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## ANALYSIS OF THE RIGHT TO EDUCATION IN INDIA

~Gunja Tandon

*"Education is the most powerful weapon which you can use to change the world."*

The strength and future of a nation depend greatly on the quality of its primary education. Education is a top priority in the plan for a society's progress. As Mahatma Gandhi famously said, every child should have the right to free and mandatory basic education because it's crucial for a fair and discrimination-free society. When we talk about education as a significant investment in society, we usually think about children and young people. They should all have equal opportunities to get a good education. But it's also important to encourage adults to keep learning throughout their lives. Education is like an investment that helps shape a person's character and contributes to building a successful and economically strong country where everyone plays a part in the nation's well-being.

The main goal of education policies in any country should be to make sure that every citizen has the right to education and that the education they receive meets certain standards. These policies should also ensure that people have the knowledge, skills, and attitudes that match what the job market needs. The right to education is not just a standalone human right; it's a fundamental tool for making sure other human rights are respected. Human rights are all connected, and when one right is realized, it can make it easier to achieve others. The right to education is a powerful force for unlocking human potential, both on an individual level and for the whole community. Education helps people take charge of their own futures get involved in activities in their communities and have a say in how the government treats them, including addressing issues of fairness and injustice.

## THE ASCENDANCY OF EDUCATION AS A CONSTITUTIONAL RIGHT IN INDIA

Education is now recognized as a fundamental right, marking a significant departure from the days when it was only accessible to a privileged few. The education system in pre-1947 India was primarily designed for an exclusive segment of the population. However, in post-independence India, education underwent a radical transformation. It is now regulated and managed by indigenous institutions, serving the entire nation's population. Contemporary education is influenced by Western materialistic values, shaping the experiences of students.

Following independence, India embarked on an ambitious mission to provide education to the aiming to eliminate illiteracy and ignorance among its citizens. The nation invested substantial resources in expanding and developing its education system, with the goal of making quality accessible to people from all walks of life, thereby democratizing education access. The evolution of educational rights in India has been a long and arduous journey, but one that has made significant progress in recent decades. The right to education is a fundamental human right, and it is essential for the development of individuals and societies as a whole.

In India, the right to education is enshrined in the Constitution and it is the government's responsibility to provide free and compulsory education to all children between the ages of 6 and 14<sup>1</sup>. When the Indian Constitution was adopted in 1950 by the Constituent Assembly, it included a set of guidelines known as the Directive Principles Of State policy (DPSPs) that aimed at achieving justice. Initially, these DPSPs were not subject to judicial enforcement in Indian courts: instead, they placed a positive responsibility on the state to enact and enforce legislation aimed at promoting greater socioeconomic justice. However, through a series of cases referred to as 'public interest litigation,' the Indian Supreme Court gradually recognized a range of rights, including the right to education, as justiciable fundamental rights falling under the purview of the right to life as outlined in Article 21. In 1992 and 1993, Indian Supreme Court delivered pivotal judgments in two Public Interest Litigation (PIL) cases, where the petitioners contended for the judicial enforceability of the right to education.

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<sup>1</sup> (No date) *School education | government of India, Ministry of Education*. Available at: <https://www.education.gov.in/rte> (Accessed: 01 June 2024).

1. Mohini Jain v. State of Karnataka<sup>2</sup>

The petitioner challenged a notification issued by the Karnataka Government under Section 5(1) of the Karnataka educational Institutions (Prohibition of Capitation Fee) Act, 1984. This notification allowed private medical colleges to levy high tuition fees on "Indian students from outside Karnataka," not excluding Rs. while students who secured "Government seats" paid significantly lower tuition fees. The central issue revolved around whether the denial of admission due to non-payment of this tuition fee constituted a violation of the right to education<sup>3</sup>. The Supreme Court ruled that although the Right to Education wasn't explicitly enshrined as a Fundamental Right in the Constitution, it was evident from the Constitution's Preamble and the Directive Principles of State Policy that the framers of the Indian Constitution envisioned the State's to provide education to its citizens. The Court emphasized that in India, one's ability to lead a dignified life is obligation of the State to fulfill. The decision marked a pivotal moment in the evolution of the right to education in the country, establishing its justiciable status and reaffirming the State's commitment to promoting equal access to quality education for all citizens.

