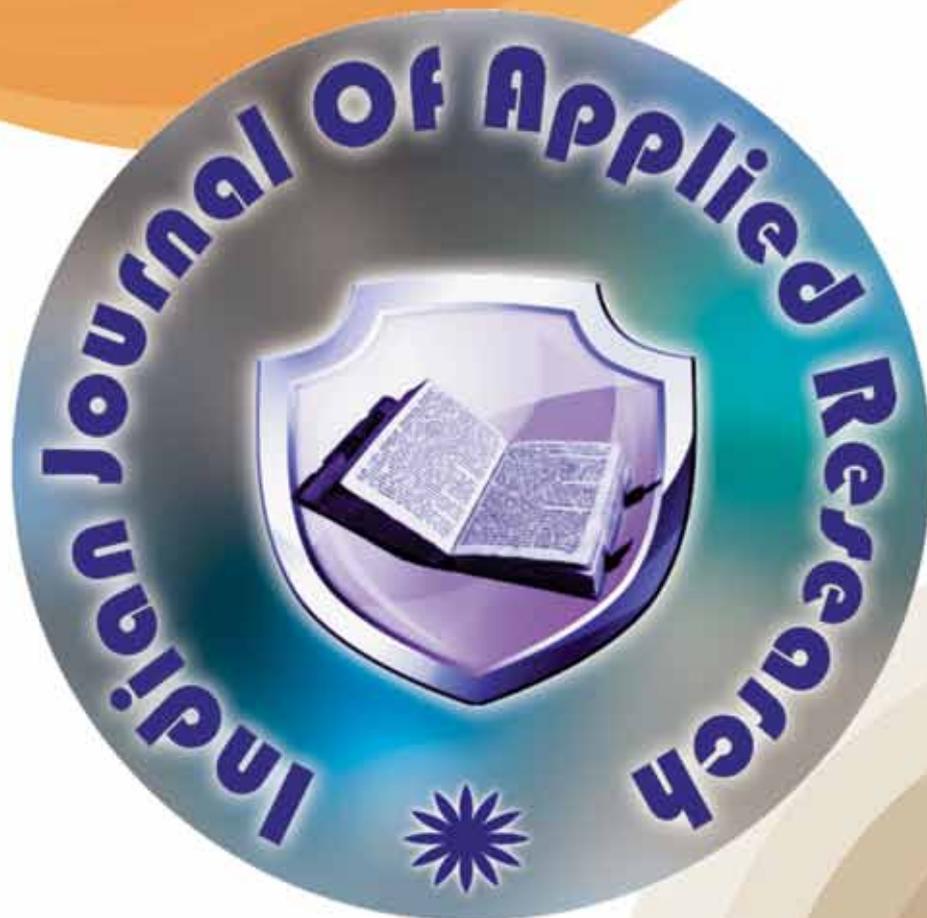


₹ 200

ISSN - 2249-555X

Volume : 1 Issue : 6 March 2012



Journal for All Subjects

www.ijar.in

Listed in International ISSN Directory, Paris.



ISSN - 2249-555X

Indian Journal of Applied Research

Journal for All Subjects

Editor-In-Chief

Dr A Kumar

Director, College Development Council (CDC)
Director, Internal Quality Assurance Cell (IQAC)
Professor in Management,
Department of Business Administration, Faculty of Management,
Bhavnagar University,

Editorial Advisory Board

Dr. S. N. Pathan
Maharashtra

Dr. SM. Ramasamy
Gandhigram

Dr. M. M. Goel
Kurukshetra

Dr. S. Ramesh
Tamil Nadu

Dr Ramesh Kumar Miryala
Nalgonda.

