A STUDY ON RIGHT TO EDUCATION ENSHRINED FOR CHILDREN IN INDIA.

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Abstract
The right to education is a fundamental human right that is recognized and enshrined in various international human rights treaties and agreements. In India, the right to education has been enshrined as a fundamental right for children under the age of 14 through the 86th Amendment to the Constitution in 2002. Objective of the research is that the right to education enshrined for children in India. The research method followed here by the researcher is empirical research. The total number of samples is 200. From 200 people the researcher has got the data. Convenient sampling method is used to collect the samples. Major findings of the research is that the right to education is a fundamental right. The state shall provide free and compulsory education to all children of 6 to 14 years. The importance of education in the lives of the children at present. Implementing laws compelling in the state. The quality of free education is good provided to the children. There are many children who are beneficiaries to this scheme of the state. The fact that the private unaided schools had 25% of the total strength of the RTE quota. Every child in need of education does not have access to free and compulsory education. The major barriers that prevent children from realising their right to education are
poverty, inadequate infrastructure, discrimination, cultural attitudes and disability. The measures taken by the government for the education of the children are satisfied. The enshrinement of the right to education as a fundamental right for children in India is a crucial step towards ensuring that every child has access to quality education. **The aim of the research is to study the right to education enshrined for children in India.**

**Keywords:** Education, Children, Discrimination, Quality Education and Fundamental Right.

**Introduction**

The Indian Constitution, adopted in 1950, included provisions for free and compulsory education for children up to the age of 14. This right was included in the Directive Principles of State Policy, which are non-justiciable guidelines for the government. In 2009, the Indian Parliament passed the RTE Act, which made free and compulsory education a fundamental right for children between the ages of 6 and 14. The act also included provisions for the training of teachers, the creation of child-friendly schools, and the establishment of neighbourhood schools within walking distance of every child. The Indian government has undertaken several initiatives to ensure the right to education for children in India. The Sarva Shiksha Abhiyan: Launched in 2001, this initiative aimed to provide universal access to elementary education in India. The program focused on improving infrastructure, teacher training, and the quality of education. The Mid-Day Meal Scheme: This initiative, launched in 1995, provides free mid-day meals to children in government schools across India. The aim of the program is to improve attendance and retention in schools, particularly in areas where malnutrition is prevalent. Compared to other countries, India has made significant progress in improving access to education for children. However, there are still challenges to be addressed, such as poor infrastructure in schools, shortage of qualified teachers, and high dropout rates. In other countries, the right to education for children is also guaranteed by law. For example, in the United States, the Elementary and Secondary Education Act (ESEA) ensures that all children have access to a quality education. Similarly, in the United Kingdom, the Education Act of 1996 makes education compulsory for all children between the ages of 5 and 16. In terms of access to education, some countries have made more progress than others. For example, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO), countries such as Cuba, Finland, and South Korea have achieved almost universal access to education. In contrast, countries such as Afghanistan and Somalia face significant challenges in providing education to all children due to factors such as conflict and poverty.
Objectives

- To ensure that all children in India, regardless of their social or economic background, have equal access to education.
- To provide quality education to all children.
- To ensure that there is equity in education by removing discrimination on the basis of gender, caste, religion, or economic status.
- To promote inclusive education by providing support and accommodations for children with disabilities or special needs.
- To promote the holistic development of children by providing opportunities for them to develop their physical, mental, and emotional capacities.