II. Unni Krishnan, J.P. & ors. Vs. State of Andhra Pradesh & ors.<sup>4</sup>

Commonly known as the Unni Krishnan case, it is a seminal legal landmark in India that has significantly impacted the landscape of education and access to education in the country. This case, heard in the early 1990s, revolved around the constitutionality of state laws aimed at regulating capitation fees charged by private professional educational institutions. The Supreme Court's judgment in this case brought to the forefront critical questions regarding fundamental rights, Directive Principles of State Policy, and the recognition of the Right to Education as a justiciable right.

Background:

The backdrop against which the Unni Krishnan case emerged was one of growing concerns about the commercialization and exploitation within the Indian education sector. Private educational institutions, especially professional colleges, were increasingly imposing

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<sup>2</sup> Mohini Jain (Miss) v. State of Karnataka, (1992) 3 SCC 666

<sup>3</sup> Right-to-education. Available at: [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/India Supreme Court, Jain v Karnataka, 1992.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/India%20Supreme%20Court,%20Jain%20v%20Karnataka,%201992.pdf) (Accessed: 03 June 2024).

<sup>4</sup> Unni Krishnan, J.P. v. State of A.P., (1993) 1 SCC 645

exorbitant capitation fees on students, creating a significant financial barrier to access to education. As a result, talented and deserving students from economically disadvantaged backgrounds often find themselves excluded from quality educational opportunities.

#### KEY LEGAL QUESTIONS:

The Unni Krishnan case raised several crucial legal questions, the answers to which would have profound implications for the right to education and the regulation of private educational institutions:

1. **Right to Life and Education:** The central issue was whether the Right to basic Education could be derived from the Right to Life as enshrined in Article 21 of the Indian Constitution. In other words, could the Right to Life encompass the Right to Education?<sup>5</sup>
2. **Directive Principles of State Policy:** The case also probed the relationship between fundamental rights and Directive Principles of State Policy (DPSPs), specifically, Article 41 and Article 45. It questioned whether the Right to Education could be considered a corollary of these DPSPs.<sup>5</sup>
3. **Economic Limitations:** Furthermore, the case explored whether the Right to Education could be limited by economic capacity and the developmental capabilities of the state, as articulated in Article 41.<sup>5</sup>

#### COURT'S DECISION:

In its landmark decision, the Supreme Court recognized the right to education as a fundamental right, although it wasn't explicitly stated as such in the Indian Constitution. The Court interpreted the right to education as an inherent component of the Right to Life under Article 21. This decision laid the foundation for future legal actions and legislative measures aimed at promoting educational access. The Court emphasized the importance of Directive Principles of State Policy, particularly Article 45, which aimed to provide free and compulsory education for all children below the age of 14. Additionally, the judgment acknowledged that the Right to Education might be subject to limitations based on the economic capacity and developmental capabilities of the state, as outlined in Article 41. This recognition reflected the practical challenges in achieving

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<sup>5</sup> 12220.PDF. Available at: <https://main.sci.gov.in/jonew/judis/12220.pdf> (Accessed: 01 June 2024).

universal education, particularly beyond the age of fourteen. The Unni Krishnan case has had a lasting impact on the Indian education system and continues to shape education policy and regulation in the country, focusing on issues of access, quality, and inclusivity in education.

Perhaps the most compelling impact of the Unni Krishnan case was the recognition of the right to education as a fundamental right, even though it wasn't explicitly mentioned as such in the Indian Constitution. By interpreting access to education as an integral component of the Right to Life under Article 21, the Supreme Court set a strong precedent that continues to guide subsequent legal actions and legislative endeavors aimed at promoting educational access for all, particularly the marginalized and economically disadvantaged sections of society.

One of the most notable outcomes of the case was its influence on the formulation of the Right to Education Act (RTE) of 2009<sup>6</sup>. This significant piece of legislation, rooted in the principles enunciated in the Unni Krishnan case, transformed the landscape of education by making elementary education a fundamental right for children aged 6 to 14.

Moreover, the Unni Krishnan case heightened the focus on the quality and equality of education. It led to critical discussions and policy interventions aimed at improving educational standards and making education more inclusive. The quality of education, once a secondary concern, became a central focus, pushing both public and private educational institutions to enhance the educational experience for students and raise the bar in terms of academic excellence and infrastructure. The case also sensitized policymakers to the economic disparities across the nation. The judgment recognized that the right to education might be subject to certain limitations based on the economic capacity and developmental capabilities of the state, as outlined in Article 41 of the Directive Principles of State Policy. This acknowledgment was a significant step towards pragmatic policymaking highlighting the intricacies of providing universal education in a nation as diverse and economically stratified as India.

