



## Education as a Fundamental Right: Judicial Interpretation and Educational Reforms in India

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### Abstract

Education has gradually emerged as a core constitutional entitlement in India through sustained judicial interpretation and policy reform. Although the Constitution originally placed education within the Directive Principles of State Policy, the Supreme Court, by adopting a purposive interpretation of Article 21, expanded the right to life to include the right to education. This judicial evolution culminated in the insertion of Article 21A and the enactment of the Right of Children to Free and Compulsory Education Act, 2009. The paper examines the conceptual foundations of education as a fundamental right, tracing its development through landmark judgments such as *Mohini Jain* and *Unni Krishnan*, and evaluates how judicial mandates have shaped legislative and policy frameworks. It critically analyses the interaction between constitutional guarantees, international human rights norms, and domestic educational reforms, with particular emphasis on access, equity, and quality. Despite significant legal recognition, persistent disparities across states reveal gaps in implementation, financing, and inclusive delivery. The study argues that realizing the transformative promise of the right to education requires moving beyond formal access toward substantive quality, equity, and accountability within India's evolving educational governance framework.

**Keywords:** Right to Education; Article 21A; Judicial Interpretation; Educational Reforms; Constitutional Law; Social Justice.

### 1. Introduction

Education is a constitutional and legal right in India. The backdrop of the 1986 National Policy on Education and the 1993 Supreme Court judgment that recognized education as a fundamental right set the foundation for the enactment of the 2009 Right to Education Act (Bordoloi, 2011). While public policy reflects extensive attention to this fundamental right, as is indicated by various policies and schemes, significant disparities still persist among the State Governments in the availability, accessibility, and quality of education (Ahmad Bhat, 2018). Starting from the recently published RTE report of the Ministry of Human Resource Development for 2020-2021, a discussion on the recent trends in RTE is provided, delving into various key aspects of RTE, public governance, and additional tasks for the future.

### 2. Conceptual Foundations of the Right to Education

Article 21A of the Indian Constitution asserts that the state has an obligation to provide free and compulsory education to every child aged six to fourteen years. The provision has been elaborated by the Supreme Court in several cases and a purposive interpretation leads to the conclusion that education is a fundamental right under Article 21. The foundation of this conclusion rests on the proposition that education is so vital for an individual to fully realize his potential that it is a precondition for the exercise of other fundamental rights. This position is consistent with the philosophy of education enshrined in the Constitution and many international documents, including

the 1966 International Covenant on Economic, Social and Cultural Rights, which India has ratified, and the Convention on the Rights of the Child.

The right to education generates a comprehensive set of entitlements concerning the structure and financing of educational systems and was incorporated into the Indian legal framework through the Right to Education Act, 2009. Although the Act is neither reflective of the international understanding nor consistent with the constitutional mandate, the Supreme Court has upheld its validity and corroborated the legislative interpretation through a series of judgments on the nature and extent of the right (Ahmad Bhat, 2018). Powers to legislate with respect to education and the fundamental duty to promote education constitute a basis for a distinct judicial trajectory that generates different entitlements from those produced under the right to education concept. The Supreme Court has also accepted the validity of extraordinary measures aimed at countering the adverse implications of historical and contemporary injustices on the exercise of fundamental rights, including substantive educational entitlements favouring the disadvantaged and the articulation of specific policy frameworks.

## **2.1. Constitutional Provision and Philosophical Underpinnings**

Article 21 of the Constitution proclaims that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” The Supreme Court of India has interpreted the right to life expansively to include education through “purposive interpretation.” The Directive Principles of State Policy affirm the need for “free and compulsory” education to children. The Principle of proportionality states that “the measure taken by the state” must conform to the “nature, purpose and object of the right [to education].” The entire scheme of the constitution evidences a deliberate and conscious choice to provide universal free, compulsory, elementary education. Although the term “right to education” is not specifically mentioned, it clearly follows from Article 21. The expression “through the ages” is weaved with three threads – “age,” “schools,” and “freedom of education.” Education plays a central role in preserving and promoting core values fundamental to any society. Informed citizenry is the hallmark of a successful democracy. Democracy depends on the active participation of the citizens and progresses with availability, accessibility, and affordability of education (Grigsby, 2019). Free and compulsory education is the foundation upon which India is constructively building a qualitatively sound and universally applicable frame of reference. The Right to Education Act stands “undoubtedly carved out” from Article 21 and “inextricably woven into” the Fundamental Rights guaranteed by the Constitution (Bordoloi, 2011).