Review of Literature

1. Education is both a human right and an indispensable means of achieving other rights. Provision of education for irregular status migrant children tests the commitment of nation states to this basic right even as states curb irregular immigration. In the US, the right to go to school was guaranteed to irregular migrant children, by the case of Plyler v. Doe in 1982. (Chandrasekhar, S. 2006.)
2. This article argues that the right enshrined in that decision faces considerable risk of being eroded in the current political context. The article presents a detailed critical analysis of the rationale in the case, with a full consideration of the shaky constitutional framework on which the decision was based. It also examines the direct legal challenges to the right to education since Plyler, and the potential impact of new political and legal changes in contemporary times. (Chowdary, Neha. 2021.)
3. This chapter pulls together the main strands of Child Labour in Global Society, and addresses their implications for the sociological study of children’s lives, schooling and slavery. (Darling-Hammond, Linda. 2012.)
4. In popular and scholarly discourses there is a tendency to emphasise the differences between the social lives of children and those of adults rather than the similarities and continuities; to misrepresent children’s social activities in comparison with those of adults; to rationalise the differential way in which children’s social activities and participation are assessed and rewarded relative to those of adults; and to fortify children’s actual and/or assumed marginal situation in modern society. (Hammarberg, Thomas. 1998.)
5. There are sociological gains to be had from emphasising the comparable features and structural links between ‘childhood’ and ‘adulthood’ due especially to the common participation of children and adults in productive labour. (Idfc Foundation. 2016.)
6. The way in which children’s social activities are differentially assessed and rewarded is reflected in how children are denied full citizenship rights, and so are non-citizens. In particular, children are denied the right to freely exchange their labour power on the labour market. (Johnson, Kevin R. 2021.)
7. While viewing educational labour as forced labour does not sit well with ideas about children and childhood in modern society, doing so is consistent with the element of compulsion in for instance the Convention on the Rights of the Child (CRC). (Kumar, Harish. 2022.)

8. This chapter is about the modern, Western education system as an economic system of production on behalf of the capitalist mode of production (CMP) and globalisation towards a single, global social space around market capitalism, liberal democracy and individualism. (Matthey-Prakash, Florian. 2019.)

9. The schooling process is above all an economic process, within which educational labour is performed, and through which the education system operates in an integrated fashion with the (external) economic system. (Patrinos, Harry Anthony, Felipe Barrera Osorio, and Juliana Guáqueta. 2009.)

10. It is mainly through children’s compulsory educational labour that modern schooling plays a part in the production of labour power, supplies productive (paid) employment within the CMP, meets ‘corporate economic imperatives’, supports ‘the expansion of global corporate power’ and facilitates globalisation. (Rajashree. 2021.)

11. What children receive in exchange for their appropriated and consumed labour power within the education system are not payments of the kind enjoyed by adults in the external economy, but instead merely a promise – the promise enshrined in the Western education industry paradigm. (Raj, Shubham, and G. Naga Lahari. 2017)

12. In modern societies, young people, like chattel slaves, are compulsorily prevented from freely exchanging their labour power on the labour market while being compulsorily required to perform educational labour through a process in which their labour power is consumed and reproduced, and only at the end of which as adults they can freely (like freed slaves) enter the labour market to exchange their labour power. (Robinson, Kimberly Jenkins. 2021.)

13. This compulsory dispossession, exploitation and consumption of labour power reflects and reinforces the power distribution between children and adults in modern societies, doing so in a way resembling that between chattel slaves and their owners. (Silva, Maria Magalhaes. 2017.)

14. Education is fundamental to development and growth. Access to education, which is a basic human right enshrined in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child, is also a strategic development investment. The human mind makes possible all other development achievements, from health advances and agricultural innovation to infrastructure construction and private sector growth. For developing countries to reap these benefits fully both by learning from the stock of global ideas and through innovation they need to unleash the potential of the human mind. And there is no better tool for doing so than education. (The Commissions for Protection of Child Rights Act, 2005.)

15. The claim that a well-educated population is essential for development so that all societies share an interest in having children participate in schooling as much as possible is the central element of the Western education industry paradigm, the global appeal of which is reflected in how compulsory
schooling has been embraced almost everywhere in conjunction with being heavily promoted within the ‘international community’ and widely endorsed by researchers, scholars and similar observers. (Tilak, Jandhyala B. G. 2002.)

16. Education is a fundamental right that can lift people out of poverty, empower women, safeguard children from exploitative labour and promote democracy. In this sense, the right to education, which is recognized in several treaties, cannot be separated from the right to an education in human rights. (UNESCO. 2015.)

17. The latter is crucial to the realisation of human rights and contributes significantly to achieving equality, tolerance and respect for the dignity of others. Plus, through education in human rights, people would also not become more sympathetic about our differences, but they would also be empowered to demand and exercise their own rights, which will certainly contribute to their observance and implementation. (Walsh, Vincent. 2011.)

18. This introductory chapter will explore why education in human rights is one of the most powerful tools to prevent atrocities and to guarantee every person a dignified life. Consequently, it will also argue that it is vital to integrate human rights education into the curriculum and classroom. Furthermore, this chapter will consider the right to receive this kind of education and the State’s obligation to guarantee it. Finally, it will analyse the best ways to teach human rights in higher education through active learning (simulations, discussions, role-play and moot courts). (Zendeli, Emine. 2017.)

