central and state governments for its enforcement and outlines the modalities of the right to education.

One of the key provisions of the RTE Act is the reservation of 25% of seats in private schools for children from economically and socially disadvantaged backgrounds. This provision has opened up opportunities for children who were previously unable to access quality education due to financial constraints.

The Act also lays down minimum standards for infrastructure, staffing, and curriculum, including adequate classrooms, libraries, playgrounds, and teacher qualifications. By setting these standards, the Act ensures that every child has access to a minimum level of education that is essential for their overall development.

Despite the RTE Act's numerous provisions, several challenges still hinder its implementation. The primary challenge is inadequate resource allocation by the government, which leads to a shortage of teachers and basic facilities in many schools. This shortage, in turn, affects the quality of education provided to students, especially those from economically and socially disadvantaged backgrounds.

Another challenge is the lack of awareness among parents and children about the right to education. Many children who are eligible for admission to private schools under the RTE Act are unable to access this opportunity due to a lack of awareness. To address this issue, there is a need to create awareness among parents and children about their rights and the opportunities provided by the RTE Act.

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To overcome these challenges, the government must allocate sufficient resources to ensure that every child has access to quality education. Additionally, a collaborative effort between the central and state governments, civil society organizations, and other stakeholders is necessary to ensure the effective implementation of the RTE Act.

The Right to Education is a fundamental right enshrined in the Indian Constitution, which guarantees free and compulsory education for all children between the ages of 6 and 14. The RTE Act lays down the modalities of this right and outlines the obligations of the government to ensure its enforcement. While the Act has been instrumental in providing access to education to marginalized communities, several challenges still hinder its implementation. These challenges must be addressed through proactive measures by the government and other stakeholders to ensure that every child in India has access to quality education.

CHILD AS AN ESSENTIAL ASSET

Children are the most valuable asset of any society. They are the future generation, the ones who will inherit and lead our world. As such, investing in children's well-being and development is crucial to building a prosperous and sustainable society.

Children are essential assets for several reasons. First, they are a source of innovation and creativity. Children are naturally curious and have a unique perspective on the world. Encouraging and nurturing their creativity can lead to new ideas, products, and solutions that can benefit society as a whole.

Second, children are the future workforce. Investing in their education and skills development can help build a skilled and productive workforce that can drive economic growth and development.

Third, children are the future caregivers. They will be responsible for caring for the elderly and vulnerable members of society. Providing them with the necessary education and training can ensure that they have the skills and knowledge to provide quality care and support.

Fourth, children are the future leaders. They will be the ones who will lead and shape our society in the years to come. Providing them with a solid foundation of education, values, and skills can prepare them to become responsible and effective leaders.

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Investing in children's well-being and development is not only a moral imperative but also an economic one. Children who are healthy, educated, and skilled are more likely to grow up to become productive and engaged members of society, contributing to the growth and development of their communities.

In conclusion, children are essential assets for any society. Investing in their well-being and development is crucial to building a prosperous and sustainable future. By investing in children, we are investing in the future of our society and ensuring that they have the necessary skills, knowledge, and values to lead and shape our world.

POSITION OF CHILDREN IN INDIA

The Indian Constitution provides a strong framework for the protection and well-being of children. The Constitution recognizes children as a vulnerable and marginalized group and guarantees them several rights and protections under various provisions, including Article 21A, which guarantees the right to education, and Article 24, which prohibits the employment of children in hazardous occupations.

In addition to the Constitution, several laws and policies have been enacted to protect the rights of children in India, such as the Juvenile Justice Act, the Right to Education Act, and the Protection of Children from Sexual Offences Act.

Despite these constitutional and legal provisions, the condition of children in India remains challenging. Millions of children continue to be subjected to exploitation, abuse, and neglect. Child labor, child trafficking, and child marriage remain prevalent issues, particularly in rural and marginalized communities. The COVID-19 pandemic has exacerbated these challenges, with children facing disruptions in education, health, and well-being.

The education system in India faces several challenges, including a lack of infrastructure, inadequate teacher training, and a low quality of education. Many children, particularly those from marginalized communities, do not have access to quality education, resulting in high dropout rates and low literacy levels.

Furthermore, while the government has made efforts to address the issues faced by children, there is a need for more comprehensive and sustained action. This includes strengthening child

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protection systems, investing in education and healthcare, and addressing the root causes of child vulnerability, such as poverty, discrimination, and social exclusion.