## **2.2. International Norms and Domestic Integration**

Preamble and Principles Relating to Education of Children Equitable access to education is essential for the realization of the rights of children, their integral development and well-being. Enabling the right to inclusive and non-discriminatory quality education from early childhood is a prerequisite for fulfilling other rights of the child. The rights of the most disadvantaged and excluded children must be prioritized, and the right to education needs to be guaranteed without discrimination, taking into account the different circumstances and specific needs of all children (Rapatsa et al., 2016). Education is contributory to the development of human potentialities and capabilities, it plays a significant role of building the future of a child and its consequent impact on the community is to great extent. In the process of nation building it plays a pivotal role for development of a community (Bordoloi, 2011)

## **3. Judicial Trajectory: From Interpretation to Mandate**

The chief justice of the Supreme Court of India once remarked that “education is the most powerful weapon for changing the world” (N. S. P. R. Rehman, 2015). Recognizing education’s vital role in society, the Supreme Court incorporated the right to education within the ambit of the right to life under Article 21. In a series of landmark rulings, it established education—particularly at the elementary level—as a fundamental right. The corresponding obligation on the state arose from constitutional provisions mandating universal, free, and compulsory education. Between 2001 and

2005, a constitutional amendment and subsequent legislation were enacted to affirm the right to education explicitly.

In the *District Collector v. S. B. Rhadha*, the Supreme Court reiterated the right to education as fundamental, constituting a core obligation. Failure to deliver educational rights invited judicial scrutiny of policy design and resource allocation, thereby committing the Court to broader principles of state governance. The 2009 Right to Education Act expanded the scope of Article 21 amid ongoing reforms, further catalyzing judicial action with landmark judgments on administration, compulsory participation, financing, and inclusion (R. Bauries, 2012). Emerging jurisprudence deployed access and equity principles alongside core obligations. Such doctrinal shifts influenced educational restructuring across diverse policy domains, including early-childhood development, financing, digital technology, teacher training, and language.

### 3.1. Early Jurisprudence on Education Rights

Education is a critical instrument in shaping the destiny of both individuals and nations, empowering people to harness their potential through knowledge. The pursuit of education is closely tied to the search for equality and justice, and many view education as the most viable avenue to realize these ideals, particularly in developing societies. Constitutions around the world typically guarantee the right to free and compulsory education constituting an important legal recognition of education as an entitlement.

With these observations in mind, the Constitution of India does not expressly prescribe a right to education but under Article 45 it imposes a duty on the State to provide for free and compulsory education for children until they complete the age of fourteen. The Supreme Court of India has ruled that right to education is a fundamental right flowing from the right to life under Article 21. The Court held that the right to education is fundamental to the fulfilment of rights to life enshrined in the Constitution, thereby establishing an inextricable link between right to life and the right to education. Spalding remarked in 1884: “The right to life... does not appear to be here considered as an arbitrary right, but as right which exists not for its own sake exclusively, but for the sake of the fulness of that life which it implies” (Grigsby, 2019). Publication of the Constitution in the year 1950, it was to ensure that the right to education shall be recognised as a fundamental human right.

### 3.2. The Right to Education Act and its Constitutional Implications

The Constitution, through Article 21A, mandates the provision of compulsory enthrone education for children aged six to fourteen years. Following on the ground interpretation, the Act enables the most potent judicial interpretation explicitly ensuring the right to education is fundamental constitutional right, second only to the right to life under Article 21. Judicial interpretation thus inaugurated a new era in democratic governance, altering the stature of RTE from the realm of Directive Principles of Policy to that of Fundamental Rights, which accentuated the significance of education and preconditioned the conditions for an informed citizenry (Ahmad Bhat, 2018). Consequently, the Act now occupies the fundamental rights cluster of the Constitution, alongside universally recognised rights to liberty, equality, and social justice. Yet the dignity of an individual is contingent upon access to useful education, vital not merely for learning per se but also for the full exercise of rights enshrined in the Constitution, being essentially requisite for the reclamation and retention of civilised values. Education ought thus be treated as a fundamental right. claim constituted a valid ground for statutory and legislative intervention and State action.