Dr. B. Rajasekaran
Tirunelveli

Dr. A. R. Saravankumar
Tamilnadu

Dr. Roy M. Thomas
Cochin

Dr. G. Selvakumar
Salem

Dr. Apurba Ratan Ghosh
Burdwan

Dr. Shrawan K Sharma
Uttarakhand

Dr. Sudhanshu Joshi
Uttarakhand

Prof. (Dr.) B Anandampilai
Pudhukottai

Advertisement Details

Position	B/W (Single Color)	Fore Color
Full Inside Cover	₹ 6000	₹ 12500
Full Page (Inside)	₹ 5000	-

Subscription Details

Period	Rate	Discount	Amount Payable
One Year (12 Issues)	₹ 2400	Nil	₹ 2400
Two Year (24 issues)	₹ 4800	₹ 200	₹ 4600
Three Year (36 issues)	₹ 7200	₹ 300	₹ 6900
Five Year (60 issues)	₹ 12000	₹ 600	₹ 11400

You can download the Advertisement / Subscription Form from website www.ijar.in. You will require to print the form. Please fill the form completely and send it to the **Editor, INDIAN JOURNAL OF APPLIED RESEARCH** along with the payment in the form of Demand Draft/Cheque at Par drawn in favour of **INDIAN JOURNAL OF APPLIED RESEARCH** payable at Ahmedabad.

1. Thoughts, language vision and example in published research paper are entirely of author of research paper. It is not necessary that both editor and editorial board are satisfied by the research paper. The responsibility of the matter of research paper/article is entirely of author.
2. Editing of the Indian Journal of Applied Research is processed without any remittance. The selection and publication is done after recommendations of atleast two subject expert referees.
3. In any condition if any National/International University denies accepting the research paper published in IJAR, then it is not the responsibility of Editor, Publisher and Management.
4. Only the first author is entitle to receive the copies of all co-authors
5. Before re-use of published research paper in any manner, it is compulsory to take written permission from the Editor-IJAR, unless it will be assumed as disobedience of copyright rules.
5. All the legal undertaking related to Indian Journal of Applied Research is subject to Ahmedabad Jurisdiction.
7. The research journal will be send by normal post. If the journal is not received by the author of research papers then it will not be the responsibility of the Editor and publisher. The amount for registered post should be borne by author of the research paper in case of second copy of the journal.

Editor,

Indian Journal Of Applied Research

8-A, Banans, Opp. SLU Girls College, New Congres Bhavan, Paldi,
Ahmedabad-380006, Gujarat, INDIA

Contact.: +91-9824097643 E-mail : editor@ijar.in

INDEX

Sr. No.	Title	Author	Subject	Page No.
1	Impact of Liquid biofertilizers, Chemical fertilizers and Vermicompost on the Growth and Yield of <i>Chenopodium album</i> (L.)	Dr. Sivgami Srinivasan, A. Sabitha	Biochemistry	1-3
2	Production Of Biodiesel From Microalgae Using Sodium Methoxide	M. R. Ananadhi Padmanabhan, Dr. Shaleesha A.Stanley	Biotechnology	4-6
3	Profitability Analysis Of Bharath Sanchar Nigam Limited (Bsnl)	Dr. M.Dhanabhakyaam, Swapna Kurain	Commerce	7-9
4	Water Resource Management Through Community Initiatives	Dr. Mahalaxmi Krishnan	Commerce	10-11
5	IPO Grading – An Insight	Dr. Bheemanagouda	Commerce	12-14
6	Public Private Partnership (PPP) in West Bengal: A Study	Suvarun Goswami	Commerce	15-17
7	Factors Influencing Impulse Buying of Personal Care Products in Salem City	Dr. A. Vinayagamoorthy, P. kannan	Commerce	18-21
8	Employees Savings and Investment Behaviour of Selected Chemical Industries in Cuddalore District	Dr. G. Sasikumar, R. Punniyaseelan	Commerce	22-28
9	Object Oriented Mutation Applied to Java platform and C++ classes	Ravindra K. Gupta, Dr. Shailendra Singh, Titu Singh Arora	Computer Science	29-32
10	Estimating The Intravenous Fluid Resuscitation In Patients In The Intensive Care Units (A Fuzzy Logic Based Expert Advisory System)	Kamal Kumari Dadhirao, M. Surendra Prasad Babu, Mr. Suresh Kumar Maddila	Computer Science	33-36
11	An Evaluation of Women Construction Workers	T. Christy Chanchu, T. Christy Cresida	Economics	37-39
12	Carlson's Tropic State Index(CTSI) Used in Mandya Lakes	Nagarathna, Hosmani S P	Economics	40-42
13	A water pollution of metropolitan cities in India	Dr. Pawar A.S.	Economics	43-44
14	Urbanization & Pollution in India	Dr. Pawar Ashok Shankarrao	Economics	45-46
15	Motivational Strategies on Enhancing Competencies of LIC Professionals	Dr. K. Gunasekaran	Education	47-49
16	Awareness On Socio - Educational Rights Among Students Studying in Secondary School	Dr. A. Selvan, Dr. P. Paul Devanesan	Education	50-52
17	Major Approaches in Instilling Values Related to Human Rights	Dr. A. Selvan, P. Paul Devanesan	Education	53-54
18	A Study On Achievement In Mathematics of IXth Standard Students in Relation to Locus of Control and Test Anxiety	Dr. N .Rajashekara, Prathima .H.P, Narayana Swamy.Y.R	Education	55-58
19	Impact of value-orientation on Leadership Behaviour of Secondary School Teachers in Tumkur District	Dr. Umme kulsum, G.P.Nagaraja	Education	59-62
20	Performance Comparison between LMS and NLMS Algorithm	Baljit Kaur	Engineering	63-65
21	Overview of Speech Enhancement Techniques for Various Applications	N B Umashankar, Anand Jatti	Engineering	66-67

