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COMPARATIVE ANALYSIS OF EDUCATIONAL RIGHTS IN INDIA AND USA

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ABSTRACT

A comparative study of the educational systems of different countries helps in understanding both successful and unsuccessful educational policies. It also reveals the strengths and weaknesses present in the administration and governance of education. Through comparative analysis, countries can identify better methods of improving their educational structures and solving social, regional, and national problems related to education.

This paper explains the concept of educational rights and the legal framework governing education in India and the United States of America. It examines the structure of the education systems in both countries and analyses the constitutional position of the right to education. Education is one of the most essential foundations for the growth and development of a nation. No society can achieve economic progress, technological advancement, or social transformation without an educated population. Therefore, it becomes necessary for every country to ensure that education reaches all sections of society and that individuals understand its importance and benefits.

The paper also discusses the evolution of the Indian education system, the constitutional and judicial developments related to educational rights, and the differences between the approaches adopted by India and the USA regarding education as a constitutional right. In addition, the paper highlights the challenges faced by the Indian education system and suggests reforms for improving the quality and accessibility of education.

Keywords: Right to education, Indian education system, American education system, constitutional ¹rights, educational reforms.

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INTRODUCTION

Education is one of the most important elements for the overall development of human beings and society. It plays a significant role in shaping an individual's personality, improving knowledge, and developing intellectual capacity. A society cannot achieve economic growth, technological progress, or cultural advancement unless its people are properly educated. Education enables individuals to understand their rights and responsibilities and provides opportunities for social and economic mobility.

An educated person is capable of making informed decisions, adapting to social changes, and contributing positively to the development of the nation. Education also helps in promoting equality, reducing poverty, and strengthening democratic values. Therefore, education is not only a means of acquiring knowledge but also an instrument for achieving social justice and national development.

In India, the Right to Education Act, 2009 was enacted to provide free and compulsory education to children belonging to weaker and disadvantaged sections of society. This legislation, officially known as the Right of Children to Free and Compulsory Education Act, guarantees education to children between the ages of six and fourteen years. The Act also introduced a provision requiring private schools to reserve twenty-five percent of seats for economically weaker sections.

With the implementation of the Right to Education Act in April 2010, India became one of the countries that recognised education as a fundamental right for children. The Act imposes a responsibility upon the state to ensure access, enrolment, attendance, and completion of elementary education. The importance of education has also been emphasized by several scholars and thinkers who considered education necessary for developing both individual capabilities and national progress.

J. Krishnamurti rightly observed that education should help individuals not only in developing their abilities but also in understanding their true interests and responsibilities.

EVOLUTION OF THE INDIAN EDUCATION SYSTEM

The Indian education system has a long and rich history. Ancient India possessed a unique and highly respected educational structure that differed significantly from the systems existing in many other parts of the world. Education during ancient times focused on moral values, spiritual learning, intellectual development, and practical knowledge.

Traditional education in India existed in both formal and informal forms. Institutions such as Takshashila and Nalanda became famous centres of higher learning where students from different regions came to study subjects such as philosophy, medicine, law, astronomy, and literature. Informal education was also provided in ashrams and gurukuls, where students lived under the guidance and supervision of teachers or gurus.

The growth of Jainism and Buddhism contributed greatly to the spread of education among common people because these movements encouraged the use of local languages rather than limiting education to Sanskrit. Ancient Indian educational traditions therefore promoted accessibility and social learning.

During the British colonial period, major changes were introduced into the Indian education system. The British established educational institutions mainly to serve administrative and colonial purposes. One of the earliest references to educational work during British rule relates to Ralph Ord, who came to India in 1600 as a schoolmaster.

Later, Lord Macaulay played a major role in shaping colonial education policy. In his famous Minute on Indian Education submitted in 1835 to Lord William Bentinck, Macaulay criticised the traditional Indian education system and promoted English education. His policies encouraged Western learning and significantly influenced the educational framework of colonial India.

Another important development occurred through the Hunter Commission Report of 1882. The Commission made several recommendations regarding the improvement of education in India. It emphasized the expansion of primary education, encouraged secondary education, recommended grants-in-aid to indigenous schools, and stressed the importance of moral, physical, vocational, and literary education. The Commission also highlighted the educational needs of Muslims.

In 1937, the All India Education Conference was held at Wardha in Maharashtra. The conference recommended free and compulsory education throughout the country for seven years and emphasized the use of the mother tongue as the medium of instruction.

SYSTEM OF EDUCATION AFTER INDEPENDENCE

After independence, the framers of the Indian Constitution gave significant importance to education. The constitutional approach towards education was influenced by the educational structure of the United States as well as by recommendations made by earlier educational committees and commissions.

Initially, education was included as a State subject under the Constitution, similar to the federal structure followed in the United States. The Constitution also included provisions regarding education under the Directive Principles of State Policy. Article 45 directed the State to provide free and compulsory education to all children until the age of fourteen years within ten years from the commencement of the Constitution.

The importance of education continued to increase after independence. The government introduced various policies and reforms to improve access to education and literacy rates. Following the 73rd and 74th Constitutional Amendments, local authorities were given greater responsibility regarding elementary education.

In 1976, education was shifted from the State List to the Concurrent List, thereby making both the Union and State governments responsible for educational development. This change allowed greater coordination between the central and state governments in educational planning and reforms.

The National Policy on Education (NPE) of 1986 represented a major development in the Indian educational system. The policy aimed at achieving Universal Elementary Education through universal access, universal retention, and universal achievement. It also promoted the concept of a common school system that would bring together children from different social and economic backgrounds and promote equality in education.