In the years following the Unni Krishnan case, its legacy continues to shape education policy and regulation in India. The focus on equitable access to quality education remains at the forefront of

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<sup>6</sup> NIC, L.P. (no date) Right to education, Right to Education. Available at: <https://dse.education.gov.in/rte>(Accessed: 01 June 2024).

educational reforms. It serves as a reminder of the critical role that education plays in socio-economic development, individual empowerment, and nation-building.

In conclusion, the Unni Krishnan case is a pivotal legal milestone in India's education history. It strengthened the legal foundation for the right to education, emphasized the importance of Directive Principles of State Policy, and acknowledged the practical challenges of achieving universal education. This case continues to influence education policy and regulation in India, with a firm emphasis on access, quality, and inclusivity in education.

#### RIGHT TO EDUCATION (ARTICLE 21-A)

The history of the Right to Education legislation in India is a tale of evolution and transformative policy developments. The concept of the right to primary education was discussed at length during the drafting of the Constitution, with the Constituent Sub-Committee on Fundamental Rights initially considering it as a fundamental right. However, this proposal was subsequently categorized as Directive Principles of State Policy by the Advisory Committee of the Constituent Assembly.

From 1950 to the landmark Unnikrishnan's case in 1993, numerous policy advancements shaped the discourse on this issue. In 1964-1968, the Kothari Commission reviewed the state of education in India, offering recommendations, including the introduction of a common school system to eliminate inequalities in education access. Following this, the National Policy on Education (NPE) in 1968 marked the government's official commitment to school education. Notably, it even stipulated that special schools should allocate a proportion of free studentships to prevent social segregation, yet it retained its status as a 'directive principles.

The National Policy on Education in 1986 reaffirmed the objective of universalizing school education and pledged measures to establish a common school system. In 1990, the Acharya Ramamurti Committee made the first official recommendation for the inclusion of the fundamental right to education. Subsequently, political and policy-level changes influenced the course of Free and Compulsory Education (FCE). International attention on India's initiatives in FCE escalated after its participation in the 1990 World Conference on Education for All and its ratification of the UN Convention on the Rights of the Child (UNCRC) in 1992. A significant legal breakthrough occurred in 1992 when the Supreme Court, in the Mohini Jain Case, asserted that the Right to

Education was integral to fundamental rights enshrined in the Constitution, highlighting that every citizen had a constitutional right to education. This judgment was revisited in the Unnikrishnan case, where the Court clarified that although the right to education was not expressly a fundamental right, it was implicit in and flowed from the right to life under Article 21 and must be interpreted in the light of the Directive Principles of the Constitution.

The Unnikrishnan Judgment enabled individuals to make legal claims to Free and Compulsory Education (FCE), leading to a surge in litigations that relied on the legal principle articulated in the Unnikrishnan Judgment. Combined pressure from various quarters, including judicial support, international attention, and civil society and grassroots campaigns, compelled the Government to introduce a fundamental right to education.

The enactment of the Right of Children to Free and Compulsory Education Act on April 1, 2010, marked a historic day for India. It granted the right to education the same legal status as the right to life, as outlined in Article 21A of the Indian Constitution. This meant that every child between the ages of 6 and 14 would receive 8 years of elementary education in an age-appropriate classroom within their local community

The Constitution (Eighty-sixth Amendment) Act of 2002 introduced Article 21-A into the Indian Constitution, making it a Fundamental Right to provide free and compulsory education for children aged six to fourteen. The Right of Children to Free and Compulsory Education (RTE) Act of 2009, which stemmed from Article 21-A, ensures that every child has the right to a full-time elementary education of satisfactory quality in a formal school that adheres to specific norms and standards. Article 21-A and the RTE Act took effect on April 1, 2010. The RTE Act emphasizes both 'free' and 'compulsory' education. 'Free education' implies that no child, except one enrolled in a school not supported by the government, will be required to pay any fees or expenses that could hinder them from accessing and completing elementary education. 'Compulsory education' places an obligation on the government and local authorities to facilitate the admission, attendance, and completion of elementary education for all children aged 6 to 14. India has transitioned to a rights-based framework, mandating the Central and State Governments to fulfill this fundamental child right as outlined in Article 21A of the Constitution, in compliance with the RTE Act's provisions.

