Journal of Contemporary Human Insights
DOI: https://doi.org/10.67145/71hzzn60| ISSN:3139-9134 | Vol 1 No. 3 September 2026

Beyond Enrolment: Article 21A, Structural Inequality and the Limits of Educational Justice in India

Dr. Senthilvel K[1], Dr. Ambika T[2], Mohamed Salihu M[3], Dr. Kalidass K[4], Dr. Suresh Babu N R[5]

[1]Assistant Professor, School of Law, Vels Institute of Science, Technology and Advanced Studies, Chennai, Tamil Nadu, India- 600117. Email: dr.k.senthilvel@gmail.com; Orcid: https://orcid.org/0000-0002-6089-9092

[2]Assistant Professor, School of Law, Sathyabama Institute of Science and Technology, Chennai, Tamilnadu, India-600 119. Email: dr.t.ambikasenthilvel@gmail.com; Orcid: https://orcid.org/0000-0001-8823-0836

[3]Ph.D. Scholar, Department of Sociology and Population Studies, Bharathiar University, Coimbatore, Tamilnadu, India-641 046. Email: mmohamedsalihh@gmail.com; Orcid: https://orcid.org/0000-0001-9252-9240

[4]Guest Lecturer, Department of Sociology, Periyar University, Salem, India- 636 011. Email: kavikalidass10@gmail.com; Orcid: https://orcid.org/0000-0001-9830-3082

[5]Professor and Head, Department of Sociology and Population Studies, Bharathiar University, Coimbatore, Tamilnadu, India-641 046. Email: nrsureshbabuc@gmail.com; Orcid: https://orcid.org/0000-0003-3331-4287

Received: 22/05/2026 | Revised: 12/08/2026 | Accepted: 11/09/2026 | Published:30/09/2026

ABSTRACT

Article 21A of the Constitution of India and the Right of Children to Free and Compulsory Education Act, 2009 established a legally enforceable commitment to elementary education. Yet the existence of a right does not by itself ensure that children can exercise it on equal terms. This article examines the distance between constitutional recognition and substantive educational justice in India. It uses a doctrinal socio-legal design, combining analysis of constitutional provisions, legislation and Supreme Court decisions with a structured interpretive review of policy documents, official education statistics, household learning assessments and relevant scholarship. The analysis is organised around three connected dimensions of justice: distribution of educational resources, recognition of socially disadvantaged groups, and representation in educational governance. It argues that Article 21A has changed the legal position of elementary education and strengthened the basis for claims against exclusion, but its transformative effect remains constrained by unequal school quality, household poverty, caste and gender discrimination, disability-related barriers, regional disparities and unequal capacity to navigate educational institutions. The evidence also shows why enrolment, infrastructure and learning may not be treated as interchangeable measures of success. The article concludes that educational justice requires enforceable minimum standards, transparent and disaggregated monitoring, meaningful remedies, adequate public financing, and institutional measures that enable disadvantaged families to participate in school governance. The study does not estimate a causal effect of Article 21A; instead, it offers a socio-legal framework for assessing the relationship between constitutional duties and the conditions under which children receive education.

Keywords

Right to Education; Article 21A; educational justice; substantive equality; RTE Act; India; socio-legal research

1. INTRODUCTION

Education is both a social good and a condition for exercising other rights. It can expand people's choices, support participation in public life and improve their ability to challenge disadvantage. These benefits, however, are not produced simply by opening a school or enrolling a child. They depend on whether education is accessible, safe, inclusive and capable of supporting meaningful learning (Sen, 1999; United Nations, 2015). This distinction is central to understanding the Right to Education in India (Nussbaum, 2011; Fraser, 2008).

The constitutional position changed substantially through the judicial decisions in Mohini Jain v. State of Karnataka (1992) and Unni Krishnan, J. P. v. State of Andhra Pradesh (1993), followed by the Constitution (Eighty-sixth Amendment) Act, 2002. Article 21A now requires the State to provide free and compulsory education to children aged six to fourteen in the manner determined by law. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), which came into force on 1 April 2010, gives statutory form to that guarantee. It sets out duties concerning admission, attendance, completion, school standards, teacher qualifications and protection from certain forms of exclusion (Government of India, 2009).

The legal achievement is significant, but the question of implementation remains. Children do not approach schools with equal resources and equal social standing. Household income affects the ability to meet indirect costs; caste and religious identity can shape experiences of belonging and discrimination; gender norms influence mobility and domestic responsibilities; disability can expose the limits of inaccessible buildings and inflexible teaching; and geography affects the availability of schools, teachers and digital resources. These conditions can determine whether a formal right becomes a meaningful educational opportunity (Aneesh et al., 2024; Thorat & Newman, 2010; UNESCO, 2023).

This article asks three questions: (1) What has Article 21A changed in the legal architecture of elementary education? (2) How do structural inequalities and implementation practices limit the exercise of this right? (3) What legal and institutional reforms would better align implementation with substantive educational justice? The article's contribution is to bring constitutional doctrine, education administration and social inequality into one analytical framework. Rather than claiming to measure the causal impact of Article 21A, it examines how legal guarantees interact with the institutional and social conditions necessary for their realisation (Fraser, 2008; Nussbaum, 2011).