Despite these efforts, many educational targets remained unfulfilled. The government initially aimed to achieve universal elementary education by 2007, but later acknowledged delays in

achieving this objective.

ANALYSIS OF EDUCATIONAL RIGHTS IN INDIA AND THE UNITED STATES

The constitutional position of educational rights differs significantly between India and the United States. Both countries recognise the importance of education, but their constitutions and judicial systems have adopted different approaches regarding whether education should be treated as a fundamental right.

In the United States, the Supreme Court has consistently held that education is not a fundamental right under the Constitution. In *San Antonio Independent School District v. Rodriguez*, the petitioners argued that education should be recognised as a fundamental right under the Fourteenth Amendment. However, the Supreme Court rejected this argument and held that education is not explicitly guaranteed by the Constitution.

Earlier, in *Brown v. Board of Education*, the Supreme Court acknowledged the great importance of education in modern society and declared that educational opportunities provided by the state must be available equally to all persons. However, even in this landmark decision, the Court did not declare education to be a fundamental constitutional right.

In India, the development of educational rights took place gradually through judicial interpretation. Initially, the Constitution did not expressly recognise the right to education as a fundamental right under Part III. However, the judiciary expanded the meaning of Article 21, which guarantees the right to life and personal liberty.

In *Mohini Jain v. State of Karnataka*, the Supreme Court held that the right to education is an essential component of the right to life under Article 21. The Court emphasized that without education, the right to live with dignity cannot be fully realised.

This principle was further developed in *Unni Krishnan v. State of Andhra Pradesh*, where the Supreme Court declared that children between the ages of six and fourteen years possess a fundamental right to education. This judgment later influenced the constitutional insertion of Article 21A, which formally guaranteed free and compulsory education to children.

The Supreme Court has also highlighted the importance of education in several other cases. In *Bandhua Mukti Morcha v. Union of India*, the Court stressed the significance of children's education and welfare. In *Avinash Nagra v. Navodaya Vidyalaya Samiti*, the Court observed that education helps in improving social order and liberates individuals from outdated beliefs and oppressive practices.

In *T.M.A. Pai Foundation v. State of Karnataka*, the Supreme Court discussed the rights of minorities and private institutions to establish and administer educational institutions under Articles 19 and 26 of the Constitution.

At the international level, educational rights were recognised under various international declarations and treaties. In *Plyler v. Doe*, references were made to international principles protecting children's educational rights. The Declaration of Geneva and minority protection treaties after the First World War also reflected the growing international concern regarding educational opportunities and equality.

Although the American Constitution does not expressly guarantee educational rights, educational equality has sometimes been discussed under the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment.

ISSUES AND CHALLENGES IN THE INDIAN EDUCATION SYSTEM

India continues to face several problems and challenges in the educational sector despite constitutional and legislative reforms.

1. Inadequate Expenditure on Education

One of the major problems is insufficient government expenditure on education. Compared to many developed and developing countries, India spends a relatively lower percentage of its resources on educational development. This affects infrastructure, teacher training, educational quality, and access to education.

2. Low Gross Enrolment Ratio (GER)

India also lags behind several countries in terms of Gross Enrolment Ratio. Countries such as the USA and the United Kingdom have significantly higher enrolment rates in higher education. Lower enrolment reflects unequal access and educational inequality.

3. Lack of Infrastructure

Many schools in India suffer from poor infrastructure facilities. There is a shortage of classrooms, laboratories, libraries, sanitation facilities, and technological resources. Rural and backward areas are particularly affected by inadequate educational infrastructure.

4. Poor Student-Teacher Ratio

Another important issue is the imbalance between the number of students and teachers. Overcrowded classrooms reduce the effectiveness of teaching and negatively affect educational quality.

5. Poor Quality of Education

The quality of education in many institutions remains unsatisfactory. Many students complete schooling without acquiring proper reading, writing, or arithmetic skills. Lack of innovation and outdated teaching methods further weaken the education system.

6. Weak Skill Development

The Indian education system often focuses excessively on theoretical learning while neglecting practical and vocational training. As a result, students may lack the skills required for employment and technological advancement.

CONCLUSION

The comparative study of educational rights in India and the United States demonstrates that both countries recognise the importance of education, although they differ in their constitutional treatment of educational rights.

In India, the judiciary gradually recognised the right to education through constitutional interpretation, particularly under Article 21. Eventually, Article 21A formally established free and compulsory education as a fundamental right for children between six and fourteen years of age. In contrast, the United States Supreme Court has consistently maintained that education is not a fundamental right under the American Constitution.

Education plays a vital role in the economic, social, cultural, and technological development of every nation. It improves individual personality, enhances employment opportunities,

strengthens democratic participation, and promotes social equality. Therefore, both governments and societies must focus on improving educational systems and eliminating the weaknesses present in existing structures.

Several reforms are necessary for improving the Indian education system. The government should encourage innovation and creativity within education. Educational quality must be improved through better teaching methods, curriculum reforms, and technological integration. Policies should focus on making education affordable and accessible to all sections of society. Strict laws and regulations should also be implemented to ensure proper administration of educational institutions. Greater transparency and accountability are required in educational governance. Both central and state governments should cooperate in implementing educational reforms effectively.

There is also a need to review and modernize school curricula and textbooks to improve practical learning and skill development among students. Educational opportunities should be extended to all children, including those below six years and adults who remain outside the educational system.

Ultimately, the success of educational reforms depends upon effective implementation, accountability, and the collective efforts of governments, institutions, teachers, and society. Education remains one of the strongest instruments for national progress and social transformation, and therefore every nation must continue striving to provide quality education to all citizens.

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