Article 19 of the Constitution guarantees every citizen freedom of expression, and the State is consequently obliged to afford educational and informational resources appropriate for appreciation. The Right to Information Act may therefore stem directly from functional interdependence with education. An obligation to impart even functional literacy to adults, inter alia, through the establishment of Jan Shikshan Sansthas, must be read into Article 21A in view of attitudinal changes in the global educational arena. As a corollary of the Constitution, the duty to ensure universal adult franchise conjoined provision of eligible curriculum, syllabi, and textbooks. RTE standards hence constitute no more than a requisite of Scriptural minimum, and the obligation upon

the State remains considerable in terms of its constitutional commitment (Nevondwe & O. Odeku, 2013).

### 3.3. Key Supreme Court Judgments and their Impact

The judgment in *Unni Krishnan JP v. State of Andhra Pradesh* was a definitive milestone. While the seminal case of *Minerva Mills Ltd. v. Union of India* (1980) had heralded education as a fundamental right implicit in the right to life and personal liberty guaranteed under Article 21 of the Constitution, it was in this case that a specific, constitutional right to education was unequivocally articulated by the Supreme Court. A fundamental right to education as recognised under Article 21 confined to children upto 14 years of age and also a corresponding responsibility of the State to provide for that right and a directive principle of education of article 45 of the constitution are state neither empowers nor permit the state to deny same. In fact Right of density Education has been recognized by supreme court as a fundamental in the judgment of unni krishnan v state of Andhra Pradesh. The importance of education has been highlighted in numerous Supreme Court cases Justice Varma reiterated the need to treat education as a fundamental right in the case of *Mohini Jain v State of Karnataka*. The Supreme court further announced that the right to education is fundamental for pulverizing the wall of poverty in the case of *Unni Krishnan JP v State of Andhra Pradesh* and at later stage in the judgment of *Ravi Chaudhry v Union of India* the apex court held that a well education is necessary as a step to human resource development. The judgment has uniformly held the due importance of education vis a vis right to live. Each child is entitled to good quality education imparted in his innate tongue irrespective of individual status also held one of the important principle of education case.

A well-trained and educated labour force is an essential precondition for sustainable economic growth and poverty eradication and is highly productive whichever economic growth strategy is adopted. Education is the knowledge of putting one's potential to the maximum use. Education is not merely a fundamental right but an essential ingredient for the evolving of an enlightened society and sustainable economic growth. A perusal of article 45 directive principle relating to education coupled with the stress placed on education by the cusp successive Chief Justices of India as well as Prime Ministers clearly establish education as a fundamental right explicitly. Most of the provisions for implementation of the right to education provided in the unni krishnan judgement have now crystallized in a statutory form through the enactment of the right of children to Free and Compulsory Education Act 2009 and rules framed there under AND therefore a review of the judgement is of utmost significance.

Recognition of right to education as a fundamental right under the Indian constitution is still in its infancy stage, limited during the tenure of Chief Justice M. Hidayatullah. When the legal literacy movement gathered momentum the apex court consistently with its reckless leap in law proclaimed right to education as a fundamental right in *Jawaharlal Nehru University v. Union of India*, *Unni Krishnan JP v. State of Andhra Pradesh* and *Mohini Jain v. State of Karnataka*. Thus, education has already been recognized as a fundamental right. Education is the key to unlock the golden door of freedom and economic well-being. Education is a civil right through which youth can explore a world of endless opportunities for personal growth. Education is imperative for the economic and social development of our country. It is not simply for the self-interest of the individual but it is also for the benefit of the society as whole. Education is an essential pre-condition for citizens to exercise their political rights. The Supreme Court has also indicated in the *Unni Krishnan* case itself that Right of Children to free and compulsory Education Act, 2009 has not dealt upon the provisions of Article 21 but it has been realised that the subject matter enumerated in the decision has been covered in the Right of Children to Free and Compulsory, Act, 2009.

