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A Study of Legal Framework of Free and Compulsory Education in Indian Constitution

Mohanbabu P

Research Scholar, Ph. D. in Law, Mansarovar Global University, Sehore, M.P., India.

ABSTRACT

The Indian Constitution provides a strong legal framework for free and compulsory education, recognizing it as a fundamental right essential for the nation's progress and social justice. The 86th Constitutional Amendment Act, 2002, inserted Article 21-A, making it the duty of the State to provide free and compulsory education to all children between the ages of 6 and 14 years. This constitutional guarantee is reinforced by the Directive Principles of State Policy, particularly Article 45, which originally directed the State to provide free and compulsory education for children up to 14 years of age within a specific timeframe. In addition, Article 41 emphasizes the State's responsibility to ensure education within its capacity and resources, while Article 46 mandates special care for the educational interests of weaker sections, including Scheduled Castes and Scheduled Tribes. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), was enacted to operationalize Article 21-A, laying down detailed provisions regarding admission, infrastructure, quality, and non-discrimination in schools. The Act mandates 25% reservation in private schools for disadvantaged children and prohibits physical punishment, screening tests, and capitation fees. Collectively, these provisions establish a comprehensive legal framework, ensuring universal access to elementary education in India.