22	Hanford and Radioactive Tumbleweeds: A Case Study	Rajesh Gopinath	Engineering	68-69
23	Construction of a Knowledge Test for Tennis Players	Sanjay Singh, Sani Kumar Verma	Engineering	70-72
24	A Noval Switch Mode Power Supply for Flash Lamp Pumped Nd: Yag Laser	Kireet Semwal, S. C. Bhatt	Engineering	73-75
25	Uniform Price Electricity Market Model in Deregulated Power System	T. Nireekshana, Dr. G. Kesava Rao, Dr. S. Siva Naga Raju	Engineering	76-79
26	Effect of Notch Orientation, Temperature and Filler Material on Impact Toughness of GFRP Composites	M.C.Muruges, Dr. K. Sadashivappa	Engineering	80-83
27	Prediction of Heat transfer rate for Indian coal slurry based on regression analysis	C.M. Raguraman, A. Ragupathy, L. Sivakumar	Engineering	84-86
28	A study of antimicrobial activity of the flavonoid- Kaempferol-3-rutinoside- from <i>Gliricidia sepium</i> (Jacq.) kunth.ex.Walp.	Anandhi, B., Sukumar. D, Arivudainambi. R	Engineering	87-88
29	Amitav Ghosh: Transfiguration of Memory and Imagination in the Shadow Lines	S.Kokila	English	89-90
30	Shareholder Activism in the U.S. and India	Ch. Chaitanya	Finance	91-93
31	Growth and Trends of Population in Nanded City, Maharashtra	Dr. Rathod S. B.	Geography	94-96
32	Regional Disparities of Ground water irrigation in Solapur District: A Geographical Analysis	Dr. G.U.Todkari, Shri B.D. Patil	Geography	97-99
33	Women and Employment in Textile Industries	Dr. S. S. Vijayanchali, Dr. E. Arumuga Gandhi	Home Science	100-102
34	Transition in Nutrition and Marketing of Agro Products	Dr. Anjali Rajwade	Home Science	103-104
35	Assessment of Knowledge About Effects of Inadequate Dietary Pattern on Mother and Child Health	Dr. Anjali Rajwade, Dr. Charuta Rajwade	Home Science	105-106
36	Job Enrichment	Kapil Dev Upadhyay, Dr. (Prof.) Vijay Kumar Soni	Human Resource Management	107-108
37	Quality of Work Life	Himani Avasthi, Dr. (Prof.) Vijay Kumar Soni	Human Resource Management	109-110
38	Understanding Security Requirement Engineering	Velayutham Pavanasam, Chandrasekaran Subramaniam	Information Technology	111-112
39	GENE Prediction	Er. Pankaj Bhambri, Dr. O.P. Gupta, Er. Meenakshi	Information Technology	113-114
40	Predictive Analysis In Data Mining Using Weighted Associative Classifier	Suwarna Gothane	Information Technology	115-119
41	Exchange Rate Forecasting	Dr. T. Koti Reddy	International Trade	120-124
42	Mass Media in India – New Trends	J. Ramanjaneyulu	Law	125-127
43	Right to Education Under the Indian Constitution	Mannava Muni Hemachand	Law	128-130
44	Criminal Law: A Tool for Consumer Protection in India	Aneesh V. Pillai	Law	131-132