### 4. Structural Reforms in Education: Policy and Legal Interfaces

Among the various policy goals that guide the education sector, three priorities stand out: access, equity, and quality. These are closely related, as the failure to provide the basic minimum renders an education system non-functional, while the absence of equity results in educational apartheid at its worst (Ahmad Bhat, 2018). Effective action on these areas leads to a better education



system, while inept responses often trigger backlashes. Analysis reveals a complex interaction between policy priorities and the legal framework. The Constitution of India is primarily concerned with access. The compulsions of a democratic polity draw attention to equity issues, especially for marginalized groups. The new national policy and its holdings exhibit a limited ambition and focus on quality, which emerges as a higher objective compared to access and equity. Legal obligations under the Right to Education Act 2009 are accordingly mapped to these three targets.

A systematic doctrine of inclusive education has emerged over time. The approach is multi-dimensional, leveraging diverse policy instruments that cater to varied population segments. However, specific rights remain valid only for designated groups. The lenses of and a socio-political framework for delivery come into play for those falling outside any affirmative-action category. Scheduling groups find a place even in the Education policy; the debate is thus more muted. Moreover, implementation gaps are widely acknowledged to the extent of facilitating a separate body of literature on "RTE, where RTI and RTE slip into the discussions on Right to information and Right to Education. Implementation of inclusive-education frameworks has suffered severely, thereby rendering rights for women and minority groups illusory even at the access stage. Pre-conditioning of attendance at the elementary level constrains enforcers' ability to uphold them.

#### **4.1. Access, Equity, and Quality: Policy Priorities**

Despite constitutional and legislative commitments to enhance educational access, equitable distribution, and the quality of instruction remains elusive (Bajaj, 2014). Policies justify measures to extend access—both geographical and by gross enrolment ratio—through constructs like no restriction on school age, school maps, and incentives for localised, community management, public, and private schooling. A second priority—equity (e.g. location of schools, changes in teaching or methods otherwise)—is aimed to uplift, replicate, and replace existing, inequitable schemes like '872,' 'adda,' and 'education type.' Finally, for 'quality' to come on 'exclusion/sole access,' there must be 'rights of refuge' like 'no detention till below=5th/age=14 years' for a school to be termed 'primary.' Such geography + sequence amongst access-equity-quality policy priorities have arisen across India after education being termed as fundamental right through 2002–03 enactment of 'right to education' in 86th amendment to constitution with elaboration under 'right to education act'—the substance and status of the guarantee to 'education' as opposed to susceptible, infectious, and malignant, other fundamental or human rights of life, person, equality, liberty to precedence amongst varied, competing national and international, legal, and light right within and across, concern remains unfilled (Ahmad Bhat, 2018).

#### **4.2. Inclusive Education and Rights of Marginalized Groups**

The Indian Constitution provides for free & compulsory education to all children of the age group of 6-14 years, but there are still many children from marginalized groups, such as neo-literate labourers and sex workers, who find it difficult to receive school education. Following the UN Convention on the Rights of Persons with Disabilities, which advocates for inclusive education, the Government of India launched the Inclusive Education for Disabled at Secondary Stage scheme in 2009 (Ahmad Bhat, 2018). This scheme aims to provide education to children with disabilities studying in classes IX to XII in regular schools. Education for marginalized groups becomes the responsibility of the government, as private schools cannot be asked to implement rights for these groups. The Right to Education (RTE) Act governs the provisions regarding marginalized groups in education, and the Act on Inclusive Education is supposed to adhere to the RTE Act.

Education plays a significant role in the socio-economic betterment of marginalized communities. It can empower neo-literate unskilled workers by improving their employability and income, whereas it can help sex workers enable their children to attend foundational classes that will develop a habit of going to school regularly. However, the provisions regarding such critical issues have remained largely unaddressed by various governments. Safety and security are also vital for children belonging to marginalized groups. Since these children are highly prone to human trafficking, it is important to ensure by law that these groups will be educated in government institutions where security is guaranteed (Bordoloi, 2011).

### 4.3. Financing Education: Public Obligation and Fiscal Sustainability

India's Constitution includes education as part of the "Directive Principles" of state policy, indicating it is not a fundamental right, clarifying the state's responsibility to ensure access to education without fixing the ceiling, and obliging but not mandating the state to provide a minimum standard of education even at the cost of restricting class-size up to an higher level. Also, nowhere the priority of educational financing and its share in G.D.P. is reflected. (Bordoloi, 2011). The out-of-pocket expenditures, on educational services borne by household and private and grants-in-aids given to private institutions are not mentioned consequently. The item for education is placed in the 12th schedule of the constitution. An unbiased assessment of the education system has to consider as to why all these forms of financing are excluded from the purview of the studies by previous researchers of educational finance, else they present an incomplete picture. The judicial trajectory thus evolved casts several shadows on the education system in every possible aspect, be it structural, legal, policy, financing or regulatory, which are, being considered in the remaining part of the study.

