

Hello students, we are dealing with

the course title law in education.

It is for semester then BLV program.

The title of the unit is constitutional goals

and the module name is right to education

under Article 21 of the Indian Constitution.

Let us see what is the

outline of this module.

Education as an unjustifiable, right?

Articles related to education

under part four of the Indian

Constitution and the cases.

Now what would be the learning outcomes

the student will be able to differentiate

between justifiable and unjustifiable, right?

Examine the importance of right to education.

And analyze why right to

education is required.

Now let us see the first word

education as a non justifiable right.

Education, or rather the right to education,

had its status as a directive.

Principles of state policy that is

part four of the Indian Constitution.

Now the Indian Constitution,

at its birth in fact gave status to this

particular right as a non justifiable right.

Unlike the rights which are there under

part three of the Indian Constitution.

Coming to the articles that are

related to education under part

four of the Indian constitution,

here we have four articles.

Which are related or connected to

this particular right to education.

In fact, Article 41 and 45 made provision

which state was to provide education

within its economic capacity and the

objective of securing free and compulsory

education up till 14 years of age

was to be achieved by the year 1960,

which means within a span of 10

years from the year of promulgation

of the Indian Constitution.

Now what is Article 41?

Specify or express?

The state within the limits of its

economic capacity and development.

Mimic effective provision for securing

the right to work to education to public

assistance in cases of unemployment,

old age sickness and disablement,

and other cases.

So considering the economic capacity

and development the state can make

or shall make effective provisions.

Pertaining to securing this

particular right to education.

That was what Article 41 as a directive.

Principles of state policy expressed.

In fact,

Article 45 specified or gave an

assurance where the state would

insure or the objective would be
attained within a period of 10 years
of free and compulsory education
for the children of the age group up
till 14 years at a zero to 14 years.

Coming to Article 45,

Article 45 mentioned about the objective,
whereupon the state could ensure
free and compulsory education for
children up to 14 yrs of age and
that was to be achieved in a speech.

A period or span of 10 years from
the date of the promulgation of
the Indian Constitution.

Now what is Article 46?

Article 46 specifies the state
shall promote with special care the
educational and economic interests of
the vehicle sections of the people.

And in particular,

the Scheduled Caste and Scheduled

tribes and shall protect them from
social injustice and all forms
of exploitation.

So even the interest of the
vehicle sections of the people.

That was something that was sort
of a protected through education.

That was what was expressed in
Article 46 of the Indian Constitution.

Now.

However,

if we consider this particular much
awaited dream of public education
system in India or in our country could
not be achieved within the span of 10 years,
it took a very long time.

In fact,

the epics code lay down the foundation
stone pertaining to the right to
education in two important judgments.

One as your only Krishnan.

Versus the state of our British 1993 and
many chain versus the state of Connecticut,
1992.

You're the right.

Came to be recognized that is
right to education came to be
recognized through Article 21
of the Indian Constitution,
which speaks of right to life.

Now this was.

Considered that the right to life would
include right to pursue education.

Now let us get into the details of
what the Supreme Court expressed
or stated in these two judgments.

As I mentioned to all the
public at large dream
to have literate India by 1960 but
the dream never turned into reality
until the ethics code in Mohini Jain
versus state of Karnataka and others

stated that Articles 41 and 45 under
chapter four of the Indian Constitution.

Even though our non justifiable rights
they're not just pious declarations and
would therefore to be brought in action
for the governance of the country.

So you know there was a link that
was provided with the Supreme Court.

Do these two important articles which were
there present on the Indian constitution
is directive principles of state policy.

That is, Article 41 and 45.

Further, every citizen's right to
education has been affirmed by the Supreme
Court under the Constitution of India.

And that is stated in many chains case.

In fact, the morning change case
emphasized on individuals dignity,
which is absolute,
and the apex court held that the said
dignity has to be respected and protected,

for which the duties cost in the
state where education is the only
means to develop personality,
which assures dignity.

So that's how this particular link
was provided by the Supreme Court,
where when you have dignity,
the concept of personality comes
into picture when the concept of
personality comes into picture.

It is only through education.

These things can be developed,
and that's how the state is to
ensure that education should be
provided to every individual.

Further,

it was here through this decision
that the right to education flows
directly from right to life under
Article 21 of the Indian Constitution
and only education can promise

dignified enjoyment of life.

For though the state government is obliged to

provide educational facilities at all stages,

to the citizens,

in fact it was through morning,

Jane's case,

or any change judgment,

the bench went a step ahead to

point out the right to education.

Lying is a non enforceable light must

be laid under Part 3 as a fundamental

right so that the writing reality can be

recognized and availed by the masses.

Now coming to the second

judgment on Englishman's case,

the epic scrutiny Krishnan versus the

state of Analytische preceded to resolve

the issue pertaining to citizen's right

to free education as a fundamental right.

Now the court went on to say that

even though it is not or this

right is not expressly stated in
part three of the Constitution,
it is implicit therein,
and it flows from right to life guaranteed
by Article 21 of Indian Constitution,
but is subject to certain restrictions.

Therefore citizen cannot be deprived
of right to education by the state,
except in accordance with the
procedure established by law.

However,
on equations case expressed that there
is no fundamental right to education
for professional degree that flows
from Article 21 of the Constitution.

It was helpful though,
that resort to Articles 41, 45 and 46
would aid in construing Article 21
of the Indian Constitution under
the state is obliged to follow the
directives under these articles.

For this right is available up to

14 years of age in there after pursuing,

education is subject to the

limits of economic capacity and

the development of the state.

So that's how in fact,

the Supreme Court channelized

this particular right.

Do education through Article 21 billion

Constitution by linking it to the

right that was already present on the

part for the Indian Constitution.

That is the directive principles

of state policy.

These are the references, thank you.