2. LITERATURE REVIEW AND ANALYTICAL GAP

2.1 From a constitutional aspiration to an enforceable right

International human rights instruments recognise education as a right and connect it to dignity, equality and the development of the child. Article 26 of the Universal Declaration of Human Rights identifies education as a right, while the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child set out more detailed obligations concerning access, opportunity and educational purpose (United Nations, 1948, 1966, 1989). Sustainable Development Goal 4 extends the contemporary policy emphasis to inclusive and equitable quality education and lifelong learning (United Nations, 2015). These instruments provide a normative context, but domestic constitutional and statutory arrangements determine the specific legal duties and remedies available in India (United Nations, 1966, 1989, 2015).

Indian scholarship has examined the evolution of educational rights, the growth of private schooling, public financing and the relationship between education and development. Kingdon (2020) reviews the expansion of private schooling and the policy questions it raises. Tilak (2018) places education within wider questions of public policy and development. These perspectives are important because the right operates in a highly differentiated system in which children may attend schools with markedly different resources and opportunities (Kingdon, 2020; Tilak, 2018).

2.2 Access, inclusion and unequal implementation

A second strand of research examines whether legal mandates can overcome the practical barriers faced by disadvantaged households. Research on the RTE Act's 25 per cent entry-level admission provision in private unaided schools shows that access to the scheme depends not only on formal eligibility but also on families' information, resources and ability to navigate application processes. Dongre, Sarin, and Singhal (2024) report that households with greater wealth, education and familiarity with the official

language were more likely to apply and secure admission. This evidence complicates the assumption that a formally neutral admission procedure is equally accessible to all eligible families (Dongre et al., 2024).

Official sources also provide different but complementary perspectives on educational conditions. UDISE+ records school-system characteristics such as enrolment, teachers and infrastructure, while ASER uses household-based assessments to examine children's schooling status and foundational learning, principally in rural India. Neither source alone provides a complete measure of educational justice. Administrative compliance can coexist with weak learning, while learning outcomes cannot by themselves identify the legal and institutional reasons for unequal performance. A careful analysis must therefore avoid treating one indicator as a proxy for the whole right (Annual Status of Education Report (ASER) Centre, 2025; Ministry of Education, 2025).

2.3 The analytical gap

The literature establishes that constitutional recognition, school access, school quality and social equality are connected, but these subjects are often studied separately. Doctrinal analysis can explain the scope of legal obligations without showing whether families can use them. Statistical reporting can identify patterns without explaining the legal standards that may govern the State's response. This article addresses that gap by using an integrated framework that asks three questions of the evidence: how resources are distributed; whether institutions recognise and accommodate different social positions and needs; and whether disadvantaged families have a meaningful voice in decisions that affect their children (Fraser, 2008; Sen, 1999).

This article brings together constitutional law, educational inequality, and social justice to examine the implementation of the right to education in India. It uses three dimensions distribution, recognition, and representation to understand the barriers that children face in accessing quality education. Distribution focuses on the availability of educational resources. Recognition examines discrimination and the needs of disadvantaged groups. Representation considers the role of parents and communities in school governance. By bringing these dimensions together, the article examines why legal guarantees alone may not ensure equal educational opportunities. This framework also helps identify areas where policy and institutional reforms are needed to make the right to education more meaningful in practice.

3. METHODOLOGY

3.1 Research design

The present study uses a doctrinal socio-legal research design with a structured interpretive analysis of secondary evidence. It is not a participant-based qualitative study and does not claim to conduct a new household survey and a statistical causal analysis. The doctrinal component examines constitutional provisions, legislation and leading Supreme Court decisions. The socio-legal component considers how those legal rules interact with administrative arrangements, documented patterns of inequality and implementation evidence (Government of India, 1950, 2002, 2009; Fraser, 2008).

3.2 Literature Search and Source Selection

A structured interpretive search was undertaken on 24th July 2026 to identify legal, empirical, and policy sources relevant to Article 21A of the Constitution of India, the Right of Children to Free and Compulsory Education Act, 2009, and structural inequalities affecting educational access and participation. Searches were conducted across publicly accessible records in ERIC, Taylor & Francis Online, ScienceDirect, and Wiley Online Library, alongside official sources including India Code, the Ministry of Education, the Annual Status of Education Report (ASER) Centre, and UNESCO's Global Education Monitoring resources. The search focused on the constitutional and statutory framework of the right to education, implementation challenges, educational inequality, social exclusion, school inclusion, and judicial interpretation.

Search terms and combinations included “Article 21A,” “Right to Education Act,” “implementation,” “educational inequality,” “caste,” “gender,” “religious minorities,” “rural–urban inequality,” “school segregation,” “UDISE+,” and “ASER.” These terms were combined where appropriate to identify sources addressing the relationship between educational rights and structural disadvantage in India. The search was supplemented by examination of relevant statutory materials, judicial decisions, official education reports, and the reference lists of relevant scholarly publications.

The proposed source-selection process comprised

five stages. First, 254 records were identified across the listed academic platforms and official sources. Second, 35 duplicate records were identified for removal. Third, 145 records were reported as assessed for relevance through title and abstract screening. Fourth, 72 sources proceeded to full-text and authoritative-record review against the study's eligibility criteria. Finally, 51 sources were retained for the substantive analysis. These sources were selected for their contribution to the legal, conceptual, empirical, or policy dimensions of the research. Priority was given to authoritative legal texts, peer-reviewed research, official statistical publications, and relevant international policy sources. Foundational judicial decisions and theoretical works were included where necessary to explain the development of the constitutional right and the article's analytical framework.