45	Public Trust Doctrine: A Repository of Governmental Obligations to Protect the Environment	Dr. Kaumudhi Challa	Law	133-134
46	Application of Biometrics in the Investigation of Crime	Dr. R. Thilagaraj, Mr. G. Deepak Raj Rao	Law	135-137
47	Factors and Situations of Language Change	Dr. Syed Mohammed Haseebuddin Quadri	Literature	138-139
48	Omprakash Valmiki ke kahanio me chitrit dalitoki samajik stithi	Dr. V. P. Mahalinge	Literature	140-141
49	Fund Management in Pharmaceutical Industry in India	Dr. R. Perumal	Management	142-145
50	A study of Relationship management with customers in hospitality sector	Afreen Nishat A. Nasabi	Management	146-147
51	Outsourcing of Geriatric Services	Dr. V. Sreedevi	Management	148-150
52	Factor Analysis and Business Research	Dr. Kakali Majumdar	Management	151-154
53	Faculty Turnover Intention in Educational Institutions	K. R. Sowmya, Dr. N. Panchanatham	Management	155-156
54	Corporate Governance	Kalola Rimaben A., Chauhan Lalit R.	Management	157-159
55	Investment Avenues and Tax Implications for Small Investors	P. Menakadevi, Dr. V. Kumaravel	Management	160-163
56	Analyzing the IT Industry Progressions and Comprehensive Market Downfall Consciences through Deliberate Thinking	Dr. Venkatesh. J, Ms. Aarthy. C	Management	164-166
57	A Study On Problems and Prospects of Farmers in Cultivation of Paddy in Mahabubnagar District, A.P	Mr. M. Madhu Mohan	Management	167-170
58	An Analytical Study of Cash Management of IT Industries in Global Era	Bhaves P Chadamiya, Mital R Menapara	Management	171-173
59	The Status & Performance of Registered Small Enterprises; A Study in Karnataka	Dr. D. Kumuda	Management	174-179
60	Malnutrition – A Business Opportunity for State Cooperative Dairy Federations (Scdfs)	Dr. N. Ramanjaneyalu	Management	180-181
61	Financial Performance of Indian Corporate Sectors During Pre and Post Mergers and Acquisitions	Dr. Shailesh N. Ransariya, Dr. Butalal C. Ajmera	Management	182-184
62	A Study on Influence of Pedagogical Effectiveness on Academic Achievement of Students of B Schools	Dr. Viral Shilu	Management	185-186
63	Stimulation of Entrepreneurship through Venture Capital in India	Vijayakumar, Subrahmanya K C	Management	187-189
64	Performance Analysis of Indian Banks	Ajay K. Shah	Management	190-192
65	An Emprical Study on Effect of Combination of Sun with Different Zodiac Signs on Return of it Sector of Indian Stock Market	Dr. Jaydip Chaudhari, Pinkal Shah	Management	193-197
66	Internet Banking Customer Satisfaction and Online Banking Service Attributes	Md. Mahtab Alam, Dr. Umesh R. Dangarwala	Management	198-199
67	Changing Customer expectations & preferences in Indian Banking	Ms. Smita S. Shetty	Management	200-202
68	Current e-Governance Scenario in Healthcare sector in India	Samir Roy	Management	203-204