19. The readiness for the full participation of all children in mainstream education varies within schools, from school to school, and across countries with children in mainstream education. Whilst the concept of inclusive education has generated much debate, practice remains questionable and variable around type, place, support and learning and teaching resources. This chapter is concerned with how an inclusive learning environment can be achieved by developing a shared community of practice (Wenger, 2010) for all children. (Kumar, Harish. 2022.)

20. Using lessons learnt from developing a whole-school approach to including disabled learners, I hope to present a rationale for educators to gain a deeper understanding around the need to identify and support all children’s learning and participation in school, which presently is often overlooked. Whilst inclusive education is still on the agenda, it is so at the cost of competing initiatives within the educational system which practises a dichotomy between ‘special’ and ‘mainstream’ education. Finally, there will be an attempt to expose the idealised notions of the fundamental principle of ‘schools for all’. Social justice, disability, equity and human rights issues that underpin the social model of disability are being responded to within the ‘special’ education discourse, often creating exclusionary practice and inequalities within education. (Matthey-Prakash, Florian. 2019)

Research methodology
The research method followed here by the researcher is empirical research. The total number of samples is 200. From 200 people the researcher has got the data. Convenient sampling method is used to collect the
samples. Convenient sampling method is used to collect the samples. The sample frame taken by the researcher is from colleges and public places. The independent variables are age, gender, educational qualification, occupation and monthly income. The questions towards my respondents are the dependent variables of Do you think that the tradition of our society sets social norms for boys who give economical support that place greater values on sons than daughters? Do you think the termination of pregnancy based on gender clearly shows inequality on gender for an unborn child? Our government ensures that all children are valued and treated equally and it leads our society into greater form - Rate in the 10 points scale. How far are you satisfied with the provisions or regulations of the selective abortion act? “Ancestral social norms are the major reasons for imbalanced sex ratios.” - State your agreeability. Are you against selective abortion? Have you ever witnessed or had an experience of a voluntary abortion? On a scale of 1 to 10, rate the level of abortion rates currently in our country. The unborn child’s right to life is being violated in case of abortion - State your agreeability. How far are you aware that the termination can be decided only by mother? The bar graphs are the research tools used in this research. SPSS graphics attached in this research work have been used for this research work. The primary sources are taken from the general public in the form of survey methods and the secondary data is also used where articles, books and journals are referred for this Research Paper.

Data Analysis and Interpretation

Figure 1

Legend

Figure 1 shows the gender distribution with respect to if the right to education is a fundamental right.
Figure 2 shows the gender distribution with respect to question if people are aware that the state shall provide free and compulsory education.
Figure 3 shows the gender distribution with respect to the importance of education in the lives of children.
Figure 4

Legend

Figure 4 shows the gender distribution with respect to satisfaction based on the implementation of laws compelling education in the state.
Figure 5 shows the gender distribution with respect to the quality of the education provided in the country.

Legend

The quality of free education
- 1.00
- 2.00
- 3.00
- 4.00
- 5.00
- 6.00
- 7.00
- 8.00
- 10.00

Percent

Gender
Figure 6 shows the gender distribution with respect to any beneficiaries to this scheme.
Figure 7 shows the gender distribution with respect to awareness of the fact that the private unaided schools have a 25% RTE quota.

Legend

Figure 7 shows the gender distribution with respect to awareness of the fact that the private unaided schools have a 25% RTE quota.
Figure 8 shows the gender distribution with respect to if every child in need of education have access to free and compulsory education.
Figure 9

Figure 9 shows the gender distribution with respect to major barriers that prevent children from realising their right to education.
Figure 10

Legend

Figure 10 shows the gender distribution with respect to measures taken by the government for the education of the children.
Figure 11 shows the age distribution with respect to if the right to education is a fundamental right.
Figure 12 shows the age distribution with respect to the question if people are aware that the state shall provide free and compulsory education.
Figure 13 shows the age distribution with respect to importance of education in the lives of children.
Figure 14 shows the age distribution with respect to satisfaction based on the implementation of laws compelling education in the state.