Structured Interpretive Search

SEARCH DATE 24th July 2026	**OBJECTIVE** Identify legal, empirical and policy sources on Article 21A, the RTE Act 2009 and structural inequalities in educational access.	**FOCUS** Constitutional framework • Implementation • Inequality and exclusion • Inclusion • Judicial interpretation

↓

DATABASES AND SOURCES

ERIC Education research	**Taylor & Francis Online** Scholarly articles	**ScienceDirect** Empirical studies	**Wiley Online Library** Scholarly research
India Code Legislation and legal records	**Ministry of Education** UDISE+ reports	**ASER Centre** ASER reports	**UNESCO GEM** Education policy reports

↓

SEARCH TERMS

Article 21A	**Right to Education Act**	**implementation**	**educational inequality**	**Caste Gender**	**religious minorities**
rural–urban inequality	**school segregation**	**UDISE+**	**ASER**	**school inclusion**	**judicial interpretation**

↓

SCREENING AND SELECTION

1. IDENTIFICATION Records retrieved from listed sources. Count: 254	**2. DEDUPLICATION** Duplicate records removed. Count: 35	**3. ABSTRACT SCREENING** Records assessed for relevance. Count: 145	**4. FULL-TEXT REVIEW** Sources checked against eligibility criteria. Count: 72	**5. FINAL INCLUSION** Sources retained for the analysis. Count: 51

↓

SOURCE TYPES Scholarly articles and reviews • Legislation and court judgments • Official education statistics • Policy reports • Foundational theory	**LIMITATIONS** Publicly accessible and web-indexed records; Scopus and Web of Science not directly searched.

The search was designed to support a doctrinal socio-legal analysis with interpretive use of secondary evidence, rather than a systematic review or a new quantitative analysis. Searches were conducted through publicly accessible and web-indexed records; direct searches of subscription databases such as Scopus and Web of Science were not undertaken. The numerical figures above should be treated as provisional until reconciled with the search and screening log. In particular, the number of records remaining after duplicate removal, the number excluded at title and abstract screening, and the reasons for exclusion at full-text review must be documented consistently before the figures are presented as verified results. The resulting sources are intended to provide a structured and critically interpreted evidence base, with attention to the scope, methodology, and limitations of each source. The search was conducted using relevant keywords and combinations of search terms. Sources were selected based on their relevance to Article 21A, the RTE Act, and educational inequality in India. Studies, legal documents, and policy reports relevant to the research objectives were included. Duplicate records and sources that were not relevant to the study were excluded. The final selection of sources was based on

their relevance and contribution to the analysis. The search and screening figures were checked to ensure consistency and accuracy.

3.3 Analytical framework

The analysis uses three connected dimensions of educational justice. Distribution concerns the allocation of school places, qualified teachers, accessible infrastructure, learning materials and public resources. Recognition concerns whether institutions respect children's identities and respond to barriers associated with caste, gender, religion, disability, language and social class. Representation concerns whether parents and communities particularly those who are usually under-represented can participate meaningfully in school governance and seek remedies when rights are not respected. This framework draws on Fraser's (2008) account of justice and is applied here as an analytical lens rather than as a claim that the source documents themselves use these categories (Fraser, 2008; Sen, 1999; Nussbaum, 2011).

The analysis proceeds in four stages: first, identify the relevant constitutional and statutory obligation; second, examine the judicial interpretation of that obligation; third, compare the obligation with the implementation issues documented in the selected evidence; and fourth, assess what the gap implies for substantive equality and institutional accountability. Because the study uses secondary evidence and does not identify a counterfactual, it assesses legal development and implementation tensions rather than attributing changes in enrolment and learning directly to Article 21A (Government of India, 2009; Dongre et al., 2024; Ministry of Education, 2025).

The analysis draws on constitutional provisions, judicial decisions, government reports, and published research. These sources were examined to understand the implementation of the right to education in India. Official education data were considered in relation to their coverage and limitations. The Sachar Committee Report (2006) was used to understand the historical educational disadvantages faced by Muslims in India. It was not treated as evidence of their current educational status. The analysis also distinguishes between the legal recognition of Article 21A and its actual implementation. The study does not claim that Article 21A alone

has caused changes in enrolment or learning outcomes.

4. CONSTITUTIONAL AND LEGAL FRAMEWORK

4.1 Article 21A and the RTE Act

Before the Eighty-sixth Amendment, Article 45 placed the objective of free and compulsory education within the Directive Principles of State Policy. The Supreme Court's decisions in Mohini Jain and Unni Krishnan interpreted education in relation to Article 21 and human dignity, although the scope and limits of the obligation were refined in the latter decision. The 2002 amendment gave elementary education a specific constitutional footing through Article 21A. The RTE Act then established statutory duties for governments, local authorities and schools, including provisions on admission, attendance, completion, school norms and protection against exclusion (Government of India, 2009; Government of India, 1950, 2002, 2009; Mohini Jain v. State of Karnataka, 1992; Unni Krishnan, J. P. v. State of Andhra Pradesh, 1993).