69	Liver function abnormality & Vestibular symptoms with Azithromycin	Dr. Parveen Kumar Sharma, Dr. Rekha Bansal	Medical Science	205-206
70	Unicornuate Uterus with Functional Noncommunicating Rudimentary Horn - A Rare Mullerian Anomaly	Anju Kumari Rani, Anand Prakash, Deepa Kapoor	Medical Science	207-208
71	Antenatal Diagnosis and Successful Delivery of a Fetus with Complete Heart Block	Anju Kumari Rani, Aditya Kapoor, Deepa Kapoor	Medical Science	209-210
72	Kangaroo mother care diminishes pain from heel lance in preterm neonates:	Dr.S.Valliammal, Dr. Ramachandra, Mr. Raja Sudhakar	Nursing	211-213
73	Experiential Domain and Extentionalistic Vocabulary : A Critical Consideration of Behaviourism	Dr. Jatinder Kumar Sharma	Philosophy	214-215
74	The Effect of a Mindfulness-Based Stress Reduction (MBSR) Program on Stress and Well-Being in Adolescents: A Pilot Study	Urvashi Anand, Dr. Mahendra P. Sharma	Psychology	216-218
75	Personality Profile of Patients with Somatic Complaints at a Rural Health Centre	Dr. Mahendra P. Sharma, B. Padmasri and, Dr. Ramchandra	Psychology	219-220
76	Psychological Well-being: A study of the institutionalized aged	Dr. Pankaj S. Suvera	Psychology	221-223
77	Crystal Growth, Thermal and Optical Studies on L-arginine Based Nonlinear Optical Material	J. Ramajothi	Science	224-226
78	Encapsulation of Lactic Acid Bacteria in Calcium Alginate Beads for Bacteriocin Production	Vijay S. Wadhai, Shweta G. Kayarkar, Archana N. Dixit	Science	227-229
79	Synthesis Of Nonatitnate Based Dielectric Ceramic Using Various Grain Size of Starting Materials	Parul, Anand K Tyagi	Science	230-232
80	Separate Telangana Movement and Related Literary Works: A Study In Sociology of Literature	Dr. M. Sreedevi Xavier	Sociology	233-234
81	Changing Interests In Fine Arts as a Profession: A Study In Sociology of Art	Dr. Poonam Gandhi-Moirangthem	Sociology	235-236
82	Modeling Fertility and Growth of Mising Community of Assam, India	Deba Kr. Baruah, S. C. Kakaty	Statistics	237-239
83	Fort Vasota an Adventure Tourism Destination in Satara District	Dr. Ananadrao S. Patil	Tourism	240-242



Right to Education Under the Indian Constitution

* Mannava Muni Hemachand

* Research Scholar, P. G. Dept. of Law, S. V. University, Tirupati

ABSTRACT

In the present century there is an unprecedented demand for education. Education is the basic need of a person along with food cloth and shelter. The constitution makers were aware of Right to Education as the basic need and therefore incorporated the Right as one of the Directive Principles. Right to education is Concomitant to the fundamental rights because those rights cannot be fully enjoyed unless a citizen is educated and well aware of the rights enshrined in the constitution. The Supreme Court in Unnikrishnan Vs state of Andhra Pradesh ruled that the Right to Education is a Fundamental right that flows from the Right to life in Article 21 of the constitution. The 86th Constitution Amendment Act-2002 added Article 21-A Right to Education and modified Article-45. Right to Education is a compelling right, it cannot be allowed to melt into paleness.

Keywords : Education, Constitution

Introduction

Education is an integral part of country's development and can result in the promotion of all round empowerment of masses. Individually Education brings perfection to life which means the growth and development. Education qualifies a person to fulfil certain economic, political and cultural functions and thereby improving their socio-economic status. It helps to equalize status between individuals who belong to different social strata. Thus education is the basic need of a person along with food, cloth and shelter. Education at one time was considered as charity or philanthropy, gradually it became an occupation. Gradually this occupation had the protection of the Constitution. The Indian Constitution guaranteed it under Article 19(1) g. Later it was included under Article 21-A further some of the judicial dicta also go on to hold it as Right to Life¹. Thus education is accepted as a useful activity, whether for charity or for profit, is an occupation. It is a service to the society. Even though it is an occupation it cannot be equated to a trade or business. In short, education is essential for the nation's progress and prosperity.

According to Oxford Dictionary², the term "Education" is defined as process of education or being educated, and the theory and practice of teaching. It also gives information about or training in a particular subject or informal an enlightening experience.

According to Mirta's Legal and Commercial Dictionary³, the term Education is defined as The action or process of education or of being educated; a stage of such process; the knowledge and development resulting from an educational process (a man of little); the field of study that deals mainly with method of teaching and learning in schools.

George Peabody has defined 'education' as "Education a debt due from present to future generations."

In the recent past Nelson Mandela had stated that: - "Education is the most powerful weapon which you can use to change the world."

