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A CRITICAL ANALYSIS OF JUDICIAL ACTIVISM AND THE RIGHT TO EDUCATION IN INDIA

AUTHORED BY - M.MADHAN MOHAN & DR. SINCY WILSON

The Right to Education (RTE) in India represents a landmark constitutional transformation that reflects the dynamic interplay between judicial activism and legislative development. Originally enshrined as a Directive Principle under Article 45 of the Constitution, education was not enforceable as a fundamental right. However, through progressive judicial interpretation, particularly by the Supreme Court of India, the right to education was elevated to a justiciable right under Article 21, which guarantees the right to life and dignity.

Landmark judgments such as *Mohini Jain v. State of Karnataka* and *Unni Krishnan v. State of Andhra Pradesh* played a pivotal role in establishing education as essential for human development and democratic participation. These decisions led to the enactment of the 86th Constitutional Amendment Act, 2002, which inserted Article 21A, making free and compulsory education a fundamental right for children aged 6 to 14 years.

1. INTRODUCTION

Among the many socio-economic rights that have emerged through constitutional interpretation in post-independence India, the Right to Education occupies a position of singular importance. It sits at the confluence of social justice, democratic values, and human development — embodying the aspiration that no citizen should be denied the basic intellectual tools necessary for dignified participation in public life. Yet the constitutional architecture of 1950, while visionary in many respects, did not immediately recognise education as a justiciable right. Article 45 of the Directive Principles of State Policy exhorted the State to provide free and compulsory education for all children up to the age of fourteen within a period of ten years from the commencement of the Constitution, but this remained an aspirational injunction rather than a legally enforceable obligation.

The transformation of this aspiration into a fundamental right was neither instantaneous nor legislative in its origins. It was, in large measure, the product of sustained judicial engagement a process by which the Supreme Court of India, through an expansive reading of Article 21, progressively widened the understanding of the right to life to encompass the right to education.

The Court reasoned that a meaningful life, as envisioned by the Constitution, necessarily presupposes access to education, without which the development of individual personality and the exercise of democratic citizenship are fundamentally impaired.

The watershed moment in this jurisprudential evolution came with *Mohini Jain v. State of Karnataka* (1992), in which the Supreme Court held that the right to education is implicit within Article 21. This holding was subsequently refined in *Unni Krishnan v. State of Andhra Pradesh* (1993), where the Court recognised that children up to the age of fourteen possessed a constitutionally cognisable right to free education enforceable against the State. These two decisions, taken together, created the intellectual and legal foundation upon which the 86th Constitutional Amendment Act, 2002 was constructed — an amendment that inserted Article 21A and thereby entrenched the right to education formally within Part III of the Constitution. The legislative architecture of this right was subsequently elaborated through the Right of Children to Free and Compulsory Education Act, 2009, which provided detailed and operational content to the constitutional guarantee. The Act set out specific standards for school infrastructure, teaching quality, admission processes, and financial accessibility, thereby converting the abstract constitutional right into a matrix of concrete, enforceable entitlements. Judicial activism has been both celebrated and contested in this context. Its achievements in broadening access, compelling State accountability, and addressing systemic exclusions are well-documented. However, the activism of the courts has also drawn criticism from those who argue that judicial policymaking encroaches upon the constitutionally delineated roles of the legislature and executive. This tension between constitutional fidelity and institutional restraint is a recurring theme in the discourse on the Right to Education.

More recently, the emergence of digital education as a necessity accelerated dramatically by the COVID-19 pandemic has opened new frontiers for judicial interpretation. Courts have begun to grapple with whether internet access and technological infrastructure form part of the constitutional right to education, adding fresh complexity to an already multi-layered area of law.

Despite the normative advances achieved through legislation and judicial interpretation, significant challenges to effective implementation persist. Infrastructure deficits, inadequate teacher supply, financial disparities between states, and the widening digital divide collectively undermine the realisation of educational rights on the ground. This study seeks to critically analyse these developments, achievements, and limitations in a holistic manner, with a view to informing policy and scholarly debate on the future of the Right to Education in India.