The RTE Act outlines several crucial provisions<sup>7</sup>, including:

- Ensuring every child's right to free and mandatory education in a local school until they complete their elementary education.
- Clarifying that 'compulsory education' means the government's responsibility to provide free elementary education and guarantee compulsory admission, attendance, and completion of elementary education for all children aged six to fourteen. 'Free' education implies that no child should bear any fees or expenses preventing them from accessing and completing elementary Education.
- Allowing non-admitted children to be placed in age-appropriate classes.
- Specifying the duties and responsibilities of appropriate governments, local authorities, and parents in offering free and compulsory education, as well as the sharing of financial responsibilities between Central and State Governments.
- Establishing standards and norms related to Pupil-Teacher Ratios (PTRs), school infrastructure, school days, and teacher work hours.
- Ensuring the equitable deployment of teachers, maintaining the specified pupil-teacher ratio for each school, and prohibiting teachers from engaging in non-educational tasks, except for specific circumstances.
- Requiring the appointment of adequately trained teachers with the necessary qualifications. Prohibiting physical and mental abuse, screening procedures for admissions, capitation fees, private tuition by teachers, and the operation of unrecognized schools.
- Promoting curriculum development aligned with constitutional values, focusing on the holistic development of the child, nurturing their knowledge, potential, and talents while providing a child- friendly and child-centered learning environment.

MAJOR PROVISIONS OF THE RIGHT TO EDUCATION ACT INCLUDED<sup>7</sup>:

- Every child between the ages of six and fourteen is entitled to free and compulsory education in a nearby school, up to the completion of elementary education. No child should be burdened with fees or expenses that could hinder their pursuit of elementary

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<sup>7</sup> NIC, L.P. Right to education, Right to Education. Available at: <https://dse.education.gov.in/rte> (Accessed: 30 May 2024).

education. Children aged above six who haven't been admitted to school or couldn't complete their elementary education should be placed in an age-appropriate class.

- The appropriate government and local authority must establish a school within a specified area within three years from the Act's commencement if one doesn't already exist.
- Both the Central and State Governments share the responsibility for funding the Act's provisions. The enactment of the Right to Education Act is a significant step toward improving access to secondary and higher education for every child. It includes provisions tailored to disadvantaged groups, such as child laborers, migrant children, those with special needs, and those facing disadvantages due to various factors. The Act aims to address issues, like school dropouts, out-of-school children, educational quality, and the availability of trained teachers in the short to medium term. Enforcing the Right to Education Act brings India closer to realizing the objectives and missions of the Millennium Development Goals (MDGs)<sup>8</sup> and Education for All (EFA)<sup>9</sup> and is a historic initiative by the Government of India.

## CHALLENGES ASSOCIATED WITH RIGHT TO EDUCATION

When considering the overarching concept of the 2009 Act, it becomes evident that the issues and challenges it encompasses are extensive and require thorough analysis. Here, I will address some of the key concerns raised within the provisions of this Act.

1. What factors contributed to the lengthy process of effectively implementing this fundamental right?

The journey from the inception of the RTE movement in 1988 to the landmark Supreme Court judgment in 1993 and ultimately to the passing of the Right to Education Act, which is the hallmark of this right, took a staggering twenty-one years. This prolonged timeline raises the question of why it took so long for Indian politicians to grant children the fundamental right to education. In contrast, many educationally advanced nations had already established laws for free and

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<sup>8</sup> UNICEF <https://uis.unesco.org/>. Available at: <https://www.unicef.org/media/51011/file/OOSC-EXECUTIVE-Summary-report-EN.pdf> (Accessed: 01 June 2024).

<sup>9</sup> EFA history, Status & Challenges, India 2023 (2023) Education for All in India. Available at: <https://educationforallinindia.com/efa-history-status-challenges-india-2023/> (Accessed: 03 June 2024).

compulsory education, with Britain doing so as far back as 1870. India's delay in introducing such legislation had severe consequences. Out of the nearly 200 million children aged 6 to 14, over half never even started school or dropped out prematurely<sup>10</sup>. Among those who did complete eight years of schooling, a significant percentage exhibited unacceptably low achievement levels in subjects like language and mathematics. Notably, the majority of excluded and underperforming students came from the most marginalized segments of society, including dalits, OBCs, adivasis, girls, Muslims, and the impoverished—precisely the groups that education was meant to empower. Thus, it took 55 years from Independence to establish education as a fundamental right for children, and an additional six years for the Right to Education Bill to be introduced in Parliament.