The importance of implementing basic economic principles when designing a system of educational finance is widely understood. However, a relatively neglected area is the foundation of educational finance, i.e. the economic principles relevant to the establishment of a new education system. It is inevitable that several economic principles are relevant to this design activity. The proposed rules are based on four broad categories, specifying the public and private responsibilities for educational financing and clarifying the choice of public obligations. The existing universal nature of public education funding will be maintained to an even greater extent in the new education system. Nevertheless, as more jurisdictions make the choice of public financing of the new education approach, it may be useful to examine the economic principles that influence this public financing choice. It seems intuitive that educational financing issues once the educational approach is determined are fundamentally different when a jurisdiction considers the approach itself.

## 5. Comparative Perspectives and Lessons for India

International benchmarks for the right to education in the context of system-level judicial constitutionalization provide salient references for constitutional adaptation in the Indian context. The right to education retains a prominent place in international human rights instruments despite variations in theoretical conceptions of rights both within, and external to, these instruments. International monitoring mechanisms perform a quasi-adjudicative role in the implementation of the right to education. Methodologies for measuring compliance may therefore be interpreted as analogous to the assessment of the scope and content of educational rights by domestic courts. Educational jurisprudence in South Africa, Kenya, and the United States illuminates the scope and limits of the individual educational right under the Indian Constitution, the influence of domestic institutional arrangements and educational subnationalism on constitutional interpretation, and the salience of legislative design within which the scope, content, and implementation of educational rights are further accommodated. Learning and accountability frameworks provide a distinctive entry point for the judicial enforcement of educational rights that reframes educational access as a function of constitutional quality rather than quantity (R. Bauries, 2012).

### 5.1. International Benchmarks and Domestic Adaptation

Quality education is a fundamental human right, enshrined internationally and domestically, and essential for the exercise of all other rights. The United Nations Educational, Scientific and Cultural Organisation identifies the right to education as a precondition for the realisation of other rights and freedoms essential for human dignity. The Convention on the Rights of the Child proclaims the entitlement of every child to an education that develops the child's personality, talents, and mental and physical abilities; to prepare the child for responsible life in a free society; and to protect the child from discrimination, neglect, and exploitation (Meix-Cereceda, 2020). The Constitution of India recognises the right to education as a fundamental right of every child. The establishment of a formal education system is a major step towards human development.

The right to education remains illusory without the provision of schools or qualified teachers, especially in a vast developing country like India, where high illiteracy persists. The Supreme Court of India reiterated that access to education is necessary for the exercise of all fundamental rights and held that: “Education is not only a right of a child, but it is also an essential ingredient for a healthy democracy” (Bordoloi, 2011) and “A society which is not educated can not remain a democracy” (Ahmad Bhat, 2018).

Ensuring education access for all children aged 6 to 14 is inadequate without addressing equity. Education is fundamental to honouring the constitutional promise of social justice and serving the inclusive agenda of the 2030 Agenda for Sustainable Development, which India endorsed. The Education for All Global Monitoring Report urges governments to address disparities in education access for marginalised groups to eliminate inequalities in education participation and outcomes.

## 5.2. Lessons from Select Jurisdictions

Education continues to be the most powerful tool for economic and social development and the basis for other fundamental rights. Several countries have made primary education compulsory and free to ensure that children’s educational rights are realised.