2. JUDICIAL ACTIVISM: CONSTITUTIONAL FRAMEWORK AND DOCTRINAL EVOLUTION

2.1 Conceptual Foundations

Judicial activism, as a legal phenomenon, denotes the willingness of courts to move beyond a strictly textual or passive application of the law and to engage proactively in the protection and enlargement of rights. In the Indian constitutional context, this disposition has been particularly pronounced, reflecting both the aspirational character of the Constitution and the recognition by the judiciary that formal rights require active institutional support to acquire substantive meaning. The constitutional basis for judicial activism lies primarily in Articles 32 and 226, which vest the Supreme Court and High Courts, respectively, with the power to issue writs for the enforcement of fundamental rights. These provisions have served as the procedural gateway through which courts have repeatedly intervened to protect educational rights.

2.2 Expansive Interpretation of Article 21

The doctrinal engine of judicial activism in education has been the Court's interpretation of Article 21, which guarantees the right to life and personal liberty. Over successive decades, the Supreme Court moved away from a narrow construction of this provision — confined largely to physical existence and personal freedom — toward a much broader understanding encompassing the full range of conditions necessary for a dignified human life. The right to education was progressively identified as one such condition, on the grounds that individual development, rational agency, and democratic participation are all contingent upon access to knowledge and learning.

This interpretive trajectory reached its practical culmination in the *Mohini Jain* and *Unni Krishnan* decisions, which explicitly linked the constitutional right to life with the entitlement to education, and laid the groundwork for the formal constitutional amendment that followed.

2.3 Public Interest Litigation as an Instrument of Educational Justice

One of the defining structural features of judicial activism in India has been the institutionalisation of Public Interest Litigation (PIL) as a mechanism for accessing justice on behalf of marginalised communities. PIL relaxed traditional procedural requirements — particularly the principle of *locus standi* — to permit individuals, civil society organisations, and concerned citizens to petition courts on behalf of those who might otherwise lack the capacity or resources to seek legal redress. In the domain of education, PIL has been deployed

to challenge capitation fees, highlight inadequate school infrastructure, address teacher absenteeism, and contest exclusionary admission practices. This mechanism has been instrumental in ensuring that the Right to Education extends in practice to the most disadvantaged sections of society.

2.4 Regulatory Oversight of Private Educational Institutions

Judicial activism has also been directed at the significant and growing role of private institutions in India's educational landscape. The Supreme Court has had to navigate the complex constitutional terrain created by the intersection of the right to education under Article 21A, the right of private bodies to establish and administer educational institutions under Article 19(1)(g) and Article 30, and the State's legitimate interest in regulation. Through a series of judgments — most notably *T.M.A. Pai Foundation* (2002), the *Islamic Academy case* (2003), and *P.A. Inamdar* (2005) — the Court developed a nuanced framework that acknowledges institutional autonomy while preserving space for public-interest regulation aimed at preventing commercialisation and ensuring equitable access.

2.5 Criticism and the Boundaries of Judicial Power

It is important to acknowledge that judicial activism in the educational sphere is not immune to critique. A recurring objection is that judicial policymaking in this domain — particularly when courts prescribe specific educational standards, fee structures, or reservation norms — transgresses the constitutional separation of powers by effectively arrogating to the judiciary functions that properly belong to the legislature and executive. Critics contend that elected institutions, accountable to the public, are better placed to make the complex distributional and resource-allocation decisions inherent in educational policy. This critique does not deny the importance of judicial oversight but rather counsels' restraint and a preference for dialogue between branches of government over unilateral judicial prescription. Notwithstanding these criticisms, it cannot be denied that judicial activism has played an indispensable role in filling the legislative vacuums that have historically left the most vulnerable learners without effective protection.

3. KEY PROVISIONS OF THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

3.1 Overview and Constitutional Mandate

The Right of Children to Free and Compulsory Education Act, 2009 represents the Parliament's legislative response to the constitutional imperative established by Article 21A. The Act translates the fundamental right to education into a detailed and operational legal framework, creating specific obligations for the State, private institutions, and local authorities, while simultaneously conferring a bundle of justiciable entitlements upon children aged six to fourteen years.

3.2 Financial Accessibility

Among the most significant provisions of the Act is the absolute prohibition on imposing any fee, charge, or financial levy upon a child as a condition of receiving elementary education. The statute is categorical in its insistence that economic circumstances must not be permitted to function as a barrier to schooling. This provision directly addresses one of the primary causes of educational exclusion in India, namely, the inability of households below the poverty line to absorb the costs associated with schooling.