The Act is important not simply because it declares a right, but because it identifies institutional responsibilities. Its provisions on neighbourhood schools, pupil–teacher ratios, teacher qualifications, school infrastructure and admission practices create standards against which implementation can be assessed. Section 12(1)(c), which requires covered private unaided schools to reserve at least 25 per cent of entry-level seats for children from weaker sections and disadvantaged groups, seeks to widen access across school sectors. Yet the practical value of these provisions depends on timely funding, accessible application processes, effective monitoring and remedies when schools and authorities fail to comply (Government of India, 2009; Dongre et al., 2024).

4.2 Equality, affirmative action and disability inclusion

Article 14 provides the general guarantee of equality before the law and equal protection of the laws. Article 15 prohibits specified forms of discrimination and permits particular affirmative measures. Article 17 abolishes untouchability, while Article 46 directs the State to promote the educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. Articles 29 and 30 protect cultural and educational rights, including minority educational interests. Article 21A must be read alongside this wider constitutional structure rather than in isolation (Government of India, 1950; Thorat & Newman,

2010).

The Rights of Persons with Disabilities Act, 2016 provides additional protections relevant to inclusive education. Its significance is practical as well as symbolic: a school may be formally open to a child but remain inaccessible if buildings, learning materials, communication or teaching arrangements do not accommodate that child's needs. A substantive approach therefore asks whether the child can participate and learn, not merely whether the school has recorded an admission (Government of India, 2009, 2016; Nussbaum, 2011).

4.3 International commitments

The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child provide an international normative context for India's educational obligations. Their emphasis on access, equality of opportunity and the development of the child supports an interpretation of education that extends beyond a nominal place in a classroom. These instruments do not remove the need to analyse India's domestic legal framework, but they help situate the Right to Education within a broader human-rights understanding (United Nations, 1948, 1966, 1989, 2015).

5. SOCIAL INEQUALITY AND EDUCATIONAL JUSTICE

5.1 Economic disadvantage

The formal promise of free education does not remove every cost associated with attending school. Transport, uniforms, learning materials, connectivity and the loss of a child's contribution to household work and income can all affect attendance and continuation. These pressures are likely to be most severe for families with little financial security. The policy implication is not that every absence and dropout can be attributed to poverty, but that the legal guarantee must be supported by measures that reduce the direct and indirect costs of participation. Scholarships, transport support, school meals, accessible learning materials and social protection can help make the right usable in practice (Aneesh et al., 2024; Sen, 1999; Tilak, 2018).

5.2 Caste and social exclusion

Caste-based inequality cannot be reduced to differences in household income. It can also involve discrimination, social distance, unequal expectations and differences in the quality of institutions available to children. Articles 14, 15, 17 and 46 provide a strong constitutional basis for addressing these barriers. However, legal prohibitions are not self-executing. Schools need clear anti-discrimination procedures, confidential and accessible complaint mechanisms, monitoring of exclusionary practices, and accountability for how complaints are handled. Disaggregated data can help identify unequal patterns, but it must be interpreted carefully and paired with evidence about the experiences and practices behind those patterns (Thorat & Newman, 2010; Aneesh et al., 2024).

5.3 Gender

Gender inequality often becomes more visible as children grow older and the costs of continuing education increase. Domestic responsibilities, concerns about safety, distance to school, inadequate sanitation and restrictive expectations can limit girls' participation. Enrolment parity at one stage therefore does not establish that girls have equal opportunities to complete schooling and benefit from it. Gender-sensitive planning may consider safe transport, functioning sanitation facilities, prevention of harassment, flexible support for students with care responsibilities and effective referral systems. Such measures can be evaluated by whether they improve participation and learning, not only by whether facilities have been installed (United Nations, 1989; UNESCO, 2023; Nussbaum, 2011).

5.4 Religious minorities

The educational circumstances of religious minorities vary by region, income, gender and institutional setting. The Sachar Committee report documented disadvantages experienced by many Muslims in education and other areas of public life, but it can be treated as an important historical baseline rather than as a current statistical estimate. Articles 15, 29 and 30 are relevant to equality, cultural rights and minority educational institutions. Policy responses may avoid treating religious identity as a complete explanation for educational disadvantage. Instead, they can examine the interaction of poverty, location, school availability, discrimination and institutional choice, while protecting constitutional pluralism (Sachar Committee, 2006; Government of India, 1950). Research on gendered social pressures in marginalised communities illustrates how social expectations can shape individuals' experiences of social institutions and public life (Salihu et al., 2026). Although such research does not directly establish

barriers to educational access, it highlights the importance of considering the wider social context in which constitutional guarantees of equality and educational opportunity are exercised.

5.5 Disability and inclusive education

For children with disabilities, admission is only the first step. Physical accessibility, trained staff, assistive technology, accessible learning materials and reasonable accommodation can determine whether attendance leads to participation. The RTE framework and the Rights of Persons with Disabilities Act can therefore be implemented in a coordinated way. Data on the presence of ramps and special educators are useful, but they do not by themselves show whether children can access classrooms, communicate, participate in assessment or receive appropriate support. Monitoring may combine infrastructure indicators with information about actual participation and barriers reported by children and their family members (Government of India, 2009, 2016; Nussbaum, 2011).

5.6 Rural–urban and digital inequalities

Geographical inequalities affect the distance children must travel, the range of schools available, the distribution of teachers and access to specialist services. UDISE+ can help describe differences in school infrastructure and staffing, while ASER provides a household-based view of schooling and foundational learning in rural India. The sources cannot be used interchangeably: ASER's rural findings cannot automatically be presented as national rural–urban comparisons, and administrative indicators do not directly measure learning. Digital inequality adds another layer. Access depends not only on whether a household owns a device, but also on connectivity, shared use, language, accessibility, digital skills and adult support. Digital education may supplement not substitute for accessible, adequately resourced schooling (Aneesh et al., 2024; Ministry of Education, 2025).