Legend

Figure 14 shows the age distribution with respect to satisfaction based on the implementation of laws compelling education in the state.
Figure 15 shows the age distribution with respect to quality of the education provided in the country.
Figure 16 shows the age distribution with respect to any beneficiaries to this scheme.
Figure 17 shows the age distribution with respect to awareness on fact that the private unaided schools have a 25% RTE quota.
Figure 18 shows the age distribution with respect to if every child in need of education has access to free and compulsory education.
Legend

Figure 19 shows the age distribution with respect to major barriers that prevent children from realising their right to education.
Figure 20 shows the age distribution with respect to measures taken by the government for the education of the children.

**Result**

From figure 1 it is observed that based on the independent variable gender, females are the major respondents and have responded that the right to education is a fundamental right. From figure 2 it is observed that based on the independent variable gender, females are the major respondents and have responded that they are aware that the state shall provide free and compulsory education to all children of age 6 to 14 years. From figure 3 it is observed that based on the independent variable gender, females are the major respondents and have rated 9 on 10 for the importance of education in the lives of children at present. From figure 4 it is observed that based on the independent variable gender, females are the major respondents and have responded that they are satisfied with the implementation of laws based on compelling education in the state. From figure 5 it is observed that based on the independent variable gender, females are the major respondents and have rated five on ten for the quality of education that is being provided by the country. From figure 6 it is observed that based on the independent variable gender, females are the major respondents and have responded that there are many children who are beneficiaries to this scheme. From figure 7 it is observed that based on the independent variable gender, females are the major respondents and have responded that they are aware of the fact that the private unaided schools have a 25% RTE quota. From figure 8 it is observed that based on the independent variable gender, females are the major
respondents and have responded that every child in need of education has access to this free and compulsory education. From figure 9 it is observed that based on the independent variable gender, females are the major respondents and have responded that the major barrier that prevents children from realising their right to education is poverty. From figure 10 it is observed that based on the independent variable gender, females are the major respondents and have responded that they are satisfied with the measures taken by the government for the education of the children. From figure 11 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that the right to education is a fundamental right. From figure 12 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that they are aware that the state shall provide free and compulsory education to all children of age 6 to 14 years. From figure 13 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that they are satisfied with the measures taken by the government for the education of the children. From figure 14 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that they are aware that the private unaided schools have a 25% RTE quota. From figure 15 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have been rated five on ten for the quality of education that is being provided by the country. From figure 16 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that there are many children who are beneficiaries to this scheme. From figure 17 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that they are aware of the fact that the private unaided schools have a 25% RTE quota. From figure 18 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that every child in need of education has access to this free and compulsory education. From figure 19 it is observed that based on the independent variable age, people belonging to the age group of 20 to 30 years are the major respondents and they have responded that they are satisfied with the measures taken by the government for the education of the children.

Discussion
From the figures 1 and 11 it can be observed that based on the independent variables of gender and age, females are the major respondents, where out of 70% of females, 50% of them have responded that the right to education is a fundamental right and based on the age, the major respondents belong to the age group of 20 to 30 years, where out of 50% of that respondents, 45% of respondents have responded that the right to education is a fundamental right that is because people nowadays are more aware about the laws and the regulations that are being implemented. From figures 2 and 12 it can be observed that based on the
independent variables of gender and age, females are the major respondents, where out of 64.5% of female respondents, 44.50% of respondents are aware that the state shall provide free and compulsory education and based on age, the majority of respondents belong to the age category of 20 to 30 years, where the total 49.50% of that respondents category are aware that the state shall provide free and compulsory education. From figures 3 and 13 it can be observed that based on the independent variables of gender and age, females are the major respondents, where out of 64.5% of respondents of the gender category of females, a majority of 40% respondents have rated 9 on 10 for the importance of education in the lives of children at present and based on the age, where the major respondents belongs to the age group of 20 to 30 years category total of 45% out of which 40% of the respondents have rated 9 on 10 for the importance of education in the lives of children at present. From figures 4 and 14 it can be observed that based on the independent variables of gender and age, females are the major respondents, where out of 72% of females, 54% of respondents are satisfied with the implementation of laws based on compelling education in the state and based on age, out of 50% of respondents belonging to the age group of 20 to 30 years, 44.5% of respondents are satisfied with the implementation of laws based on compelling education in the state. From figures 5 and 15 it can be observed that based on the independent variables of gender and age, females are the major respondents, where out of 64.50% of total female respondents, 40% of respondents have rated five on ten for the quality of education that is being provided by the country and based on age, out of 50% of respondents belonging to the age group of 20 to 30 years, 40% of respondents have rated five on ten for the quality of education that is being provided by the country. From figures 6 and 16 it can be observed that based on the independent variables of gender and age, females are the major respondents, where out of 70% of total female respondents, 44.5% have responded that there are many children who are beneficiaries to this scheme and based on age, where out of 50% of respondents belonging to that age category, the total 50% have responded that they are aware of the fact that the private unaided schools have a 25% RTE quota and based on age, where out of 50% of respondents belonging to that age category, the total 50% have responded that they are aware of the fact that the private unaided schools have a 25% RTE quota. From figures 8 and 18 it can be observed that based on the independent variables of gender and age, females are the major respondents, where out of 70% of female respondents, 60% of respondents have responded that every child in need of education has access to this free and compulsory education and based on age, where out of 50% of respondents belonging to that age category, 45% of respondents have responded that every child in need of education has access to this free and compulsory education. From figures 9 and 19, it can be observed that based on the independent variables of gender and age, females are the major respondents, where out of 64.5% of female respondents, 50% of respondents have responded that the major barrier that prevents children from realising their right to education is poverty and based on age, where out of 50% of respondents belonging to that age category, 40% of respondents have responded that the major barrier that prevents children from realising their right to education is poverty.
gender and age, females are the major respondents, where out of 61.5% of female respondents, 45% of respondents have responded that they are satisfied with the measures taken by the government for the education of the children and based on age, where out of 50% of respondents belonging to that age category, the total 50% respondents have responded that they are satisfied with the measures taken by the government for the education of the children.