3.3 Inclusion of Economically Weaker Sections in Private Schools

In a provision that has attracted both praise and controversy, the Act mandates that private unaided schools reserve a minimum of twenty-five percent of available seats in each entering class for children from economically weaker sections and disadvantaged groups. This requirement is designed to promote social integration within educational spaces and to disrupt the structural reproduction of inequality through access to schooling. The constitutional validity of this provision was subsequently upheld by the Supreme Court in *Society for Unaided Private Schools of Rajasthan v. Union of India* (2012), albeit subject to the exemption of minority-run institutions as later clarified in *Pramati Educational and Cultural Trust v. Union of India* (2014).

3.4 Prohibition of Capitation Fees and Screening Processes

The Act explicitly prohibits the practice of charging capitation fees — a form of payment above and beyond prescribed tuition that has historically been used by institutions to extract additional resources from prospective students and their families. Similarly, it prohibits the use of

screening procedures during the admission process, thereby ensuring that access to schooling is based on inclusion rather than selective assessment of young children.

3.5 Infrastructure and Teaching Standards

The Act prescribes minimum standards for school infrastructure, encompassing classrooms, sanitation facilities, access to clean drinking water, and outdoor recreational spaces. These standards are not merely aspirational; they represent legally enforceable benchmarks against which schools may be assessed. The Act also establishes qualifications for teachers and prescribes pupil-teacher ratios, recognising that the quality of instruction is inseparable from the quality of education. Additionally, it prohibits corporal punishment and any form of psychological harassment, affirming that the physical and emotional safety of children is integral to the educational environment.

3.6 The Neighbourhood School Model and the No-Detention Policy

The concept of neighbourhood schools, as embedded in the Act, requires that elementary educational facilities be situated within a reasonable geographical proximity of the children they serve, thereby addressing one of the logistical barriers — particularly in rural areas — that discourages school attendance. The Act also originally incorporated a no-detention policy, preventing schools from withholding students from progression or expelling them prior to the completion of elementary education. While this policy was subsequently amended, its original intent was to reduce dropout rates and sustain continuous engagement with schooling.

3.7 Governance and Community Accountability

The Act establishes school management committees that incorporate parents, local community members, and elected representatives, thereby institutionalising a degree of participatory governance in the management of educational institutions. These committees serve both a monitoring and a grievance redressal function, creating a mechanism through which communities can hold schools accountable to the standards prescribed by law.

4. CHALLENGES IN IMPLEMENTATION

4.1 Infrastructure Deficits

Notwithstanding the normative achievements represented by Article 21A and the RTE Act, the effective realisation of the right to education in India is substantially impeded by persistent

structural deficiencies. The most immediately visible of these is the inadequacy of physical infrastructure in a significant proportion of schools, particularly those serving rural, tribal, and economically marginalised communities. Many institutions continue to function without adequate classroom space, without functional sanitation facilities disaggregated by gender, without reliable access to electricity, and in some cases without permanent structures of any kind. These conditions not only undermine the quality of educational provision but also act as direct deterrents to enrolment and retention, particularly for girls.

4.2 Teacher Shortage and Competency Gaps

A second major challenge concerns the availability and quality of teachers. Despite the prescription of minimum qualifications and acceptable pupil-teacher ratios under the RTE Act, many schools particularly in remote and under-resourced regions operate with significant shortfalls in teaching staff. The consequences are predictable: increased class sizes, reduced individual attention, diminished instructional quality, and, in many cases, multi-grade teaching arrangements that place extraordinary demands on individual teachers. Beyond staffing numbers, concerns about the quality of teacher training, professional development, and accountability mechanisms remain substantial.

4.3 Financial Constraints and Inter-State Disparities

Education is a concurrent subject under the Constitution, meaning that both the central government and state governments carry responsibility for its provision and financing. This arrangement has produced uneven outcomes, as the fiscal capacity of states varies considerably. Wealthier states have generally been better positioned to invest in infrastructure, recruit and retain qualified teachers, and implement educational programmes effectively, whereas states with weaker fiscal positions have struggled to meet even minimum statutory requirements. This structural inequality in resourcing has translated directly into disparate educational outcomes across the country.

4.4 The Digital Divide and Post-Pandemic Challenges

The COVID-19 pandemic of 2020 and its aftermath exposed and dramatically exacerbated pre-existing inequalities in access to digital infrastructure. As educational institutions were compelled to transition to online and remote modes of instruction, the absence of internet connectivity, computing devices, and electricity in many rural and low-income households

meant that large numbers of children were effectively excluded from education for extended periods. The experience underscored that the right to education in the contemporary context cannot be meaningfully exercised without access to digital infrastructure, a dimension of the right that courts have increasingly begun to acknowledge.