## 2. Socioeconomic disparity

Article 21 of the Constitution guarantees basic human rights to all the residents of India which include education, but it has a lot of restrictions owing to the Socio-economic factors. This right is greatly compromised by the large existing socioeconomic divide among populations putting the welfare of the underprivileged into jeopardy. Privileged children attend private school with highly qualified teachers and resources while other children from poor background learn in poorly resourced government schools thus widening the gap of equity and fair education and hence poverty's cycle.

Inequality in access to education is illustrated through availability of pre- primary education. Children from the more affluent families are privy to early childhood education programs that facilitate development of cognitive and social skills while the underprivileged children lose the initial race. That is why children continue being subjected to work, and the laws barring this practice remain unenforced.

Socioeconomic status interacts with gender, girls from poor families experience challenges such as social cultures, early marriage, and other domestic chores, drop out of school to attend to their brothers instead of continuing with their own education. The children from poor background attend government school which do not have requirement for proper education, thus such children do not

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<sup>10</sup> Out-of-school children and Youth (2020) UNESCO UIS. Available at: <https://uis.unesco.org/en/topic/out-school-children-and-youth> (Accessed: 05 June 2024).

have better chance for higher education and job. Other educative support services such as tutoring that are basic requirements are also unaffordable to the less privileged adding to this division.

So, the solution to these disparities involves combining several solutions. Education is an area that requires increase public spending, especially on facilities in the remote areas, equipment and qualified teachers. Child labor has to be curbed by enhancing efficiency in the implementation of laws that prohibit it as well as extending financial incentives that encourage children's enrollment in school. One of the ways to fight these issues is to support campaigns that raise awareness of the unequal nature of gender roles and girls' education.

### 3. Teacher Shortages and Quality Issues

This paper draws special attention towards the fact that realization of one of the most basic human rights – right to education – in India largely hinges on questions pertaining to teacher availability and quality. Nevertheless, India has some perennial issues of teacher shortage and teacher quality that hinder the achievement of this right. There is a significant number of people who desire to become teachers, but the number of good teachers required in the market is relatively higher. Challenges such as poor staffing and the difficulty in accessing qualified personnel are perhaps most pressing in the shortage areas, inaccessible regions.

Teacher quality is equally important in the same classrooms' effectiveness. This has remained a challenge since a substantial number of teachers do not effectively receive proper training and professional development to provide proper instructional methods<sup>11</sup>. This affects the students' learning and growth while entrenching traditional knowledge delivery and low flexibility to transitory educational delivery. Also, teacher strikes which are rampant in the rural government facilities worsen learning within the sector.

All these can only be addressed through an overall solution. It is essential for the policymakers to focus on teachers' recruitment and workforce in hard-to-staff areas, for instance by providing better working conditions and reasonable teachers' remunerations. Promoting professionalism through intensive training is crucial for teachers and other personnel in school, so that they benefit

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<sup>11</sup> 'Teacher shortages: A problem of distribution or scarcity?' (2021) <https://timesofindia.indiatimes.com/>, 23 October. Available at: <https://timesofindia.indiatimes.com/blogs/developing-contemporary-india/teacher-shortages-a-problem-of-distribution-or-scarcity/> (Accessed: 05 June 2024).

the contemporary teaching pedagogy. Compliance with high standards for teacher certification could be achieved when the certification processes are standardized.

Prevention of these problems is important hence calling for a strive to minimize teacher absenteeism. Such a problem can be solved by having proper systems for monitoring the attendance levels as well as other forms of accountability mechanisms, and also by encouraging the community in their supervision role for monitoring school activities.

Due to the strategies of addressing teacher shortages and Enhancing the quality of teachers, India can offer quality education for each and every child. This is not only constitutional but also opens the ways towards a righteous society with higher economic revenues. Education entails a well-trained and motivated teaching force as the key empowering tool for the next generation in eliminating poverty and inequality.

