

Right To Education
(Constitutional Law Group)
4th Semester BALLB(Honours)
Paper code:4.5 H₂
2nd Semester LLB (Honours)
(CL Group)
Paper code: 2.5 H₂

Course Description:

The Right to Education as Basic Human Right and its Constitutional recognition in India are discussed in the course. It explores legal, social, and policy dimensions of educational rights, with particular focus on the Article 21A of the Constitution of India and the Right of Children to Free and Compulsory Education Act, 2009. The course analyses judicial interpretations, government initiatives, implementation challenges, and the role of education in promoting equality, social justice, and inclusive development. Students will be afforded opportunities for critical understanding of the legal framework governing education and contemporary issues affecting access to quality education and statutory rules within the purview of the Constitutional Mandates.

Course Objectives:

On successful completion of the course, the student would be able to:

- Understand the fundamental aspects of the Right to Free and Compulsory education in India and relevant Judicial Response.
- Study the structure the Constitutional framework related to Law making in Education.
- Explore facets of Legal, Social, and Executive actions for enforcement of educational rights, with emphasis on Article 21A of the Constitution of India along with other relevant Articles .
- Understand the judicial approach towards relevant Constitutional Amendments for understanding core socio legal aspects.

Course Outcomes:

After completion of the Course students would be able to:

- Understand the constitutional scheme related to Right to Education and also protection of Cultural Interests.

- Realise the conceptual analysis of the Right to free and compulsory education in India and the Constitutional Goals and form reasonable opinion on critical legal issues relating to Right To Education with insightful Case Laws
- Understand redefined role of Regulatory Bodies and Higher Education Institutes in championing the cause of Gender Justice and Social Justice along with upholding Inclusive, Equitable and outcome based quality Education

End Semester Marks -80

Internal Assessment-20

Total Marks: 100

Unit 1: Constitutional Provisions in India

Marks 16

- 1.1 Evolution of the Right to Education in India
- 1.2 Scope and significance of Article 21A of the Constitution of India
- 1.3 Article 14, 15 and 21 of the Constitution of India: Relevance to Right to Education
- 1.4 Articles 41 and 45 of Constitution of India : Constitutional Goals

Unit 2: Minority Rights and Education

Marks 16

- 2.1 Secular education and Constitutional Mandates
- 2.2. Protection of Cultural and Educational Rights of Minorities: Article 29 & 30
- 2.3 Rights of Minority Educational Institutions
- 2.4 Religious and Linguistic Minority: Concepts enshrined in the Constitution

Unit 3 Legislative Power of the Union and the States

Marks 16

- 3.1 Article 246 read with the 7th Schedule of the Constitution
- 3.2 Transfer of Education from the state list to the concurrent list: Goals and Impact

3.3 Right of Children to Free and Compulsory Education Act , 2009 And Application to Minority Institutions: Judicial Response

3.4 Rights of Persons with Disabilities Act, 2016: Milestone for Social Empowerment

Unit 4 Higher Educational Regulatory Authority: Role and Impact in Higher Education Marks 16

4.1 University Grants Commission (UGC) Act, 1956

4.2 Rules on Legal Education of the Bar Council of India

4.3 Role of University Grant Commission (UGC) and the Bar Council of India (BCI) as Regulatory Authority in ensuring Quality in Higher Education

4.4 NEP 2020: Access, Equity, Quality, Affordability and Accountability in Education: Basic Concepts and Goals

Unit 5 Equitable Education in Educational Institutions: Relevant Legal Instruments Marks 16

5.1 Gender Equality in Educational Institutions: Implementation of POSH Act 2013 and its Role in Ensuring Gender Justice

5.2 Public Examinations (Prevention of Unfair Means) Act, 2024: Its implications in upholding the integrity of Public Examination: Fair Examination as an Ancillary Right to Right To Education

5.3 Reservations For Economically Weaker Sections in Educational Institutions: 103rd Constitutional Amendment & Article 15(6) & 16(6) of the Constitution vis -a- vis Judicial Response

5.4 Reforms in Education: Need for Continuous Approach towards Social Justice and Empowerment

Book References

1. Constitutional Law of India
Seervai, H. M. (2013). *Constitutional law of India* (4th ed.). Universal Law Publishing.
2. Indian Constitutional Law
Jain, M. P. (2022). *Indian constitutional law* (9th ed.). LexisNexis.
3. Introduction to the Constitution of India
Basu, D. D. (2023). *Introduction to the Constitution of India* (27th ed.). LexisNexis.

4. Constitutional Law of India
Pandey, J. N. (2023). *Constitutional law of India* (latest ed.). Central Law Agency.
5. Human Rights in India
South Asia Human Rights Documentation Centre. (2012). *Introducing human rights*. Oxford University Press.

Important Statutory Materials

- Constitution of India
- Right of Children to Free and Compulsory Education Act, 2009
- National Education Policy 2020
- The Right of Persons with Disabilities Act, 2016

Right to Education Case Laws:

Unit 1

Mohini Jain v. State of Karnataka, (1992) 3 SCC 666.

Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645.

State of Tamil Nadu v. Shyam Sunder, (2011)6 SCC 739

Ashoka Kumar Thakur v. Union of India(2008) 6SCC 1

Unit 2

TMA Pai Foundation v. State of Karnataka, (2002) 8 SCC 481

Islamic Academy of Education v. State of Karnataka, (2003) 6 SCC 697

P. A. Inamdar Anr. v. State of Maharashtra,(2005) 6 SCC 537

Anjum Kadari & Anr.v. Union of India & Ors., 2024 INSC 831

Unit 3

Pramati Educational and Cultural Trust v. Union of India, (2014) 8 SCC 1

Disabled Rights Group v. Union of India, (2018) 2 SCC 397

Gujarat University v. Krishna Ranganath Mudholkar, AIR 1963 SC 703

Society for Unaided Private Schools of Rajasthan v. Union of India. (2012) 6 SCC 1

Unit 4

Prof Yashpal v. State of Chhattisgarh, (2005) 5 SCC 420

Bar Council of India v. Bonnie FOI Law College, 2023 SCC Online SC 130

Gambhirdan K.Gadhvi v. State of Gujrat, (2022) 5SCC179

Unit 5

Janhit Adhinyam v Union of India ,2022,WP(c) No 55 of 2019 , Supreme Court of India , Date of judgement 07/11/2022

Sachin Kumar v. Delhi Subordinate Services Selection Board, (2021) 4 SCC 109

Nidhi Kaim v. State of Madhya Pradesh, (2017) 4 SCC 1

Medha Kotwal Lele v. Union of India, (2013) 1 DCC 297