In conclusion, while the Indian Constitution provides a strong framework for the protection and well-being of children, the conditions of children in India remain challenging. There is a need for more concerted efforts to address the issues faced by children and ensure that they are provided with the necessary protection, support, and opportunities to thrive and reach their full potential.

CAUSES OF ILLITERACY

Illiteracy continues to be a major challenge in India, despite some progress in recent years. According to the latest census data, the literacy rate in India stands at 77.7%, which is a significant improvement from the 65% literacy rate recorded in the 2001 census. However, this still leaves a significant number of people in India who are illiterate. There are several causes of illiteracy in India, including:

- **Poverty**: One of the main causes of illiteracy in India is poverty. Many families living in poverty cannot afford to send their children to school or must pull them out early to work and support the family. Poverty affects both rural and urban areas, with many slum dwellers and migrant workers facing significant challenges in accessing education.
- **Gender Inequality**: Gender inequality is another major cause of illiteracy in India. Girls often face significant barriers to education, including early marriage, domestic responsibilities, and a lack of safety while traveling to school. According to the 2011 census, the literacy rate among women in India is 65.5%, compared to 82.1% among men.
- **Lack of Infrastructure**: Many schools in rural areas lack basic infrastructure such as classrooms, furniture, and teaching materials. This lack of infrastructure makes it difficult for students to learn effectively and stay in school. According to the 2011 census, around 23% of schools in India still do not have electricity, and nearly 30% do not have a boundary wall.
- **Quality of Education**: The quality of education in many schools in India is poor, which often results in low literacy rates. Lack of trained teachers, outdated teaching

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methods, and inadequate facilities all contribute to the quality of education. According to the Annual Status of Education Report (ASER) 2020, only 16.2% of children in grade 1 can read a grade 1 level text fluently in their mother tongue.

- **Migration**: Migration of families from rural areas to urban areas in search of better economic opportunities often results in children being taken out of school and being forced to work. Children of migrant workers are often denied admission to schools in their destination cities, leading to a loss of educational opportunities.
- **Digital Divide**: The digital divide has become another challenge in India's education system, where many students in rural and remote areas do not have access to digital devices and the internet, which is becoming an essential part of modern education.

In conclusion, illiteracy is still a significant challenge in India today, and addressing the causes of illiteracy is crucial for promoting social, economic, and cultural development. Providing quality education to all, particularly in rural and remote areas, is essential for building a more just and equitable society and ensuring inclusive growth.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration of Human Rights recognizes education as a fundamental human right and lays down the foundation for ensuring access to education for all. Article 26 of the Declaration states that "Everyone has the right to education." The article goes on to specify that education should be free, at least in the elementary and fundamental stages, and that access to higher education should be based on merit.

The Universal Declaration of Human Rights also recognizes the importance of education in promoting respect for human rights, freedom, and tolerance. Education is seen as a means of promoting understanding, tolerance, and friendship among all nations, races, and religions.

The Declaration also stresses the importance of education in promoting social and economic development, stating that education should be directed towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms.

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In addition to the Universal Declaration of Human Rights, several other international treaties and conventions recognize the right to education as a fundamental human right. The International Covenant on Economic, Social, and Cultural Rights, for example, recognizes the right to education as a fundamental right, and calls for free, compulsory primary education, and access to secondary and higher education.

Overall, the Universal Declaration of Human Rights and other international treaties and conventions recognize education as a fundamental human right that is essential for promoting social, economic, and cultural development, and for promoting understanding, tolerance, and respect for human rights. Governments have a responsibility to ensure that all people have access to quality education, and to remove barriers that prevent people from accessing education, such as poverty, discrimination, and lack of infrastructure.

Main points regarding the Universal Declaration of Human Rights as per the right to education:

- **Education is a fundamental human right:** Article 26 of the Universal Declaration of Human Rights recognizes education as a fundamental human right. This means that every individual has the right to education, and that governments have a responsibility to ensure that this right is protected and promoted.
- **Education should be free:** The Declaration states that education should be free, at least in the elementary and fundamental stages. This is because education is considered to be an essential tool for promoting social and economic development, and for promoting respect for human rights and fundamental freedoms.
- **Access to higher education should be based on merit:** The Declaration recognizes that access to higher education should be based on merit, meaning that individuals should be able to access higher education based on their abilities and qualifications.
- **Education is essential for promoting tolerance and understanding:** The Declaration recognizes that education is a means of promoting understanding, tolerance, and friendship among all nations, races, and religions. This is because education helps

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individuals develop an appreciation for diversity and helps them understand the perspectives of others.

