

Legal Reasoning Questions for CLAT | QB Set 19

Article 21A of the Indian Constitution, introduced through the 86th Constitutional Amendment Act of 2002, guarantees the right to education as a fundamental right for children aged six to fourteen. This provision aims to ensure that every child has access to free and compulsory elementary education in a formal school setting that meets essential norms and standards. It reflects the state's commitment to providing equitable educational opportunities, recognizing education as a crucial tool for social and economic empowerment.

The amendment to the Constitution introduced three significant changes. First, Article 21A was added to recognize education as a fundamental right. Second, Article 45 was modified, requiring the state to provide early childhood care and education for children up to six years old. Third, Article 51A (k) was inserted, mandating that parents or guardians ensure their children, between the ages of six and fourteen, receive education. These amendments collectively emphasize the importance of education for the nation's future.

Questions

Question 1:

A state government passes a law requiring private schools to reserve 25% of their seats for children from economically weaker sections of society, as mandated by the Right to Education Act, 2009. A private school challenges this law, claiming that it infringes upon their autonomy and the right to run educational institutions freely under Article 19(1)(g) of the Indian Constitution. The state argues that this requirement is necessary to fulfil the state's obligation under Article 21A to provide free and compulsory education to children.

How should the court address the conflict between the school's autonomy and the right to education under Article 21A?

- (a) The court should uphold the law, as Article 21A creates a positive obligation on the state to ensure access to education for all children, and the 25% reservation is a reasonable restriction on the school's autonomy.
- (b) The court should strike down the law, as private schools have the freedom to decide their admissions policies under Article 19(1)(g), and the state cannot interfere.
- (c) The law should be upheld only if the state provides compensation to the schools for the reserved seats.

(d) The court should reject the challenge because Article 21A only applies to government schools, and private schools are not obligated to comply.

Question 2:

A public school is found to be in violation of the Right of Children to Free and Compulsory Education Act, 2009, as it does not meet the prescribed infrastructure and teaching standards. The parents of several children studying at the school file a petition, arguing that the poor quality of education violates their children's right to education under Article 21A. The school contends that it lacks sufficient funds to improve infrastructure and, therefore, cannot meet the required standards.

What should be the court's approach in resolving this issue under Article 21A?

(a) The court should direct the government to allocate additional funds to the school so it can meet the prescribed standards, as the right to education includes access to quality education.

(b) The court should dismiss the petition, as schools cannot be expected to comply with the standards if they lack funds, and the right to education under Article 21A is subject to the availability of resources.

(c) The court should strike down the petition, as the government cannot be held responsible for ensuring the quality of education in every public school.

(d) The court should uphold the school's argument, as the right to education is limited to ensuring access to schools, and the quality of education is not a concern under Article 21A.

Question 3:

A family moves to a new state, and their 10-year-old child, Aryan, is denied admission to the local public school on the grounds that the school is already full. The family argues that the denial of admission violates Aryan's right to free and compulsory education under Article 21A. The school administration claims that due to overcrowding and lack of resources, they cannot admit any more students and that Aryan can apply for admission next year.

What should the court consider when reviewing the family's petition in light of Article 21A and the Right to Education Act, 2009?

(a) The court should uphold the school's decision, as overcrowding is a legitimate reason to limit admissions, and Article 21A cannot be enforced if the school is unable to accommodate additional students.

(b) The court should direct the school to admit Aryan immediately, as the state has a

constitutional obligation under Article 21A to ensure that every child between 6 and 14 years old has access to education, regardless of overcrowding.

(c) The court should dismiss the petition, as the family can seek admission in the next academic year, and Article 21A does not guarantee immediate admission.

(d) The court should order the family to look for alternative schools, as Article 21A does not require that every child must be admitted to the closest school.

Question 4:

A private school imposes additional fees on students from economically weaker sections (EWS) to cover extracurricular activities, uniforms, and books, arguing that Article 21A only guarantees free tuition and not other related costs. A group of EWS parents challenge this policy, claiming that it violates their children's right to free and compulsory education under Article 21A. The school contends that these additional charges are necessary to maintain the quality of education and cover operational expenses.

How should the court resolve this dispute under Article 21A and the Right to Education Act, 2009?

(a) The court should uphold the school's policy, as Article 21A only guarantees free education in terms of tuition fees, and schools have the discretion to impose charges for other services.

(b) The court should strike down the additional charges, as the right to free and compulsory education under Article 21A includes all essential components of education, including uniforms, books, and extracurricular activities.

(c) The court should allow the additional charges but require the government to subsidise them for EWS students.

(d) The court should dismiss the parents' petition, as private schools are not bound by Article 21A, which applies primarily to public institutions.

Question 5:

As part of its efforts to provide education to all children, the state implements a policy requiring children from remote tribal areas to attend boarding schools located far from their homes. A group of parents from a tribal community challenges the policy, arguing that it violates their right to decide the form of education for their children. They argue that the long distances will disrupt the children's connection to their culture and family. The state argues that the policy is essential for providing education to children in areas where regular schools are not available, in fulfilment of Article 21A.

What should the court consider when resolving the conflict between the parents' concerns and the state's obligation under Article 21A?

- (a) The court should uphold the policy, as the state has an obligation under Article 21A to provide education to all children, even if it requires boarding schools.
- (b) The court should strike down the policy, as the right to education under Article 21A should be balanced with the right of parents to ensure that their children receive education without losing their cultural connections.
- (c) The court should uphold the policy only if the state provides adequate safeguards to ensure that the children can maintain ties with their families and culture.
- (d) The court should reject the parents' challenge, as the state's obligation to provide education overrides parental preferences.

Answers & Explanations

Answer to Question 1:

(a) The court should uphold the law, as Article 21A creates a positive obligation on the state to ensure access to education for all children, and the 25% reservation is a reasonable restriction on the school's autonomy.

Explanation: Article 21A guarantees the right to free and compulsory education for all children, and private schools are required to comply with the provisions of the **Right to Education Act, 2009**, which aims to provide equitable access to education.

Answer to Question 2:

(a) The court should direct the government to allocate additional funds to the school so it can meet the prescribed standards, as the right to education includes access to quality education.

Explanation: Article 21A ensures that every child has the right to education of satisfactory quality, and the state is responsible for providing the necessary resources to meet this obligation.

Answer to Question 3:

(b) The court should direct the school to admit Aryan immediately, as the state has a constitutional obligation under Article 21A to ensure that every child between 6 and 14 years old has access to education, regardless of overcrowding.

Explanation: Article 21A requires that all children between 6 and 14 years have access to

education. Schools must ensure compliance with the law, and overcrowding cannot be a justification for denying admission.

Answer to Question 4:

(b) The court should strike down the additional charges, as the right to free and compulsory education under Article 21A includes all essential components of education, including uniforms, books, and extracurricular activities.

Explanation: The **Right to Education Act, 2009** mandates that education provided to economically weaker sections should be free, and this includes all necessary components such as books, uniforms, and other essential resources.

Answer to Question 5:

(c) The court should uphold the policy only if the state provides adequate safeguards to ensure that the children can maintain ties with their families and culture.

Explanation: While the state has an obligation to provide education under Article 21A, the policy must be balanced with the rights of the children and their parents, ensuring that cultural ties are not severed.