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Legal Aspects of the Indian Education Sector: Challenges, Regulations, and the Path Forward

~ P V Visruth

Excerpt

The Indian education system stands at a critical juncture, shaped by constitutional mandates, historical legislation, and evolving judicial interpretations. While education has been recognized as a fundamental right, systemic issues persist outdated curricula, rote memorization, teacher shortages, and the unchecked rise of coaching institutions that hinder holistic development. Here we examines the legal framework governing education in India, its shortcomings, the regulatory ecosystem, and reform imperatives like the New Education Policy (NEP) 2020.

Constitutional Evolution of the Right to Education

The Constitution of India does not explicitly mention education as a fundamental right in its original form, but judicial activism bridged this gap. Article 21, guaranteeing the right to life and personal liberty, has been expansively interpreted to include the right to education. In the landmark *Mohini Jain v. State of Karnataka* (1992), the Supreme Court held that the right to education flows directly from Article 21, declaring capitation fees unconstitutional as they deny access based on economic incapacity.

This was refined in *Unni Krishnan v. State of Andhra Pradesh* (1993), which limited the fundamental right to education up to age 14, balancing state obligations with practical constraints. The 86th Constitutional Amendment (2002) formalized this by inserting **Article 21A**, making free and compulsory education for children aged 6-14 a fundamental right.

Complementary provisions include:

- **Article 41** (Directive Principle): Right to work, education, and public assistance.
- **Article 45** (amended): Early childhood care and education for children below six.
- **Article 46**: Promotion of educational interests of Scheduled Castes, Tribes, and weaker sections.
- **Article 51A(k)**: Fundamental duty of parents/guardians to provide education opportunities to children aged 6-14.

These provisions reflect a shift from directive principles to enforceable rights, reinforced by the **Right of Children to Free and Compulsory Education (RTE) Act, 2009**, which operationalizes Article 21A by mandating neighborhood schools, qualified teachers, and 25% reservation for disadvantaged groups in private schools.

Systemic Challenges: Rote Learning and Outdated Syllabus

Despite these legal foundations, the system often traps students in a cycle of memorization over understanding. Syllabus in many boards remain outdated, prioritizing exam performance over critical thinking, creativity, or vocational skills. This design perpetuates inequality: students from privileged backgrounds supplement with coaching, while others lag.

Teacher shortages exacerbate the issue. Parliamentary data (2021-24) reveals persistent vacancies. At the elementary level, states like Bihar, Jharkhand, Uttar Pradesh, and Karnataka reported tens of thousands of vacant posts annually. Secondary levels show similar gaps, with national totals indicating over 100,000 vacancies in recent years. These shortages lead to overburdened teachers, large class sizes, and reliance on rote methods rather than interactive learning.

Proliferation of Coaching Institutions: Governance and Legality

The coaching industry, valued in billions, has proliferated due to competitive exams and perceived deficiencies in formal schooling. Kota, Delhi, and Hyderabad hubs attract millions, but often at a steep human cost stress, suicides, and exploitative practices.

Legally, coaching centers operate in a regulatory gray area. They are not fully "educational institutions" under RTE or higher education laws but fall under consumer protection, labor, and local municipal/fire safety norms. The Supreme Court has emphasized regulation without banning them (*e.g.*, observations in 2017 PILs calling for guidelines on safety and operations). Recent directives (2024-25) stress mental health support, fire safety, ventilation, no discriminatory batching, and accountability for student well-being. A proposed Coaching Institutes (Accountability and Regulation) Bill aims for a dedicated authority.

Regulatory Framework

India's education governance involves multiple bodies:

- **UGC:** Coordinates and maintains standards in higher education.
- **AICTE:** Regulates technical education.
- **BCI:** Oversees legal education.
- **NAAC:** Assesses and accredits institutions.
- **NCERT:** Develops curricula and textbooks.
- **NCTE:** Regulates teacher education.

This fragmented structure often leads to overlaps and inefficiencies. NEP 2020 proposes a unified Higher Education Commission of India (HECI) for better coordination.

Landmark Judgments and Judicial Role

Beyond Mohini Jain and Unni Krishnan, *T.M.A. Pai Foundation v. State of Karnataka* (2002) balanced autonomy of private (including minority) institutions with reasonable regulation, overruling rigid fee and admission controls from Unni Krishnan. RTE-related cases, like *Society for Unaided Private Schools of Rajasthan v. Union of India* (2012), upheld the 25% reservation while protecting minority rights under Article 30. Recent rulings reinforce safety and mental health in coaching ecosystems.

The Role of Laws in Uplifting the Sector: NEP 2020 and Beyond

NEP 2020 marks a paradigm shift toward holistic, multidisciplinary education. Key features include the 5+3+3+4 curricular structure (replacing 10+2), emphasis on foundational literacy/numeracy, multilingualism, vocational integration from Grade 6, reduced rote learning, and technology use. It aims to raise GER in higher education, promote critical thinking, and increase public spending to 6% of GDP.

To uplift the sector, stronger implementation of existing laws is crucial: rigorous teacher recruitment and training (NCTE/NCERT), curriculum overhaul (addressing outdated content), stricter coaching regulations, and equitable resource allocation. Addressing teacher vacancies, bridging urban-rural divides, and leveraging technology for inclusive access will be pivotal. Judicial oversight must continue ensuring accountability.

Conclusion;

India's education legal framework from constitutional rights to specialized regulators provides a robust foundation, yet implementation gaps sustain rote-centric, inequitable outcomes. The proliferation of coaching reflects systemic failures but also offers opportunities for regulated complementarity. NEP 2020, if fully realized alongside landmark judgments and historical decentralization principles, can break the memorization cycle and foster understanding, innovation, and equity. Policymakers, educators, and citizens must collaborate to translate legal mandates into transformative reality. Only then can education truly empower India's youth.

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