

# PREFACE

Education plays a cardinal role in transforming a society into a civilised nation. It accelerates the progress of the country in every sphere of national activity. It operates as a ‘multiplier’ by enhancing the entitlement of all individual rights and freedoms. It enables a person to control the benefits derived from other rights. It is ‘the key to unlock and protect other human rights.’ It embodies all civil, political, social, and cultural rights. No segment of the citizens can be ignored or left behind because it would hamper the progress of the country as a whole. It is the duty of the State to do all it could, to educate every section of citizens who need a helping hand in marching ahead along with others.

Although we are having so many provisions and policies for Right to Education, still we are failing to achieve this right as a developmental right which had already been foreseen by our Constitution makers in a predetermined span of time. In more than 60 years after independence the target has not yet been achieved as reflected in the educational backwardness and poverty especially among the certain groups of the society who have faced social discrimination since time immemorial.

With the above perspective the present study entitled ‘*A Legal Study of Provisions, Policies and Judicial Attitude on Education as Developmental Right with Reference to Disadvantaged Groups*’ was undertaken.

The present work is divided into seven chapters. In the introductory chapter, the concept of Right to Education as a Developmental Right a prerequisite for overall development of any individual in a democratic society has been highlighted.

In the second chapter Conceptual Analysis of Right to Education has been made by giving importance of education, reviewing the historical

approach of education focusing on the marginalised groups in early period before independence and describing the genesis of concept of right to education in Indian democratic setup.

At the international level the right to education is codified in the *Universal Declaration of Human Rights* (UDHR), *Convention on the Rights of the Child*(CRC), *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and has also been recognised by several universal and regional instruments. All International pronouncements on right to education from its very beginning are highlighted in the third chapter.

The chapter fourth is solely devoted to the right to education in national perspective. The concept of the Constitution Architect, placing the right to education in directive principles is highlighted here. The articles focusing on education of weaker sections especially of Scheduled Caste, Scheduled Tribes and socially and educationally backward classes are demonstrated. The critical analysis of the journey of right to education from directive principles to fundamental rights and other related constitutional amendments are circumspectly included. The curious status of Right to Education Bill 2002 and 2005 with thorough analysis including recent modification in the form of Right of Children to Free and Compulsory Education Bill, 2008 is included in this chapter. The government efforts in the form of appointing education commissions for reviewing the problems of educational reconstructions as well as making programmes and policies for early realization of educational objectives are also explained in detail in this chapter.

The ideals enshrined in the Constitution of India for universal education have been sought to be converted into reality through various government initiatives in the form of its several programmes and policies over the past six decades. How far these proved instrumental in scaling up educational status of disadvantaged group *viz.* Scheduled Caste, Scheduled

Tribe, OBC and women was also one of the main aspects of the present study. This is studied and analyzed in details and documented under the fifth chapter as Right to Education for Some Disadvantaged Groups - Myth or Reality.

The Supreme Court's dynamic presence and creative jurisprudence for right to education has been analysed through various cases. The two crucial land mark decisions Mohini Jain case, AIR 1992 SC 1858 and Unni Krishnan case, (1993) 1 SCC 645 including Ashok Takhur (2008) 6 SCC 1 at this juncture are also viewed in the context of the importance of right to education especially for the development of disadvantaged groups as discussed in the sixth chapter Judicial Response to Right to Education.

Finally in the seventh chapter, concluding remarks and some guiding suggestions have been derived from what has been stated in the above mentioned chapters. Some constitutional amendments are also offered in this regard to develop a perspective to suit the modern educational development demands in India.