#### **4. Infrastructure and Facilities Disparity**

The utilization of the fundamental right to education in India has a long way to go particularly due to disparities in infrastructural facilities. One of these is the analysis by region where urban areas are completely different from the rural regions. While urban schools may boast modern structures, library, laboratories, and technologies, rural schools lack or inconsistently provide the necessities. This not only widens the education divide among learners but hinders a group of students in their quest for education by virtue of being in rural areas.

Weak infrastructure is normally evident in poor, inadequate, or lack of appropriate structures, water and sanitation facilities, and electricity in rural schools and leads to early drop outs or drop outs when girls become pregnant. The digital divide takes the problem further where while urban schools adopt the use of technology, rural schools have no computers, internet or digital technologies<sup>12</sup>. This technological disparity hinders the rural students' ability to effectively develop their digital skills in today's society that is heavily fueled by technology.

Another issue is the quality of the teaching and learning materials. Students at the urban area receive updated textbooks and teaching facilities, as for students in rural areas; they receive

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<sup>12</sup> Warriar, V.S. (2023) 'Right to Education in India: Challenges and Opportunities', <https://lex-warrier.in/>, 30 June. Available at: <https://lex-warrier.in/right-to-education-in-india-challenges-and-opportunities.html> (Accessed: 03 June 2024).

outdated books besides receiving few of them due to resource unavailability. Besides, rural schools also have problems with teacher supply and frequently employ teachers with little or no training, which concerns the question of educational quality.

Solving such challenges is possible only through the complex application of measures. Hence the government needs to direct its investments in rural education in order to ensure the necessary infrastructures, sanitation, availability of clean source of water and electricity among others. The issue of bringing the digital divide closer and giving rural schools equipments and internet connection is vital in making student get basic skills in ICT<sup>13</sup>. Attracting and preparing qualitative teachers for the rural schools by offering such enticements as better accommodation, professional development can boost instruction.

Therefore, infrastructure and facilities gap severely limits the process of providing equal education to all in India with particular reference to rural and less privileged students.

#### 5. Inadequate School Governance.

The fundamental right to education in India has immense threats mainly because of a poor school governance system. Educational rights in India is guaranteed in the Indian Constitution under Article 21 to ensure free and compulsory education to the child of the age of 6 to 14 years; however, there are problems in the effective governance. Some of the critical issues include poor management and utilization of resources, ineffective governance and leadership, and poor quality of education for the diverse groups across the population.

Another problem is the inefficiency of work and the improper distribution of resources. Schools are especially in rural and economically challenged regions are poorly equipped and resourced for they are denied important commodities like text/learning materials and proper structures mainly due to poor governance and corruption. Education related funds rarely get to the intended beneficiaries and hence schools lack the necessary facilities and equipments for the learners.

Another important concept under the category of corporate governance is accountability particularly in educational organizations. This mainly comes from cases such as the teachers

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<sup>13</sup> Information and communications technology

skipping classes, misusing funds or being unclear in their operations, all of which affects the quality of education.

Another problem that is attributed to poor governance is that it hampers the motivation and quality of teachers. Political influence in recruitment and appointment of teachers means that the system is stocked with the wrong crop of teachers who are not qualified and have no passion to teach hence reducing the quality of education. Also, the digital divide becomes a problem in the aspect of governance. Students in rural and impoverished regions increasingly experience more significant education inequities due to poor schools' inability to support digital learning.<sup>14</sup>

In order to overcome these challenges, the following solutions are required. Thus transparency and accountability on each allocation made can minimize the cases of corruption and ensure resources get to the intended objectives such as schools. Teacher training and recruitment should be made more professional than political, by changing the selection criteria to merit and capacity. The choice of professional development can also increase motivation among educators, along with the quality of teaching. The use of technology in delivering governance can counter imbalance in delivery of services, going further to reduce on the existing gap in delivery of administrative services and improving on the standard of education.

Enhancing school governance is vital in enhancing social justice especially in ensuring children's right to education. Through dealing with these governance problems, the government can make possible each child in India to have meaningful and fair education as the Constitution provides.

## 6. High Dropout Rates

Education is one of the basic human rights that play an important role in the development of a society and reducing inequality; However, in India, high drop out rates prevent this right from being realized. Over the years, the institutions have endeavored to increase enrollment but the dropout rate is still high. This is so because economic activities play a major role in this element; many families who live in poverty-stricken households will have their children working to generate

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<sup>14</sup> Warriar, V.S. (2023) 'Right to Education in India: Challenges and Opportunities', <https://lex-warrier.in/>, 30 June. Available at:< <https://lex-warrier.in/right-to-education-in-india-challenges-and-opportunities.html>> (Accessed: 03 June 2024).

cash for their homes. It is sad that many children dropping out of school, even in their early age in search of jobs and whatever little it is they get, they grab it instead of going to class to be educated for a better future.