In Norway, the right to education can be found in the Constitution (Article 109). The maximum length of compulsory schooling is lowered, including a provision specifying the maximum length of compulsory schooling. Further, the requirement that education must be offered in the Norwegian language and within the framework of Finnish culture and values was included to safeguard education among the Sami population. In Brazil, the Constitution establishes the right to education, guaranteeing free public education. The right encompasses not only broad access to education but also quality education and full-time schooling. Permissible measures to the right include the requirement that the minimum age for dating at 16, with these rules being regarded as safeguarding vulnerable groups, rather than restricting the right to date. The Brazilian Supreme Court has ruled that the violation of the right to education leads not only to the loss of primary educational know-how but also barring access to the knowledge necessary to access further education. In Mexico, the Constitution stipulates the right to education as well. The determination of the legal form of education is left to the states, with the Constitution specifying that education must be secondary and free. A similar law in Brazil turns the right literally into universal free access to primary education, leading the Supreme Court to strike down that provision as unconstitutional. (Weishart, 2016)

## 6. Future Directions: Education Policy, Law, and Social Justice

The growing emphasis on educational rights at the global level increasingly recognises the importance of education for personal and social development. In his 1997 Report of the UN Special Rapporteur on the Right to Education, Katarina Tomaševski identified three fundamental aspects of the right to education: access to education, the right to receive a minimum standard of education, and the right of educational authorities to formulate curriculum content in conformity with international standards. Research in other countries suggests that access to education must be complemented by quality, equity, and adequate public funding, particularly for vulnerable groups (Ahmad Bhat, 2018).

The formation of a global agenda for the right to education also highlights the crucial role of capacities and governance in ensuring effective delivery of educational services. Once a universal policy objective, the provision of basic education to all is increasingly regarded as fundamentally non-negotiable and unconditional, akin to the provision of shelter and nutrition. At a philosophical level, the motivation behind recognising educational rights extends beyond instrumental arguments, as such rights must also be justified with reference to equal opportunity and social justice (Bordoloi, 2011).

### 6.1. Emerging Trends in Educational Rights

The first two decades of the twenty-first century have witnessed two significant transformations in the rights discourse in India. First, the recognition of the right to education as a fundamental right through the amendment of the Constitution to include Article 21A and the coming

into force of the Right to Education Act marked a paradigm shift from an entitlement view to a rights-based approach to education. This shift reflects the inherent recognition of the critical role of education in furthering human development—even going to the extent of bringing education within the ambit of Fundamental Rights with all its accompanying implications and restrictions. Legal entitlements focus on specific aspects of the educational process, while the exposition of the right to education integrates all processes and provisions into a general conceptual framework. The second significant shift is the emergence of education as a tool of social justice and as a means to further social equity and equality (Batra, 2020).

Although legislators and policy-makers made conceptual shifts to redefine the right to education to one of equity and inclusion, the apex judiciary has yet to follow suit. It is likely that in the next phase of educational policy and legal reform, there will be a re-examination of the framework of educational rights along these lines and an examination of the role of the judiciary in promoting equity and inclusion—especially in light of the universal education policy and accompanying equity and inclusion policies that are now in place. The judiciary still has a critical role to play along these two emerging dimensions. Education in the twenty-first century also encompasses the new frontiers of digital inclusion and greater emphasis on the teaching of science and mathematics. The last decade has seen a surge of initiatives from national and state governments to increase the system-level penetration of technology, a push that continues today (Govinda, 2020). While technology is mandated across a variety of policy documents, the apex judiciary has not yet addressed the constitutional and legal dimensions of educational rights within the framework of digital inclusion policy.

With the promulgation of the National Education Policy (NEP) 2020, a renewed emphasis on pre-school education in disadvantaged areas has emerged. The apex judiciary has yet to address educational rights in relation to the mandate of the NEP on early childhood education and pre-school or pre-primary education. The tremendous expansion of private schooling without regulatory frameworks led to phenomena such as capitation and donation fees, and thus the Constitution, legislation, and policy the apex judiciary provided important doctrines. Well-structured educational policy and legislation for map the fundamental contours of a well-ordered educational rights regime, the apex judiciary helped establish beyond just access to equitable, inclusive, and quality schooling as major and enabling dimensions. In hindering the fulfilment of educational rights, structural and social factors remained critical impediments in early analysis, further examination of doctrinal and structural policy issues and frameworks for educational rights in relation to social justice and equity complied with national and global agendas for the fulfilment of quality right at the secondary level has become vital (Ambast, S. 2017).