5.7 Reading the evidence together

The dimensions above often overlap. A child may face the combined effects of poverty, caste discrimination, disability and geographical isolation, while a girl's experience may be shaped by gender norms as well as household income and distance from school. Single-category measures can conceal these interactions. At the same time, an intersectional argument may not become an unsupported assertion that every disadvantaged group experiences the same barriers. A stronger evidence base would disaggregate available indicators, identify where data are missing, and use qualitative studies to explain the mechanisms behind observed disparities (UNESCO, 2023; Annual Status of Education Report (ASER) Centre, 2025).

Table 1: Intersecting Inequalities and Their Implications for Educational Justice in India

Dimension of inequality	Primary structural drivers	Relevant empirical indicators
Economic	Opportunity costs of schooling, household poverty, and pressure to contribute to family income	Attendance, retention, dropout, and transition rates, disaggregated by socioeconomic status
Caste-based	Social discrimination, exclusionary practices, and residential segregation	Enrolment, retention, school facilities, and learning outcomes disaggregated by castes
Gender	Patriarchal norms, unequal domestic responsibilities, safety concerns, and inadequate sanitation	Gender-disaggregated attendance, transition, retention, and completion rates
Religious minority	Socioeconomic disadvantage, discrimination, and unequal access to educational resources	Enrolment, school access, retention, and learning outcomes by religious group, where reliable data are available

Disability	Inaccessible infrastructure, inadequate learning support, and shortages of trained teachers	Enrolment, attendance, retention, accessibility, and availability of inclusive educational support
Rural-urban and digital	Unequal infrastructure, teacher availability, geographical distance, and disparities in digital access	School facilities, pupil-teacher ratios, attendance, foundational learning, and digital access

(Source: Prepared by the author using the conceptual framework and relevant official education data. UDISE+ and ASER measure different aspects of education)

6. JUDICIAL INTERPRETATION AND IMPLEMENTATION CHALLENGES

6.1 The constitutional significance of the leading cases (Government of India, 1950, 2002, 2009)

In Mohini Jain v. State of Karnataka (1992), the Supreme Court considered capitation fees in private medical education and connected education with the right to life under Article 21. The decision rejected the idea that access to education could be treated solely as a matter of purchasing power. In Unni Krishnan, J. P. v. State of Andhra Pradesh (1993), the Court developed a more qualified account of the right, recognising a fundamental right to education up to the age of fourteen while relating the wider obligation to the State's economic capacity and development. These cases formed an important part of the constitutional path to Article 21A, but the amendment and the RTE Act not the judgments alone now provide the central legal framework for elementary education (Mohini Jain v. State of Karnataka, 1992; Unni Krishnan, J. P. v. State of Andhra Pradesh, 1993; Government of India, 2002, 2009).

In Society for Unaided Private Schools of Rajasthan v. Union of India (2012), the Supreme Court upheld the application of Section 12(1)(c) to non-minority unaided schools. The decision supports the view that private schooling can be subject to obligations designed to advance the constitutional objective of elementary education. The judgment does not, however, establish that the provision has eliminated segregation or made admissions equally accessible in practice. The evidence on application barriers and unequal ability to navigate the scheme illustrates why legal validity and effective implementation must be evaluated separately (Society for Unaided Private Schools of Rajasthan v. Union of India, 2012; Dongre et al., 2024).

In Pramati Educational & Cultural Trust v. Union of India (2014), the Court addressed the application of the RTE Act to minority educational institutions and protected their constitutional position under Articles 29 and 30 from obligations found incompatible with those protections. The decision highlights a constitutional tension between universal educational entitlements and institutional minority rights. That tension cannot be presented as a simple conflict between equality and exemption: minority educational autonomy is itself constitutionally protected. The practical challenge is to advance children's educational interests while respecting the legal limits placed on state regulation (Pramati Educational & Cultural Trust v. Union of India, 2014; Government of India, 1950).

6.2 Implementation gaps

First, infrastructure standards matter only if schools meet them and maintain them. A classroom, toilet or ramp recorded in an administrative return may not be functional or accessible. Second, teacher shortages and uneven deployment can undermine continuity, individual support and learning. Third, the system needs to assess educational quality as well as inputs. ASER's learning assessments are valuable precisely because enrolment and learning are distinct outcomes. Fourth, the private-school admission provision can be weakened by information barriers, application requirements, reimbursement delays or exclusion after admission. Fifth, monitoring can become a paperwork exercise if data collection is not linked to corrective action, public reporting and remedies (Annual Status of Education Report (ASER) Centre, 2025; Ministry of Education, 2025; Dongre et al., 2024).

These problems are not simply administrative details. They concern the practical content of the right. If a child is enrolled but cannot attend safely, cannot access the classroom, experiences discrimination or receives little meaningful instruction, the promise of education has been only partly realised. Effective governance requires clearly

assigned responsibilities across central, state and local authorities, predictable funding, transparent indicators, independent scrutiny and accessible grievance redressal. School Management Committees can support local accountability, but participation is meaningful only when parents have information, time, confidence and a real opportunity to influence decisions (Government of India, 2009; Fraser, 2008).