Weak child labor laws and implementation worsen the situation; children are thus forced to start working early which makes poverty and illiteracy to be part of their lives. This can only be solved however by proper and more severe laws on labor relations and strict enforcement of these laws. Besides, the comparatively poor availability of quality education in rural and marginalized areas is another deficiency. Facilities in schools are frequently substandard, classrooms overcrowded, and there is lack of adequate and qualified teaching workforce and instructional material.

Another factor that contributes to early dropouts is the gender factors as well. Some of the factors limiting girl's education include Cultural practices, early marriage, and women relegated to household chores. Male chauvinism in families comes through and children especially boys are privileged to educational needs. This can only be addressed through reforms that favor policy and general population acceptance in promoting the cause for girls to be educated.

This implies that social inequalities also boost the dropout rates in schools. The children belonging to the disadvantaged groups like Scheduled Castes and Scheduled Tribes are more vulnerable to drop out from schools owing to discrimination and largely inadequate educational facilities<sup>15</sup>. To overcome these disparities, it becomes important to practice affirmative action for the improvement of educational equality.

Other causes include poor support mechanisms for students in difficulty, which increases the dropout rates. The students considered as low achievers get limited support; they get annoyed and withdraw from school. The lack of cheap tutors or remedial classes make them consider dropping out due to compression of the syllabi.

For addressing everyday increasing dropout rates regime and enforcing the basic human right of education some measure becomes important. Thus, it imposes a twofold challenge for policymakers, firstly, to increase enrollment and, secondly, to retain the enrolled students.

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<sup>15</sup> Correspondent, S. (2018) Dropout rate soaring after school mergers in tribal belts, The Hindu. Available at: <https://www.thehindu.com/news/national/dropout-rate-soaring-after-school-mergers-in-tribal-belts/article24727261.ece> (Accessed: 01 June 2024).

Improving education in rural and disadvantaged areas by providing the children with better structures, qualified teachers, and teaching/ learning resources is crucial. Combating child labor should be stepped up with public awareness programs explaining the importance of education to children. Child labor laws should be effectively implemented and enforced better incentives in the areas of schooling, families in the economically strained areas should be encourage to foster their children to school.

Eradicating the inequalities that are faced by women means calling into question and changing certain paradigms that are anchored in society as well as ensuring the schooling of the girl child. Measures that facilitate girls to go to school without barriers need to be taken. Likewise, fellow interventions and support structures must guide learners to overcome learning difficulties. Organizing extra classes, tutorial sessions and other learning materials can make student to attend lessons and be consistent with their studies.

Thus, high dropout rates give rise to a major impediment to the realization of the right to education in India. A complex intervention addressing the economic, social and gender conditions required for children's enrollment, participation and completion of schooling is warranted. This will help India in minimizing the illiterate population and provide equal opportunities for all the people.

## CONCLUSION

The journey of the right to education in India, from being a mere directive principle to its elevation as a fundamental right, mirrors India's commitment to advancing the cause of education for all. The narrative of education in India, enshrined within its Constitution, is one that encapsulates hope, endeavor, challenges, and the relentless pursuit of an enlightened nation.

While India has made significant strides in ensuring accessibility to education, challenges such as high dropout rates, economic disparities, gender biases, and infrastructural deficiencies persist. Nevertheless, the proactive measures taken by both the central and state governments, such as the RTE Act 2009, showcase the country's dedication to overcoming these obstacles.

The prospects for the right to education in India are promising. With continued collaborative efforts between policymakers, educators, communities, and civil society, India stands on the cusp of an educational revolution. Harnessing the potential of technology, introducing pedagogical

reforms, and investing in school infrastructure can further bolster the nation's educational framework.

In summary, the constitutional right to education in India is a beacon of hope for millions. While the path has been fraught with challenges, the prospects are bright. By understanding the intricacies of these challenges and continually adapting to address them, India can truly actualize its vision of ensuring quality education for all, thereby fortifying its foundations for a brighter, more enlightened future.