Educational policy and planning shaped by well-defined universal and quality educational rights could also shed light on educational rights. Private pre-schooling has become prevalent, alongside massive investments in early childhood development without accompanying entitlements, thus further analyses of entitlement-based rights disadvantaged groups rehabilitated became essential. The unprecedented upward expansion of both private and government schooling in rural areas throughout schools provided inputs for evaluating statutory and policy frameworks for the two-decade old legislation have grown important (Kapoor & Yadav, 2020). Universal accessibility and availability with the increasingly prominent emergence of private transport decision-making and regulatory policy provides opportunity to assess the obstacles, attainments, and deliberations around school funding.

Educational policy from the 1986 National Policy on Education (NPE) and subsequent legislation and plans has centred on three main goals: universal access, retention, and quality, and evaluation of education law along NPE determines the fulfilment of educational rights. With the acceleration of digitalisation and rapid pedagogical changes brought on by COVID-19, recognition of the on-going pandemic and the suspension of formal in-person delivery provides context to tackle the constitutionally guaranteed rights. A range of concepts within the rights discourse standards can be unpacked within a situated approach to policy and planning that incorporates the two systems: pre-school and digital inclusion. Distributional, structural, and affordability-related drivers remain powerful explanatory factors and persist alongside other considerations. Expanding access, extending



reach, or replacing analogue by digital technology also offer different meanings for a fragmented constellation of policy and statutory mechanisms addressing the dimensions of education (Tilak, 2021).

## 6.2. Concluding Reflections

Sustained structural change in education is necessary for realizing the state obligation to provide free and compulsory education. The fundamental right to education and the enforcement of the Right to Education Act are compromised by failures in the surrounding policy framework. Despite widespread recognition of education as a priority, the original contemporary policy framework originates in the 2009 Act—decisions made at that time continue to hold significant consequence. Further, the constitutional obligation to ensure education of specified quality has been essentially overlooked; accordingly, provided access cannot be equated with fulfillment of the right (Bordoloi, 2011). The RTE Act does not guarantee the standard through which education is to be provided. The Supreme Court's repeated emphasis on quality and the features of a rights-based approach call for a more responsive framework (Ahmad Bhat, 2018). Political leadership in framing complementary policy commitments at a different level is yet to be publicly acknowledged or articulated. An implicit understanding appears to have characterised the earlier two decades of reform, but the implications are nonetheless substantial and long-form examination of the education policy framework is warranted.

The language of the constitutional right to education—specifically, the right to free and compulsory education, as articulated through the RTE Act—stands substantially free to accommodate normative change. An emerging binary distinguishes between preparations for democratic citizenship and the enhancement of capabilities or opportunities. The prior remains foundational; momentum has shifted toward the latter, and an understanding of capabilities has evolved (Weishart, 2016). The Supreme Court has continued to favour the former, but the retrieval of the latter is neither impossible nor unprecedented. The domain for the reform of complementary enablers covering the broad field of requisite characteristics, and institutions is open. Ordinarily framed in terms of 'learning outcome' or 'educational quality,' these were explicitly circumvented when the RTE Act was enacted.

## 7. Conclusion

The Constitution of India does not explicitly mention education as a fundamental right, but the Supreme Court of India has interpreted the right to education as a fundamental right under Article 21 of the Constitution, relying on a purposive interpretation of related provisions. For example, the Court has reasoned that the right to life conferred by Article 21 must include the right to live with dignity, which is impossible without access to education (Bordoloi, 2011). Through judicial interpretations, the Constitution has recognized the right to education as a fundamental right.

Expressing concern over the state of illiteracy post-independence, the Court provided minimum standards for the provision of elementary education, the violation of which would amount to infringement of the right to education (Ahmad Bhat, 2018). Furthermore, by recognizing education as a right and the State's duty to provide it, the Supreme Court laid the foundation for the enactment of the Right to Education Act, which was subsequently enacted in 2009. The fundamental duty of parents to provide education for their children equivalent to the fundamental right of children to receive it has also been established in various cases.

The comprehensive examination of the evolution of educational rights has clear implications for policy and law. The study highlights that, in both policy and law, the Right to Education remains focused on access, equality, and quality. The policy framework articulates the three targets, and the corresponding legal obligations—consistent with broad guidelines on the implementation of the Act—accordingly specify the priority of each target. At the same time, this analysis suggests that pursuing educational rights beyond the framework of the Right to Education would leave open fundamental issues that the comprehensive survey of education rights in the Constitution and relevant legislation identifies as crucial to achieving the ambition of equitable high-quality education for all.

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