Now it may be said that education is a high ideal and value to be peruse and an absolute necessity for the all round growth of human personality. It prepares a sound base for the peaceful co-existence and advancement of the society. Education must, therefore, made available not in the sense of freedom

to get oneself educated but in sense of providing every facility necessary to get oneself educated.

Constitutional Status and Right to Education in India

The constitution makers were aware of Right to Education as the basic need and therefore incorporated the Right as one of the Directive Principles⁴. Newly substituted Article 45 provides for provision for early childhood care and education to childhood below age of six years. It says that the state shall endeavour to provide early child hood care and education for all children until they complete the age of six years⁵. Article 46 speaks about promotion of education and economic interest of Scheduled caste, scheduled tribes and other weaker sections. It says that the state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the scheduled caste and scheduled tribes and shall protect them from injustice and all forms of exploitation. Article 41 relates to right to work, to education and to public assistance in certain cases. It directs the State to ensure the people within the limits of its economic capacity and development. In fundamental duties Clause (k) has been inserted in Article 51-A by the Constitution (Eighty-Sixth Amendment) Act, 2002 Article-51-A (k) imposes a fundamental duty upon every parent or guardian to provide opportunities for education to his child or as the case may be, ward between the age of six and fourteen years. In part III following articles of the Constitution make provisions for education Article 19(1) (g) says all citizens shall have the rights to practise any profession, or to carry on any occupation, trade or Business⁶. This rights are intended to ensure that 'citizen' rights to do business does not depends on grant by the State and the State cannot prevent a citizen from carrying on a business, except by a law imposing a reasonable restriction in the interest of the general public. Article 21-A says the state shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may, by law determine⁷. Till constitution Eighty-Sixth Amendment Act, right to education was not a specially guaranteed fundamental right under the constitution, it was only in Unnikrishnan vs. State of Andhra Pradesh⁸ when had, widely interpreting Article 21, recognized right to education as one of the aspects of personal liberty. It imposes a duty upon the state to make out the steps for the achievement of the Right to education. Education is the source of many rights and without which many other objectives cannot be achieved. But after more than six decades there are a large number of people

who are illiterates in this country. Whatever might have been the intention of the legislature and executive towards these constitutional objectives or may be defects in their five years plan, the existence of mass illiteracy has proved their failure. The political agenda of literacy and more defective adult education programmes failed to eliminate illiteracy which was expected to be achieved within 10 years of the commencement of the constitution of India.

Judicial perspective and Education

The first case relating to the concept of education is *Re Kerala Education bill*⁹. The Kerala education bill gave a broad power to the government to control private schools. According to the bill the government could recognise or not, a newly established school or it could take over any school. It was contended that the wide discretion given to the government offended Article 14 of the constitution. The court rejected this contention and held that the general policy of the bill was laid down in its preamble and title, the power given to the government to take over schools could be exercised only for this purposes mentioned in the bill and hence it was not hit by Article – 14 unless in implementing the policy decision was in fact made. The judiciary in the said instance could not issue a direction for the enforcement of directive principles¹⁰ relating to education. In *State of A.P. Vs Narendra Nath*¹¹ the court tried to include the said right in to the right of personal liberty¹². The court replied that the right to education meant the liberty to apply for admission. This liberty according to the court was validly curtailed 'according to procedure established by law' by the admission test. Thus the court has adopted a restrictive view to right to education. The question of the fundamental right to education, its scope and limitation came before Supreme Court in *Mohini Jain's case*¹³. The court framed the general issue for consideration is, is there a right to education guaranteed to the people of India under the Constitution? Justice Kuldip Singh speaking for the court, examined 'the education' mentioned under Article 41 and observed "The directive principles which are fundamental in the governance of the country cannot be isolated from the fundamental rights guaranteed under part III". The directive principles have to be read into the fundamental rights. Both are supplementary to each other. The state is under a constitutional mandate to create conditions in which the fundamental rights guaranteed to the individuals under part III could be enjoyed by all. Thus, the learned judge advocated for inclusion of the right to education into fundamental right. This interpretation of the directive principles which is non justifiable, made it enforceable through the court, an organ of the state came forward to ensure this basis principles, when the other two organs of the state, i.e., Legislature and Executive failed to achieve those objectives. Once it is settled that the right to education is concomitant to the fundamental rights enshrined under part III of the constitution because those rights cannot be fully enjoyed unless a citizen is educated and well aware of the rights enshrined in the constitution for that matter not only this right but all the other rights. Justice Bhagwati in a famous case¹⁴ held that the right to life included the rights to live with dignity including the facilities for reading writing and expressing oneself in diverse forms. In another case¹⁵ he further extended the right to live with human dignity, to include educational facilities as well. Accordingly the right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the Right to Education. Another important aspect regarding right to education is what are the boundaries or parameters of this right. Whether the state may be directed through the writs to provide education to all persons of their choice and to establish as many institutions of different disciplines as necessary for that purpose. In *Mohini Jain's case*¹⁶ Kuldip Singh. J opined that "the state is under a constitutional mandate to provide educational institutions at all levels for the benefits of the citizens". The main intention of the learned judge behind the above observation might have been that all citizens of India should get education and also the opportunity to acquire education. This will imply that every citizen of this country can call upon the state to provide him education at all