- **Education is essential for promoting social and economic development:** The Declaration recognizes that education is essential for promoting social and economic development. This is because education helps individuals acquire the skills and knowledge necessary to participate in the economy, and helps them develop the critical thinking skills necessary to make informed decisions and engage with society.
- **Governments have a responsibility to ensure access to education:** The Declaration recognizes that governments have a responsibility to ensure that all individuals have access to education. This means that governments must work to remove barriers that prevent people from accessing education, such as poverty, discrimination, and lack of infrastructure.
- **International treaties recognize education as a fundamental human right:** In addition to the Universal Declaration of Human Rights, several other international treaties and conventions recognize the right to education as a fundamental human right. For example, the International Covenant on Economic, Social, and Cultural Rights recognizes the right to education and calls for free, compulsory primary education, and access to secondary and higher education.

In conclusion, the Universal Declaration of Human Rights recognizes education as a fundamental human right that is essential for promoting social, economic, and cultural development, and for promoting understanding, tolerance, and respect for human rights. Governments have a responsibility to ensure that all individuals have access to quality education, and to remove barriers that prevent people from accessing education.

NEED FOR EDUCATION IN SOCIETY

Education is critical for the development and progress of India as a nation. India has made significant progress in increasing access to education over the past few decades. However, there is still a long way to go to ensure that every individual in the country has access to quality education.

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One of the key reasons for the need for education in India is to reduce poverty and promote economic development. Education is a crucial factor in reducing poverty and promoting economic growth. It enables individuals to acquire the skills and knowledge needed to participate in the workforce and contribute to the economy.

Education is also essential for promoting social and cultural development in India. It helps individuals to understand their rights and responsibilities as citizens, promotes social cohesion and harmony, and preserves and promotes the country's rich cultural heritage.

Moreover, education is crucial for promoting democracy and good governance in India. It helps individuals to participate in the democratic process, understand their rights and responsibilities, and hold those in power accountable.

Education is also an essential tool for addressing various forms of discrimination and exclusion in India. It can help to promote social and economic equality, reduce gender-based violence and discrimination, and address the challenges faced by marginalized communities.

In conclusion, education is a fundamental need in India for promoting social, economic, cultural, and democratic development. Access to quality education is essential for reducing poverty, promoting social cohesion, preserving cultural heritage, and addressing discrimination and exclusion. It is essential for building a just, equitable, and prosperous society.

Some key points on the need for education in Indian society:

- **Economic Development**: Education is crucial for reducing poverty and promoting economic growth. It enables individuals to acquire the skills and knowledge needed to participate in the workforce and contribute to the economy.
- **Social and Cultural Development**: Education is essential for promoting social and cultural development in India. It helps individuals to understand their rights and responsibilities as citizens, promotes social cohesion and harmony, and preserves and promotes the country's rich cultural heritage.

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- **Democracy and Good Governance**: Education is crucial for promoting democracy and good governance in India⁴. It helps individuals to participate in the democratic process, understand their rights and responsibilities, and hold those in power accountable.
- **Addressing Discrimination and Exclusion**: Education is an essential tool for addressing various forms of discrimination and exclusion in India. It can help to promote social and economic equality, reduce gender-based violence and discrimination, and address the challenges faced by marginalized communities.
- **Access to Quality Education**: Ensuring access to quality education for all individuals in India is essential for promoting social, economic, and cultural development. It is essential for building a just, equitable, and prosperous society.

Overall, education is a fundamental need in Indian society for promoting social, economic, cultural, and democratic development.

CONCLUSION

The Right to Education under Article 21A of the Indian Constitution is a crucial step towards ensuring that every child in India has access to quality education. The RTE Act has been a significant milestone in providing free and compulsory education for all children between the ages of 6 and 14.

The Act has brought hope to millions of families across the country who were previously unable to send their children to school due to financial constraints. The provision for 25% reservation of seats in private schools for children from economically and socially disadvantaged backgrounds has opened up opportunities for those who were previously marginalized.

However, the implementation of the Act has faced several challenges, such as inadequate resource allocation, lack of infrastructure, and staffing in schools, and a lack of awareness among parents and children about their rights. The government must take proactive measures to address these challenges and ensure that every child in India has access to quality education.

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The Right to Education is not just a legal obligation; it is also a moral imperative. Education is the foundation of human development and progress. It empowers individuals to lead self-sufficient lives and contribute to the development of their communities and the nation as a whole.

The RTE Act recognizes the importance of education and aims to provide equal opportunities to every child. It lays down minimum standards for infrastructure, staffing, and curriculum, and mandates that every child receives a minimum level of education that is essential for their overall development.



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