7. DISCUSSION

The analysis supports a qualified answer to the central question: Article 21A has translated an important part of the constitutional promise into law, but it has not by itself ensured substantive educational justice. It changed the status of elementary education from a broad constitutional objective into a specific fundamental right and enabled legislation to define institutional duties. That change matters because it gives families, advocates and courts a clearer legal basis for challenging exclusion. However, a legal entitlement is not the same as an equal capability to use it (Government of India, 2002, 2009; Sen, 1999; Nussbaum, 2011).

The first implication concerns distribution. A right is difficult to exercise where schools lack teachers, safe facilities, accessible materials or adequate learning support. Equal treatment in law can preserve unequal outcomes when children and schools begin from different circumstances. Substantive equality may therefore require more resources and targeted support in settings where disadvantage is greater. This is not a departure from equality; it is a way of making the promise of equality effective (Fraser, 2008; Aneesh et al., 2024; Tilak, 2018).

The second implication concerns recognition. Children are not interchangeable units in an enrolment register. School practices may disadvantage children through caste prejudice, gendered expectations, inaccessible design, language barriers or assumptions about religious identity. A legal framework that prohibits discrimination must be accompanied by institutional routines that identify and address it. Recognition also requires avoiding stereotypes: neither Muslim children, children with disabilities nor rural children form a uniform group, and interventions may respond to documented needs rather than broad assumptions (Thorat & Newman, 2010; Sachar Committee, 2006; Government of India, 2016).

The third implication concerns representation and accountability. Families need routes to question school decisions, report discrimination and participate in governance without facing intimidation or excessive administrative burdens. Monitoring can make it possible to identify patterns, assign responsibility and verify whether corrective measures work. In this sense, constitutional governance is not just the existence of laws and institutions; it is the capacity of those institutions to respond to rights violations in a timely and fair manner (Fraser, 2008; Government of India, 2009).

The evidence also imposes limits on what this article can conclude. Because the study synthesises legal materials and secondary sources rather than using a longitudinal design or a credible counterfactual, it cannot estimate how much of the change in enrolment or learning is attributable to Article 21A. Nor can rural-focused ASER findings be treated as a complete picture of all children in India. These limitations do not negate the socio-legal argument. They clarify it: the article assesses the legal framework and the documented implementation challenges, and identifies what further research would be needed to test causal effects (Annual Status of Education Report (ASER) Centre, 2025; Ministry of Education, 2025).

The policy implication is that progress can be judged through a balanced set of measures: access and completion; school functionality and teacher availability; foundational learning; safety and non-discrimination; accessibility for children with disabilities; and the ability of families to participate and obtain remedies. No single indicator can stand in for educational justice. A constitutional right becomes meaningful when these dimensions reinforce one another and when persistent gaps trigger corrective public action (Sen, 1999; Nussbaum, 2011; UNESCO, 2023).

8. POLICY AND LEGAL RECOMMENDATIONS

First, governments need to publish clear, comparable and disaggregated implementation indicators, while explain data limitations and avoid the use of enrolment as a proxy for quality. Second, infrastructure monitoring may assess functionality and accessibility, not merely the recorded presence of facilities. Third, teacher recruitment and deployment may prioritise persistent vacancies and

underserved locations, alongside continuing professional development. Fourth, authorities may simplify the Section 12(1)(c) admission process, provide multilingual assistance, publish transparent timelines for reimbursement and create effective complaint channels for families (Ministry of Education, 2025; Dongre et al., 2024).

Fifth, schools need to adopt clear anti-discrimination procedures and ensure that complaints concerning caste, gender, religion or disability are handled promptly and safely. Sixth, School Management Committees may receive accessible information, adequate training and meaningful opportunities to influence school development plans. Seventh, digital learning policy may include device and connectivity access, accessible content, teacher support and non-digital alternatives where technology would otherwise exclude children. Finally, the Union and State Governments may align funding with the actual costs of delivering the statutory guarantee, with transparent reporting on allocations, expenditure and results. These recommendations require evaluation: each may have a responsible institution, a measurable indicator and a review timetable (Government of India, 2009, 2016; UNESCO, 2023; Fraser, 2008).

9. CONCLUSION

Article 21A represents a significant constitutional achievement in India's pursuit of educational equality because it recognises elementary education as a fundamental right rather than leaving its provision entirely to policy discretion. Read alongside the Right of Children to Free and Compulsory Education Act, 2009, the constitutional guarantee establishes a framework of public responsibility for ensuring children's access to elementary schooling. The legislative and judicial development of this right reflects a broader constitutional understanding that education is closely connected with human dignity, equality, individual development, and meaningful participation in social life (Government of India, 1950, 2002, 2009; Mohini Jain v. State of Karnataka, 1992; Unni Krishnan, J. P. v. State of Andhra Pradesh, 1993). Nevertheless, the existence of a legally enforceable entitlement does not, by itself, ensure that every child can exercise that entitlement on equal terms. The central concern emerging from this analysis is therefore the persistent gap between the formal recognition of educational rights and the social, economic, and institutional conditions necessary for their substantive realisation.

