

## **Topic: Right To Education Under Article 21**

Name of the case: Unnikrishnan, JP v. State of Andhra Pradesh, AIR 1993 SC 2178

Bench: Chief Justice L.M. Sharma, Justice S.R. Pandian, Justice B.P. Jeevan Reddy, Justice S. Mohan, Justice S.P. Bharucha

Ratio: The Supreme Court implied the 'right to education' from the 'right to life and personal liberty' guaranteed by Article 21. As the Fundamental Rights and directive principles are complimentary to each other, the content and parameters of this right or deduced in the light of Article 41, 45 and 46. Therefore, the 'right to education' in the context of this Directive Principle means: (a) every child has a right to free education up to the age of 14 years; (b) thereafter, his right to education is circumscribed by the limits of the economic capacity of the states and its development.

The court has emphasised that child has Fundamental Right to free education upto the age of 14 years. This obligation can be discharged by the state either through governmental school, or private schools run by non-governmental bodies, aided and recognised by the state. The court further ruled that a citizen has a right to call upon the state to provide educational facilities within the limits of its economic capacity and development.

The court has however cautioned that because it has relied upon some of the directive principles to locate the parameters of the 'right to education' implicit in Article 21, it does not follow automatically that each and every obligation referred to it in the Directive Principle gets automatically included with a preview of Article 21. It held that the 'right to education' to be implicit in the 'right to life' because it has inherent fundamental importance. As a matter of fact, "the court has referred to Article 41, 45, and 46 merely to determine the parameters of the said rights."

Importance of the judgement delivered in Unnikrishnan:

Subsequent to the decision in Unnikrishnan, the Constitution 86th Amendment Act, 2002 was introduced Article 20A which makes the 'right to education' a Fundamental Right.