stages. This interpretation which is very broad has been laid down by the Apex court by supplementing Article 21 with the directive principle under Article 41¹⁷. The above proposition in *Mohini Jain's case* was rejected by the court in *Unni Krishnan's case*¹⁸ on the ground that the right to education which is implicit in the right to life and personal liberty guaranteed by Article 21, must be construed in the light of Directive Principles in part IV of the Constitution. In *Unni Krishnan's case* the court has laid down that Right to Education understood in the context of Article 45 and 41 means every child/citizen of this country has a right to free education until he completes the age of 14 years and after a child/citizen completes 14 years his right to education is circumscribed by the limits of the economic capacity of the state and its development¹⁹. The court ruled that every child had a fundamental right to free education up to the age of 14 years²⁰. It was also held that right to education would further mean that a citizen could call upon the state to provide educational facilities to him within the limits of economic capacity and its development. After *Unnikrishnan's case* many private educational institutions approached the Supreme Court. The initiation for these cases is the principles that Fundamental Right to establish and administer educational institutions as a part of right guaranteed under 19(1)(g)²¹ of the constitution which has been decided in *Unnikrishnan's case*. The court left open the question whether the right to establish an educational institution could be said, to be carrying on any 'occupation' within the meaning of Article 19(1) (g) the court pointed out that trade or business normally connoted an activity carried on with a profit motive. It further noted that education had not been commerce in India and can never be treated as Trade or Business. The court also ruled out the possibility of it being called as a profession within the meaning of Article 19(1) (g). It further stated that a person or body of person had a right to establish an educational institution it could not be an absolute one and it would be subject to laws made by the state in the interests of general public. The court made it very clear that the right to establish an educational institution would not carry with it the right to recognition or right to affiliation. Thus *Unnikrishnan's case* triggered a number of controversies and thus resulted in several new litigations. The apex court reconsidered the whole issue involved in *T.M.A .Pai foundation VS Karnataka*²² the question whether the citizens could claim fundamental right to establish and administer educational institutions was answered by the court in the affirmative. The court held that such a right would fall within the purview of Article 19 (1) (g) since it took the characteristic feature of an 'occupation' as referred to there in. *T.M.A. Pai* accepted the holding the term 'occupation' comprehended right to establish educational institution but it rejected the qualification added by *Unnikrishnan* i.e., right to establish an educational institution did not take in the right to get recognition. When Right to Education is given a fundamental status it includes the right to establish an educational institution and it should not be confused with the Right to ask for recognition or affiliation. This case has tilted the existing regulatory mechanism governing private sector the impact of the decision in the society would open up the educational field for private sectors to be regulated by market forces. This has the potential to commercialize education. In *P.A. Inamdar Vs State of Maharashtra*²³ The supreme court delivered an unanimous judgement by 7 judges declaring that the state can't impose its reservation policy on minority and non minority unaided private colleges, including professional colleges. Though this case relates to Right to establishment, administration and admission to professional colleges the honourable Apex court gave a comprehensive meaning to education. Education, accepted as useful activity whether for charity or for profit is an occupation. Nevertheless, it does not cease to be a service to the society and even though an occupation, it cannot be equated to a trade or a business. In short, education is national wealth essential for the nation's progress and prosperity.