4.5 Governance and Enforcement Weaknesses

Finally, the effectiveness of the RTE Act is constrained by weaknesses in monitoring, enforcement, and inter-governmental coordination. Inspection mechanisms are often under-resourced and inconsistently applied. Bureaucratic inefficiencies, limited data availability, and insufficient coordination between central and state educational authorities create conditions in which legal obligations are widely understood but selectively enforced. Addressing these governance failures is essential to bridging the gap between the legal architecture of educational rights and their practical experience by children across India.

5. EDUCATION AND INDIA'S SCIENTIFIC ADVANCEMENT: THE SPACE RESEARCH DIMENSION

5.1 Historical Development of India's Space Programme

The development of India's space research capability represents a remarkable instance of state-led scientific and technological capacity-building, one that is intimately connected to the country's educational and human development priorities. The institutional foundation of the space programme was established in 1962 with the creation of the Indian National Committee for Space Research (INCOSPAR) under the scientific leadership of Dr. Vikram Sarabhai. This body was formally reconstituted as the Indian Space Research Organisation (ISRO) in 1969, marking India's formal commitment to developing an indigenous space capability in service of national development objectives.]

5.2 Early Milestones and Technological Consolidation

India's first satellite, Aryabhata, was launched in 1975 with technical support from the Soviet Union, inaugurating a new phase in the country's scientific engagement with space. Subsequent Bhaskara satellites in the late 1970s extended India's Earth observation capabilities. A landmark achievement followed in 1980 when the Satellite Launch Vehicle (SLV-3) successfully placed the Rohini satellite into orbit, establishing India as one of a small number of nations with an independent satellite launch capability. During the same decade, the Indian

National Satellite (INSAT) system transformed the national communications, broadcasting, and meteorological infrastructure.

The 1990s were defined by the development and operationalisation of the Polar Satellite Launch Vehicle (PSLV), which achieved its first successful launch in 1994 and subsequently became one of the most dependable and commercially sought-after launch platforms in the global space industry. This was complemented by the inaugural launch of the Geosynchronous Satellite Launch Vehicle (GSLV) in 2001, extending India's capacity to deploy heavier payloads into geostationary orbit.

5.3 International Recognition and Landmark Missions

The first decade of the twenty-first century brought India considerable international recognition for its space achievements. The Chandrayaan-1 lunar mission of 2008 made the significant scientific discovery of water molecules on the surface of the Moon, substantially elevating India's standing in the global scientific community. Even more striking was the Mars Orbiter Mission (Mangalyaan) of 2013, through which India became the first nation to achieve Mars orbit on its first attempt and at a cost that drew wide international attention to the efficiency of India's space programme.

5.4 Recent Achievements and Future Trajectory

Between 2014 and 2023, India continued to expand both its technical capabilities and its international profile in space. The record-breaking multi-satellite launch mission of 2017 demonstrated the operational maturity of PSLV, while the NAVIC navigation system enhanced India's strategic and civilian positioning capabilities. Although Chandrayaan-2 (2019) encountered a setback in its lander module, the mission's orbiter continued to yield valuable scientific data. Chandrayaan-3, launched in 2023, achieved a soft landing at the lunar south pole a feat accomplished for the first time by any nation — representing a major milestone in India's deep-space exploration programme.

Looking ahead to the 2024–2026 period, the Gaganyaan human spaceflight programme signals India's ambition to join an exclusive group of nations capable of independently launching astronauts into orbit. Concurrently, the Aditya-L1 solar observation mission, and a growing emphasis on private-sector participation and international partnerships, reflect a maturing and increasingly diversified space ecosystem.

The trajectory of India's space programme illustrates the essential role that quality education

and scientific capacity building play in national advancement. The accomplishments of ISRO are inseparable from decades of investment in technical education, scientific research, and the cultivation of engineering talent a connection that reinforces the broader argument for treating the right to education as foundational to national development.

6. COMPARATIVE ANALYSIS OF EDUCATIONAL DEVELOPMENT ACROSS INDIAN STATES

The national picture of educational attainment in India conceals considerable variation at the state level variation that reflects differences in historical investment, governance capacity, social attitudes, and fiscal resources. At one end of the spectrum, Kerala and Mizoram have consistently achieved among the highest literacy rates in the country, frequently exceeding ninety percent, attributable to a combination of progressive social policies, early and sustained investment in public education, and high levels of community awareness regarding the value of schooling. Tamil Nadu and Maharashtra similarly demonstrate relatively robust educational outcomes, underpinned by well-developed institutional infrastructure and comparatively effective policy implementation.