**Research methodology**

The research method followed here by the researcher is empirical research. The total number of samples is 200. From 200 people the researcher has got the data. Convenient sampling method is used to collect the samples. The sample frame taken by the researcher is from colleges and public places. The independent variables are educational qualifications, gender, occupation, marital status, age, income. The dependent variables are as my questions to the respondents are right to education is a fundamental right. Are you aware that the state shall provide free and compulsory education to all children of 6 to 14 years. Rate the importance of education in the lives of the children at present in the 10 points scale. How satisfied are you with laws compelling education in the state. On a scale of 1 to 10, rate the quality of free education provided to the children. Are there any children who are beneficiaries to this scheme of the state? How far are you aware of the fact that the private unaided schools have 25% of the total strength of the RTE quota. Do you believe that every child in need of education has access to free and compulsory education? What do you think are the major barriers that prevent children from realising their right to education. How far are you satisfied with the measures taken by the government for education of the children? The bar graphs are the research tools used in this research. SPSS graphics attached in this research work have been used for this research work. The primary sources are taken from the general public in the form of survey methods and the secondary data is also used where articles, books and journals are referred for this research paper.

**Limitations**

The Right to Education Act in India has made significant strides in promoting universal access to education, but there are still several limitations and challenges that hinder its effective implementation. These include poor quality of education, inadequate infrastructure, socio-economic barriers, inadequate funding, teacher shortage, and dropouts and absenteeism.

**Suggestions**

The right to education for children in India, the government should focus on improving the quality of education, increasing funding, addressing socio-economic barriers, improving teacher training and recruitment, promoting awareness and parent involvement, and addressing dropouts and absenteeism.

**Conclusion**

The right to education is a fundamental human right that is recognized and enshrined in various international human rights treaties and agreements. In India, the right to education has been enshrined as a fundamental
right for children under the age of 14 through the 86th Amendment to the Constitution in 2002. Objective of
the research is that the right to education enshrined for children in India. Major findings of the research is
that the right to education is a fundamental right. The state shall provide free and compulsory education to
all children of 6 to 14 years. The importance of education in the lives of the children at present. Implementing
laws compelling in the state. The quality of free education is good provided to the children. There are many
children who are beneficiaries to this scheme of the state. The fact that the private unaided schools had 25%
of the total strength of the RTE quota. Every child in need of education does not have access to free and
compulsory education. The major barriers that prevent children from realising their right to education are
poverty, inadequate infrastructure, discrimination, cultural attitudes and disability. The measures taken by
the government for the education of the children are satisfied. The right to education for children in India,
the government should focus on improving the quality of education, increasing funding, addressing socio-
economic barriers, improving teacher training and recruitment, promoting awareness and parent
involvement, and addressing dropouts and absenteeism. The enshrinement of the right to education as a
fundamental right for children in India is a crucial step towards ensuring that every child has access to quality
education.

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