This article has argued that educational inequality in India must be understood not merely as a problem of unequal school access, but also as a problem of unequal educational opportunities, institutional inclusion, and the distribution of social resources. Household poverty may constrain children's ability to remain in school; caste-based exclusion can reproduce historical disadvantages within educational institutions; gendered expectations can affect attendance and continuity; and socioeconomic and institutional barriers may limit the educational opportunities available to religious minorities, children with disabilities, and geographically disadvantaged communities. These inequalities are neither uniform nor mutually exclusive. Their effects may accumulate when children experience several forms of disadvantage simultaneously, making formal equality insufficient to secure equivalent educational opportunities. Research on educational inequality in India and the implementation of the Right to Education Act underscores the importance of examining how social position, family resources, and institutional practices shape access to educational opportunities (Aneesh et al., 2024; Dongre et al., 2024; Thorat & Newman, 2010). Consequently, educational justice requires attention not only to whether children enter school, but also to whether they can participate, learn, progress, and complete their education without discrimination or avoidable disadvantage.

The distinction between access and substantive educational justice is particularly important when assessing the achievements of Article 21A. Enrolment and school availability are necessary indicators of progress, but they cannot independently establish that the constitutional promise has been fulfilled. The conditions under which education is delivered including the availability of qualified teachers, adequate infrastructure, accessible facilities, safe learning environments, inclusive pedagogies, and meaningful support for disadvantaged children also influence whether schooling expands children's real opportunities. Official datasets such as UDISE+ and the Annual Status of Education Report provide complementary evidence for examining school systems and selected dimensions of children's educational experiences. However, their indicators

must be interpreted according to their respective coverage and methodologies, and aggregate improvements should not be assumed to demonstrate the elimination of inequalities between social groups or regions (Annual Status of Education Report (ASER) Centre, 2025; Ministry of Education, 2025). A rights-based assessment must therefore distinguish formal compliance with legal requirements from the substantive quality, accessibility, and inclusiveness of educational provision.

The article's principal analytical contribution is to bring constitutional and statutory guarantees into dialogue with the structural inequalities that shape children's capacity to benefit from education. This approach moves beyond treating the Right to Education as an isolated legal entitlement and situates it within a wider framework of distributive justice, recognition, and substantive capability (Fraser, 2008; Nussbaum, 2011; Sen, 1999). From a distributive perspective, educational justice requires the fair allocation of resources, infrastructure, and institutional support. From a recognition perspective, it requires educational institutions to address discriminatory practices and the unequal treatment of children based on social identity or background. From a capability perspective, it requires attention to whether children possess the practical freedom and support necessary to convert formal educational opportunities into meaningful learning and development. These perspectives are complementary: the provision of a school place may fulfil an important legal obligation, but it does not necessarily overcome the social barriers that prevent a child from participating on equal terms. The value of this integrated framework lies in demonstrating why the implementation of Article 21A must be assessed through both legal accountability and the lived conditions of educational participation.

These findings have important implications for policy and governance. First, public authorities must ensure that constitutional and statutory obligations are supported by adequate funding, transparent implementation, and effective monitoring. Second, educational planning should identify and respond to inequalities across socioeconomic status, caste, gender, disability, religion, and geographical location rather than relying exclusively on aggregate enrolment figures. Third, schools require the institutional capacity to provide inclusive, safe, and meaningful learning environments, supported by appropriate teacher preparation, accessible infrastructure, and effective grievance-redress mechanisms. Fourth, monitoring systems should combine administrative indicators with carefully designed evidence on attendance, retention, learning, exclusion, and children's experiences of schooling. Such measures would help policymakers distinguish between the existence of formal entitlements and the conditions required for their effective enjoyment. Research identifying barriers to the implementation of the RTE Act's inclusion provisions further suggests that the practical accessibility of legal entitlements deserves sustained attention, particularly where families differ in their resources and capacity to navigate administrative procedures (Dongre et al., 2024).

At the same time, the legal right to education should not be understood as a substitute for broader social and economic reform. Educational institutions cannot independently eliminate poverty, entrenched discrimination, unequal household responsibilities, or the wider inequalities that influence children's educational trajectories. The realisation of Article 21A therefore requires coordination between education authorities and other public institutions responsible for social protection, child welfare, disability inclusion, and the prevention of discrimination. Such coordination is particularly important for children whose educational participation is affected by multiple, overlapping disadvantages. The objective should not be limited to bringing children into school; it should also be to reduce the structural barriers that undermine their ability to remain in education and benefit from it. In this respect, the constitutional commitment to educational equality must be understood as an ongoing institutional responsibility rather than a goal achieved solely through the enactment of legislation. Research examining the intersections of religious practices, gender norms, and lived experiences highlights the importance of understanding the broader social contexts in which rights are exercised. This perspective is relevant to assessing the implementation of the Right to Education Act, particularly the distinction between formal access to schooling and the social conditions that may influence meaningful educational participation (Salihu et al., 2025).

