

EVOLUTION OF ARTICLE 21A OF THE CONSTITUTION OF INDIA

*Celebrating **75 Years** of
the Indian Constitution*

swipe 

Evolution of Article 21A of the Constitution of India

1950

Directive Principle for Free and Compulsory Education

The Constitution of India introduced Article 45 as a Directive Principle of State Policy, mandating the State to strive to provide free and compulsory education for children up to 14 years within ten years of its enactment.

1968

Introduction of a Common School System

The Kothari Commission recommended significant reforms, including a uniform syllabus for boys and girls, making mathematics and science compulsory, and the adoption of a common school system to ensure equitable education

1976

Education Became a Concurrent Subject

Through a constitutional amendment, education was moved to the Concurrent List, making it a joint responsibility of both the central and state governments.

1986

National Policy on Education Advocated Equity

The National Policy on Education proposed implementing the Common School System to promote equity, though it was never fully realized.

1991

Failure to Address Child Labor Highlighted

Myron Weiner's book, *The Child and the State in India: Child Labour and Education in a Comparative Perspective*, criticized the State for failing to eliminate child labor and enforce compulsory education effectively.

1992

Right to Education Declared Part of the Right to Life

The **Supreme Court, in *Mohini Jain v. State of Karnataka*, (1992 INSC 186, MANU/SC/0357/1992)** held that the Right to Education is a fundamental right under Article 21. It ruled that denying education due to financial incapacity violates the Right to Life.

Impact: This judgment established education as an integral component of life and liberty.

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1993

Right to Education Extended to Children up to 14 Years

In *Unnikrishnan v. State of Andhra Pradesh*, (MANU/SC/0333/1993; 1993 INSC 40) the Supreme Court affirmed that the Right to Education for children up to the age of 14 flows from Article 21.

Impact: Strengthened the foundation for recognizing education as a fundamental right.

1997

Proposal for Constitutional Amendment

A constitutional amendment was introduced to elevate education to the status of a fundamental right.

2002

Education Made a Fundamental Right

The 86th Constitutional Amendment inserted Article 21A, requiring the State to provide free and compulsory education for children aged 6 to 14 years as determined by law.

Changes to Article 45: Early childhood care and education were mandated for children under six years.

New Duty Under Article 51A(k): Parents were obligated to provide educational opportunities to children aged 6 to 14 years.

2005

Drafting of the Right to Education Bill

The Central Advisory Board of Education (CABE) submitted a report recommending the drafting of the Right to Education Bill, laying the groundwork for legislative action.

2009

Enforcement of Free and Compulsory Education

The Right to Education (RTE) Act was enacted to operationalize Article 21A.

Key Features:

- Ensured free and compulsory education for children aged 6 to 14 years.
- Reserved 25% of seats in private unaided schools for disadvantaged groups.
- Mandated norms for school infrastructure, teacher qualifications, and student-teacher ratios.

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2012

25% Reservation in Private Schools Upheld

The Supreme Court in the case of **Society for Unaided Private Schools of Rajasthan v. Union of India (2012 INSC 169; MANU/SC/0311/2012)** upheld the constitutionality of the RTE Act, including the 25% reservation for economically weaker sections in private unaided schools. Minority institutions were exempted from protecting their rights under Article 30(1).

Impact: Balanced inclusivity with the protection of minority rights.

2014

Minority Institutions Exempted from RTE Provisions

The Supreme Court in the case of **Pramati Educational and Cultural Trust v. Union of India (2014 INSC 362; MANU/SC/0419/2014)** ruled that minority institutions are not bound by the RTE Act.

Impact: This upheld the balance between Article 21A and the rights of minority institutions under Article 30.

2020

Internet Recognized as Essential for Education

In **Anuradha Bhasin v. Union of India, (2020 INSC 31; MANU/SC/0022/2020)** the Supreme Court acknowledged that access to the internet is a vital enabler of the Right to Education, especially during prolonged disruptions.

Impact: Emphasized the growing importance of digital education in modern times.

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Significance of Article 21A Today

The transformation of education from a directive principle under Article 45 to a legally enforceable right under Article 21A highlights India's dedication to ensuring access, equity, and quality in education. This evolution reflects the nation's commitment to social justice and national progress.



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