Conclusion

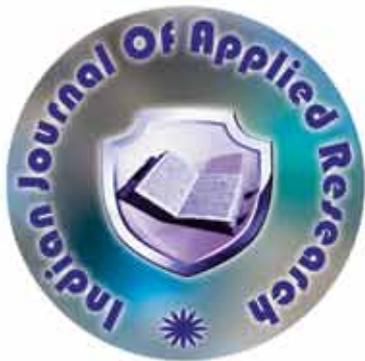
The Supreme Court in *Unnikrishnan Vs State of A.P.* (1993) ruled that the right to education is a Fundamental Right that

flows from the right to life in Article 21 of the Constitution. Following this ruling the 86th Constitution Amendment Act 2002 added Article 21-A, stating "The state shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the state may, by law, determine". The 86th Amendment also modified Article 45 which now reads as "The state shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years". In the year 2009 it was made an Act to provide for free and compulsory education to all children of the age of six to fourteen years. The Act was named as 'The

Right of Children to free and compulsory education Act-2009'. Justice V.R. Krishna Iyer said that what is guaranteed by this fundamental right is not mere animal existence nor vegetable survival but rightful opportunity to unfold the human potential and share in the joy of creative living. This is a difficult task and requires enormous recourses, skilled planning and sincere execution of Plans and Policies. Right to education is a compelling right it cannot be allowed to melt into paleness. It has to have the lighting of a fire. One should bear in mind that owes it to the future generation, for in education there is an inherent of future growth.

REFERENCES

1. Unni Krishnan Vs state of A.P. AIR 1993 SC 2178. | 2. Oxford Dictionary, 7th Edition, 2005, p.488 | 3. Mitra's legal and commercial Dictionary, Eastern Law House, New Delhi.1991.P.256. | 4. Article -45 the state shall endeavour to provide, within a period of 10 years from the commencement of this constitution for free compulsory education for all children until they completed the age of 14 years. | 5. Substituted by the constitution. (86th-Amendment) Act 2002 for Article-45 45 the state shall endeavour to provide, within a period of 10 years from the commencement of this constitution for free compulsory education for all children until they completed the age of 14 years. | 6. Education is includes in Article (19) (g) in the case of T.M.A Pai Foundation Vs State of Karnataka AIR 2003 SC.355. In this case the term 'education' covered in term 'occupation'. | 7. Inserted by the constitution. (86th- Amendment) act -2002 | 8. A.I.R. 1993-SC-2178. | 9. Re Kerala Education Bill AIR 1958 SC 956. | 10. Article -45 the state shall endeavour to provide, within a period of 10 years from the commencement of this constitution for free compulsory education for all children until they completed the age of 14 years. | 11. AIR 1971 SC 2560 | 12. Article 21 which is a fundamental right.13. Mohini Jain Vs State Of Karnataka, AIR 1992 SC 1858. | 14. Francis Coralie Vs Union of Territory of Delhi AIR 1981, SC 746,753. | 15. Bandhua Mukti Morcha Vs Union of India AIR 1984 SC 802,811-812. | 16. Mohini Jain Vs State of Karnataka AIR 1992 SC 1858, 1864-65 | 17. Article 47 – the state shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance. | 18. Unni Krishnan Vs State of A.P.-AIR 1993 sc 2178. | 19. Balbir Thomas Vs Centre of Cellular and Molecular Biology, AIR 1997 AP 167(No Fundamental Right to education to conduct Research). | 20. Unni Krishnan Vs State of A.P.-AIR (1993) SC 2178,2206. | 21. All citizens shall have the right to practice any profession, or to carry on any occupation, Trade or business. | 22. (2002) 8 S.C.C.481. | 23. AIR (2005) SC 3226.



Sara Publishing Academy
Indian Journal Of Applied Research
Journal for All Subjects



Editor,
Indian Journal Of Applied Research
8-A, Banans, Opp. SLU Girls College,
New Congres Bhavan, Paldi, Ahmedabad-380006.
Contact.: +91-9824097643 E-mail : editor@ijar.in