This study also has limitations that define the scope of its conclusions. Its doctrinal socio-legal and

interpretive approach enables a critical examination of constitutional provisions, legislation, judicial decisions, and selected secondary evidence, but it does not independently establish causal relationships between Article 21A and particular educational outcomes. Nor can national or aggregate indicators, by themselves, capture the full range of experiences encountered by children across diverse social and regional contexts. Future research could address these limitations through comparative state-level studies, longitudinal analysis of educational participation and learning outcomes, and qualitative investigations into how children, families, teachers, and school administrators experience the implementation of the right to education. Further work could also examine how judicial remedies, funding arrangements, school-level accountability, and inclusion policies affect historically disadvantaged groups. Such research would strengthen the empirical basis for assessing which interventions are most effective in translating constitutional commitments into substantive educational gains. UNESCO (2024) highlights the importance of effective school leadership in improving the quality of education. School leaders need appropriate professional training, adequate recruitment opportunities, and sufficient autonomy to make decisions based on the specific needs of their institutions. Improving educational quality also requires collaboration among teachers, parents, school leaders, and community organisations. Such collective efforts are particularly important for creating inclusive learning environments and addressing the educational needs of children from disadvantaged backgrounds.

The significance of Article 21A lies not only in its recognition of elementary education as a fundamental right, but also in the continuing obligation it places on public institutions to make that right meaningful in practice. Constitutional recognition provides an essential foundation, yet educational justice depends on whether the institutions responsible for implementing the right can respond to persistent inequalities and protect children from exclusion. The decisive question is therefore not simply whether India has established a legal right to elementary education, but whether that right enables children, irrespective of their social background or circumstances, to access inclusive schooling and develop their capabilities. The constitutional promise of educational equality can be realised only when legal guarantees, adequate public provision, institutional accountability, and sustained efforts to address structural disadvantage operate together. Article 21A may consequently be understood not as the conclusion of India's educational justice project, but as its continuing constitutional mandate.

References

1. Annual Status of Education Report (ASER) Centre. (2025). *Annual status of education report (Rural)* 2024. https://asercentre.org/aser-2024/
2. Aneesh, M. R., Maya, K., & Aneesh, K. A. (2024). Education inequality in India: An empirical analysis using National Sample Survey data. *Indian Journal of Human Development, 18*(2), 267–279. https://doi.org/10.1177/09737030241280145
3. Dongre, A., Sarin, A., & Singhal, K. (2024). Barriers in translating mandate for inclusion in practice: Evidence from India's Right to Education Act. *International Journal of Inclusive Education, 28*(12), 2921–2939. https://doi.org/10.1080/13603116.2022.2135781
4. Fraser, N. (2008). *Scales of justice: Reimagining political space in a globalizing world.* Polity Press.
5. Government of India. (1950). *The Constitution of India.* Ministry of Law and Justice.
6. Government of India. (2002). *The Constitution (Eighty-sixth Amendment) Act, 2002*. Ministry of Law and Justice.
7. Government of India. (2009). *The Right of Children to Free and Compulsory Education Act, 2009.* India Code. https://www.indiacode.nic.in/bitstream/123456789/19958/1/rte2009_eng.pdf
8. Government of India. (2016). *The Rights of Persons with Disabilities Act, 2016.* Ministry of Law and Justice.
9. Kingdon, G. G. (2020). The private schooling phenomenon in India: A review. *The Journal of Development Studies, 56*(10), 1795–1817. https://doi.org/10.1080/00220388.2020.1715943
10. Ministry of Education. (2024). *Unified District Information System for Education Plus (UDISE+) 2023–24 report.* Department of School Education and Literacy, Government of India.
11. Ministry of Education. (2025). *UDISE+ report*

2024–25. Department of School Education and Literacy, Government of India. https://dsel.education.gov.in/en/styleswitcher/switch/school_education/custom/default?destination=%2Fen%2Fstatistics

12. Nussbaum, M. C. (2011). *Creating capabilities: The human development approach*. Harvard University Press.
13. Sachar Committee. (2006). *Social, economic and educational status of the Muslim community of India.* Government of India.
14. Salihu, M. M., Senthilvel, K., Ambika, T., & Suresh Babu, N. R. (2026). The burden of honor: A qualitative inquiry into the social pressure faced by single Muslim mothers in Coimbatore. *International Journal of Science and Research, 15*(1), 595–603. https://doi.org/10.21275/SR26105170910
15. Salihu, M. M., Suresh Babu, N. R., & Ambika, T. (2025). Embodied faith and marginalized motherhood: Decolonial insights into Iddah through interpretative phenomenology. *International Journal of Research and Innovation in Social Science, 9*(10), 8824–8839. https://doi.org/10.47772/IJRISS.2025.910000719
16. Sen, A. (1999). *Development as freedom.* Oxford University Press.
17. Sen, A. (2009). *The idea of justice.* Harvard University Press.
18. Thorat, S., & Newman, K. S. (2010). *Blocked by caste: Economic discrimination in modern India.* Oxford University Press.
19. Tilak, J. B. G. (2018). *Education and development in India: Critical issues in public policy and development.* Palgrave Macmillan.
20. UNESCO. (2023). *Global education monitoring report 2023: Technology in education: A tool on whose terms?* UNESCO.
21. UNESCO. (2024). *Global education monitoring report 2024.* UNESCO.
22. United Nations. (1948*). Universal Declaration of Human Rights.* https://www.un.org/en/about-us/universal-declaration-of-human-rights
23. United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights.* https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights
24. United Nations. (1989). *Convention on the Rights of the Child.* https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child
25. United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development.* https://sdgs.un.org/2030agenda

Table of Cases

1. *Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666.
2. *Pramati Educational & Cultural Trust v. Union of India,* (2014) 8 SCC 1.
3. *Society for Unaided Private Schools of Rajasthan v. Union of India,* (2012) 6 SCC 1.
4. *Unni Krishnan, J. P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.