In contrast, states such as Bihar and Uttar Pradesh home to a very substantial proportion of India's total population present a markedly different picture, characterised by lower literacy rates, higher dropout ratios, and persistent challenges associated with poverty, inadequate physical infrastructure, and governance weaknesses. The concentration of educational disadvantage in these states has significant implications for national equity, since the scale of the populations involved means that progress in these regions is essential to any meaningful overall improvement in India's educational indicators.

Urban-rural disparities compound state-level differences. Schools in urban areas generally benefit from better physical facilities, more consistently qualified teaching staff, and greater access to supplementary educational resources. Rural institutions, by contrast, frequently operate under resource constraints that make delivery of even minimum-quality education difficult. Gender-based educational disparities, while substantially reduced over recent decades, remain statistically significant in certain regions, reflecting persistent social norms that constrain the educational participation of girls.

Government initiatives including the RTE Act and successive National Education Policies have contributed to notable improvements in enrolment rates across most states. However, enrolment must be distinguished from learning achievement: rising enrolment figures have not

always been accompanied by commensurate improvements in the quality of education received, measured by indicators such as reading proficiency and numeracy attainment. The challenge for Indian educational policy going forward is thus not simply one of access which has been substantially addressed but of ensuring that the education accessed is genuinely transformative in its outcomes.

7. LANDMARK SUPREME COURT JURISPRUDENCE ON THE RIGHT TO EDUCATION

7.1 Mohini Jain v. State of Karnataka (1992)

The Supreme Court's intervention in *Mohini Jain v. State of Karnataka* marked the beginning of a decisive judicial engagement with the question of whether education constitutes an enforceable constitutional right. The Court held that the right to education is inherent in and inseparable from the right to life and dignity guaranteed by Article 21. It further held that the charging of capitation fees which made access to higher education contingent upon financial capacity — violated the constitutional guarantee of equality. By framing education as a right rather than a commodity, the Court set a foundational precedent that shaped all subsequent jurisprudence in this domain.

7.2 Unni Krishnan v. State of Andhra Pradesh (1993)

Building upon the *Mohini Jain* holding, the Supreme Court in *Unni Krishnan* refined the constitutional scope of the right to education by holding that the State is obliged to provide free education to children up to the age of fourteen years as part of its obligations under Article 21 read in conjunction with Article 45. The Court also acknowledged the permissibility of regulated private participation in education, thereby laying the conceptual groundwork for the legislative framework that would emerge a decade later. This judgment directly influenced the insertion of Article 21A through the 86th Constitutional Amendment.

7.3 T.M.A. Pai Foundation v. State of Karnataka (2002)

The *T.M.A. Pai Foundation* case addressed the constitutional rights of private and minority educational institutions to establish and administer educational establishments. The Court, sitting as a Constitution Bench, recognised that the right to establish educational institutions falls within the scope of the right to practise any profession or carry on any occupation under Article 19(1)(g), while affirming that this right is subject to reasonable State regulation. The

judgment established a nuanced doctrinal balance between institutional autonomy and the public interest in ensuring that education is not reduced to a purely commercial enterprise.

7.4 Islamic Academy of Education v. State of Karnataka (2003)

Following the T.M.A. Pai Foundation judgment, the Court in the Islamic Academy case provided further operational guidance by directing the establishment of committees charged with supervising fee structures and admission processes in private educational institutions. This decision was aimed at ensuring transparency, preventing exploitation, and maintaining meaningful access even in the private sector of education.

7.5 P.A. Inamdar v. State of Maharashtra (2005)

In P.A. Inamdar, the Supreme Court clarified the limits of State authority over private unaided institutions by holding that the government could not unilaterally impose reservation norms upon such institutions. The judgment was significant in affirming that institutional autonomy, within the constitutionally delineated sphere, operates as a genuine constraint upon State regulatory power a constraint that must be respected in the design of educational policy.

7.6 Ashoka Kumar Thakur v. Union of India (2008)

In a significant pronouncement on the relationship between educational access and social justice, the Court in Ashoka Kumar Thakur upheld the constitutional validity of reservations for Other Backward Classes in centrally funded educational institutions. The judgment affirmed that the pursuit of substantive equality — rather than mere formal equality — is a legitimate and constitutionally mandated objective in the design of higher educational policy.

7.7 Avinash Mehrotra v. Union of India (2009)

This case expanded the understanding of what the right to education requires in practical terms, by establishing that schools are constitutionally obliged to maintain safe physical environments for their students. The Court held that the right to education encompasses the right to learn in conditions that are free from physical risk, thereby linking the educational right with standards of infrastructure safety.

7.8 Society for Unaided Private Schools of Rajasthan v. Union of India (2012)

The constitutional validity of the RTE Act, including its signature provision requiring private

schools to reserve twenty-five percent of seats for economically weaker sections, was comprehensively upheld by the Supreme Court in this case. The judgment was a landmark affirmation of the legislature's authority to impose social obligations upon private educational actors as part of the constitutional framework for inclusive education.

7.9 Pramati Educational and Cultural Trust v. Union of India (2014)

While affirming the RTE Act as constitutionally valid, the Court in *Pramati* carved out an important exception by holding that minority-run educational institutions protected by Article 30 of the Constitution were not subject to the twenty-five percent reservation requirement. The judgment thus recognised a constitutional tension between the right to education under Article 21A and the minority community's right to administer its own educational institutions, resolving that tension in favour of institutional autonomy for minority schools.

7.10 Anuradha Bhasin v. Union of India (2020)

Although primarily concerned with freedom of expression and the legality of internet shutdowns, the Court's observation in *Anuradha Bhasin* that access to the internet is an integral dimension of freedom of expression under Article 19(1)(a) carries profound implications for the right to education in the digital age. Read in the context of the post-pandemic shift toward online learning, this judgment provides a nascent constitutional basis for arguing that meaningful access to education in the contemporary era requires access to digital connectivity a proposition that courts are likely to develop further in the years to come.

8. CONCLUSION AND POLICY RECOMMENDATIONS

8.1 Conclusion

The constitutional evolution of the Right to Education in India demonstrates, with unusual clarity, the transformative potential of an engaged and purposive judiciary operating within a constitutional system that embeds aspirational commitments to social justice. Over a period of decades, the Supreme Court of India through progressive interpretation of Article 21, the creative use of PIL, and a sustained doctrinal engagement with the relationship between education and human dignity converted an originally non-justiciable directive into an enforceable fundamental right. This judicial achievement, formalised by the 86th Constitutional Amendment and operationalised by the RTE Act, represents one of the most significant expansions of constitutional rights in independent India's history.

However, the study also reveals the inherent limitations of judicially driven reform. Legal rights, however expansively interpreted, cannot substitute for the administrative capacity, financial resources, and political will required for their effective implementation. The persistent gaps in infrastructure, the shortage of qualified and motivated teachers, the financial inequalities between states, and the widening digital divide collectively demonstrate that the right to education remains, for many children in India, more formal than substantive. Judicial activism has been a necessary but not sufficient condition for the realisation of educational rights.

8.2 Policy Recommendations

In light of the foregoing analysis, the following recommendations are offered:

1. **Sustained Investment in Educational Infrastructure:** Central and state governments must substantially increase budgetary allocations for educational infrastructure, with particular priority given to rural, tribal, and urban-marginalised communities where deficits are most acute.
2. **Reform of Teacher Recruitment and Training:** A comprehensive national framework for teacher recruitment, training, and professional development should be established, incorporating robust mechanisms of accountability and incentive structures designed to attract and retain qualified educators in under-served areas.
3. **Bridging the Digital Divide:** The progressive recognition by courts that digital access is integral to contemporary education must be matched by concrete policy commitments to provide internet connectivity, devices, and digital literacy programmes to students in low-income and rural households.
4. **Strengthening Monitoring and Enforcement:** The monitoring mechanisms created by the RTE Act including school management committees and state-level inspection regimes — must be adequately resourced and empowered to function effectively, with clear consequences for non-compliance.
5. **Inter-Governmental Coordination:** A more effective institutional framework for coordination between the central and state governments in educational planning, financing, and policy implementation should be developed, recognising that the achievement of uniform educational quality across India requires concerted national-level commitment alongside state-level action.
6. **Preserving the Balance of Powers:** While the judiciary will continue to play an essential

role in the protection of educational rights, a collaborative rather than adversarial model of engagement between the courts, the legislature, and the executive in which judicial intervention prompts rather than replaces legislative and executive action is most likely to produce durable and comprehensive improvements in educational outcomes.

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